

ORDINANCE 2021-08

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD,
COUNTY OF OCEAN, STATE OF NEW JERSEY
AMENDING AND SUPPLEMENTING THE MUNICIPAL
CODE OF THE BOROUGH OF BAY HEAD, SO AS TO
AMEND CHAPTER 147, ENTITLED "LAND USE"**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Bay Head, County of Ocean, and State of New Jersey, as follows:

SECTION 1. The Municipal Code of the Borough of Bay Head is hereby amended and supplemented so as to amend Chapter 147, in order to amend §147-6 entitled "General provisions," so as to delete paragraph Q. in its entirety.

SECTION 2. The Municipal Code of the Borough of Bay Head is hereby amended and supplemented so as to amend Chapter 147, in order to amend §147-17.2 so that it shall be entitled "Prohibited Uses," and so that it shall read as follows:

- A. Cannabis Establishments. All classes of cannabis establishments, including cannabis cultivators, cannabis manufacturers, cannabis wholesalers, cannabis distributors, cannabis retailers and cannabis delivery services are hereby prohibited from operating in the Borough of Bay Head. This prohibition shall not apply to the delivery of cannabis items and supplies by a licensed cannabis delivery service located in another municipality.
- B. Reserved

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

ATTEST:

APPROVED:

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor

Introduced on First Reading: April 5, 2021

Introduced on Second Reading: June 7, 2021

Approved on Second Reading: June 7, 2021

ATTEST:

APPROVED:

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor