



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE 19-01

AN ORDINANCE AMENDING CHAPTER 21 (ZONING AND LAND USE REGULATIONS), ARTICLE XIV, SECTION 74 (PROHIBITED USES) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

WHEREAS, N.J.S.A. 40:55D-1 et seq., authorizes local governmental units to adopt ordinances to regulate land use to promote the public health, safety, morals and general welfare; and

WHEREAS, the Borough regulates land use and zoning by and through Chapter 21 of the Borough Code; and

WHEREAS, the Borough of Highlands finds that it is in the best interest of the residents to amend Chapter 21 of the Borough Code to prohibit retail or wholesale establishments, businesses, persons or entities from selling or offering to sell marijuana or marijuana products, for medicinal or recreational use, or paraphernalia that facilitates the use of marijuana and to further prohibit the growing, cultivation or harvesting of any type of marijuana plant within the Borough; and

WHEREAS, Chapter 21 of the Borough Code contains an outdated reference to the B-1 and B-2 zones, which have since been replaced pursuant to Highlands Ordinances O-18-01 and O-18-06; and

WHEREAS, Chapter 21 of the Borough Code additionally contains an inconsistent prohibition of pool halls, which are now permitted in the CBD Zone, as well as unnecessary prohibitions on arcades and the keeping of rabbits.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Highlands County of Monmouth, State of New Jersey, as follows: (All additions are shown in **bold italics with underlines**. The deletions are shown as **strikeovers in bold italics**.)

SECTION I.

Chapter 21, Article XIV, Establishment of Districts is hereby amended to provide as follows:

21-74. PROHIBITED USES

Those uses not specifically permitted in a zone district are prohibited. Additionally, the following uses are specifically prohibited: adult entertainment, **arcades, pool halls,** any

accessory use with an establishment with a liquor license designed for use by minors, auctions or sales conducted outside a structure except when a private home is being cleaned or vacated or for the raising of funds for charitable institutions and done not more than twice a year for more than two (2) days duration, short- or long term storage of trucks or trailers for use as storage facilities, the keeping of farm animals, such as horses, cows, pigs, or fowl ~~or rabbits.~~ retail or wholesale establishments, businesses, persons or entities selling or offering for sale: (a) marijuana or marijuana products, whether for medicinal and/or recreational use; (b) paraphernalia that facilitates any use of marijuana, including but not limited to inhalation, ingestion or injection of any substance which contains or is derived from marijuana, (2) the growing, cultivation or harvesting of any type of marijuana plant, including but not limited to cannabis sativa, cannabis indica, and cannabis ruderalis. ~~In addition the following uses are prohibited in the B-1 and B-2 zones: pawn shops, tattoo parlors, check-cashing shops, automotive transmission, automobile body shops, heavy duty machine shops and new or used automobile sales are also prohibited.~~

SECTION II. SEVERABILITY.

If any section, subparagraph, sentence, clause or phrase of the Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of the Ordinance, which shall otherwise remain in full force and effect.

SECTION III. REPEALER.

All ordinances or part of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

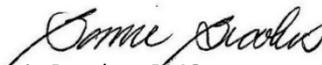
SECTION IV. EFFECTIVE DATE.

This Ordinance shall take effect upon adoption and publication according to law and filing with the Monmouth County Planning Board.

Motion to Introduce Ordinance 19-01 January 16, 2019

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON				X		
MAZZOLA			X			
RYAN	X		X			
O'NEIL		X	X			

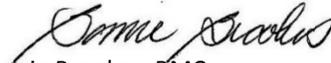
I, Bonnie Brookes, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held January 16, 2019. WITNESS my hand this 17th day of January 2019.


 Bonnie Brookes, RMC
 Municipal Clerk

Motion to Adopt Ordinance 19-01 February 20, 2019

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON				X		
MAZZOLA		X	X			
RYAN			X			
O'NEIL	X		X			

I, Bonnie Brookes, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held February 20, 2019. WITNESS my hand this 26th day of February 2019.



Bonnie Brookes, RMC
Municipal Clerk