

BOROUGH OF NORTH PLAINFIELD

AGENDA

REGULAR COUNCIL MEETING

Virtual Meeting (via Zoom)

MONDAY, JUNE 14, 2021

(following Board of Health meeting)

ROLL CALL:

Council Members:

- Aimee Corzo
- Suzette Given
- Steven McIntyre
- Everett Merrill
- Keiona R. Miller
- Wendy Schaefer
- Frank "Skip" Stabile

NOTICE: Pursuant to the Executive Order of New Jersey Governor Murphy requiring social distancing due to Covid-19, this meeting excludes public attendance. The entire meeting proceedings, including opportunity for public comment will be made available live, in real time via the "Zoom" system. Join Zoom Meeting via the following Link:

<https://us02web.zoom.us/j/83348187864?pwd=ZmRkekdCaDdka0dTMklwL2xJUFpOUT09>

Meeting ID: 833 4818 7864
Passcode: 043505

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APPROVAL OF COUNCIL MEETING MINUTES:

Agenda Conference and Regular Meeting of May 24, 2021

Roll Call

ADOPTION OF 2021 BUDGET

HEARING:

AMENDMENT TO THE 2021 MUNICIPAL BUDGET

PUBLIC COMMENT

MOTION: Close Public Hearing

Roll Call

RESOLUTION:

Ms. Schaefer:

06-14-21-01 Adoption of Year 2021 Budget

Roll Call

RESOLUTIONS:

Ms. Miller:

06-14-21-02 ORDINANCE NO. 21-03 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 3 OF THE BOROUGH CODE OF THE BOROUGH OF NORTH PLAINFIELD, ENTITLED "POLICE REGULATIONS," MORE SPECIFICALLY TO ADD A NEW SUBSECTION 3-7.11 ENTITLED "INSTALLATION, REPAIR AND MODIFICATION OF AUTOMOTIVE EXHAUST SYSTEMS."

Be read by its title by the Borough Clerk

Roll Call

Ms. Corzo:

06-14-21-03 ORDINANCE NO. 21-04 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 22, "LAND DEVELOPMENT," ARTICLE CXV, ENTITLED "GENERAL PROVISIONS," MOST NOTABLY AMENDING, REVISING AND SUPPLEMENTING § 22-115.1 BY ADDING § 22-115.1(B AND C), PROHIBITING ANY CLASS OF CANNABIS BUSINESSES WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE BOROUGH OF NORTH PLAINFIELD.

Be read by its title by the Borough Clerk

Roll Call

Mr. McIntyre:

06-14-21-04 ORDINANCE NO. 21-05 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 22, "LAND DEVELOPMENT", § 22-115, ENTITLED "GENERAL PROVISIONS," MOST NOTABLY AMENDING, REVISING AND SUPPLEMENTING § 22-115 BY ADDING § 22-115.33, ENTITLED "COMMERCIAL RECREATIONAL ADULT USE CANNABIS OPERATIONS," PERMITTING CERTAIN CLASSES OF CANNABIS BUSINESSES IN SPECIFIED ZONES WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE BOROUGH OF NORTH PLAINFIELD.

Be read by its title by the Borough Clerk

Roll Call

Ms. Given:

06-14-21-05 ORDINANCE NO. 21-06 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 23, "TAX EXEMPTIONS," MOST NOTABLY AMENDING, REVISING AND SUPPLEMENTING § 23-8, ENTITLED "INELIGIBILITY," BY ADDING § 23-8(B), REQUIRING CERTAIN CLASSES OF CANNABIS BUSINESSES WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE BOROUGH OF NORTH PLAINFIELD TO PROVIDE MAXIMUM PERMITTED EXCISE TAXATION.

Be read by its title by the Borough Clerk

Roll Call

Ms. Miller:

06-14-21-06 ORDINANCE NO. 21-07 AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 26, "HEALTH REGULATIONS", ARTICLE XIV, ENTITLED "SMOKING ON PUBLIC PROPERTY," MOST NOTABLY AMENDING, REVISING AND SUPPLEMENTING § 26-14 BY PROHIBITING ANY USE OF CANNABIS ON ANY PUBLIC PROPERTY OF THE BOROUGH OF NORTH PLAINFIELD.

Be read by its title by the Borough Clerk

Roll Call

CONSENT AGENDA

Statement by Council President

RESOLUTION:

Ms. Schaefer:

06-14-21-07 Approving Consent Agenda

Roll Call

CONSENT AGENDA RESOLUTIONS:

- a. Authorizing CFO to refund duplicate tax payment – Block 56 Lot 15
- b. Authorizing Tax Collector to create duplicate tax sale certificates
- c. Authorizing CFO to refund duplicate tax payment – Block 64.02 Lot 21
- d. Approving Consolidated Bill List of June 14, 2021

COMMUNICATIONS:

NJ State League of Municipalities Trenton, NJ	Newsletters & Advisories
County of Somerset, Somerville, NJ	Newsletters & Communications
Plainfield Area Humane Society Plainfield, NJ	Report and Invoicing
Plainfield Area Regional Sewerage Authority Middlesex, NJ	Minutes and Agenda
Somerset County Business Partnership Somerville	Marijuana Legalization Impacts on Business
Division of Local Government Services Trenton	LEAP Implementation Grants
Capehart Scatchard, P.A., Mt. Laurel, NJ	Quarterly Newsletter
NJ Conservation Foundation, Far Hills	25 th Annual Land Conservation Rally
NJ American Water, Voorhees, NJ	Newsdrop Newsletter

NJ DEP, Trenton, NJ
Tina Totten, North Plainfield
C. Scott, North Plainfield

FFY21 Clean Water Financing Program
Green Brook Flood Control meeting
Mali Drive gathering

REQUESTS FOR AGENDA ITEMS

PUBLIC COMMENT

General public comments shall be limited to five minutes for each individual.
(Rule 29 of the Borough Council's Rules of Order)

COMMENTS BY MAYOR, ADMINISTRATOR AND COUNCIL MEMBERS

ADJOURNMENT

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

ORDINANCE NO. 21-03

AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 3 OF THE BOROUGH CODE OF THE BOROUGH OF NORTH PLAINFIELD, ENTITLED "POLICE REGULATIONS," MORE SPECIFICALLY TO ADD A NEW SUBSECTION 3-7.11 ENTITLED "INSTALLATION, REPAIR AND MODIFICATION OF AUTOMOTIVE EXHAUST SYSTEMS."

WHEREAS, the Borough of North Plainfield is authorized to regulate the making of loud and offensive noises within the Borough which may cause harm, annoyance and/or alarm to others; and,

WHEREAS, the Borough wishes to regulate the modification of motor vehicle exhaust systems by certain repair facilities which permit the making of loud and offensive noises within the Borough which may cause harm, annoyance and/or alarm to others.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of North Plainfield, County of Somerset, State of New Jersey that the Borough Code of the Borough of North Plainfield is hereby amended, revised and supplemented as to Chapter 3 of the Borough Code, entitled "Police Regulations", by adding a new § 3-7.11 to the Borough Code, entitled "Installation, Repair and Modification of Automotive Exhaust Systems", which shall read as follows:

§ 3-7.11 I INSTALLATION, REPAIR AND MODIFICATION OF AUTOMOTIVE EXHAUST SYSTEMS

§ 3-7.11.1 Definitions.

As defined in this section:

EXHAUST SYSTEM

Shall mean the exhaust system of a motor vehicle consisting of piping, connectors, mufflers, resonators, catalytic converters and associated connectors, fasteners or hangers.

GARAGE, AUTOMOTIVE SERVICE STATION

Shall mean a place where gasoline and/or other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale at retail or wholesale to the public, including but not limited to sale of accessories, oiling, greasing, washing, and light motor vehicle repairs on the premises, but in no case to include major vehicle repairs or rebuilding, or fender, body or frame straightening, painting or rebuilding located within the geographic boundaries of the Borough of North Plainfield.

GARAGE, AUTOMOTIVE PUBLIC

Shall mean a garage, other than a private garage available to the public, operated for gain, and which is used for sale, storage, servicing, rental and/or repair of automobiles, or other motor vehicles, including but not limited to the sale of motor parts and accessories, oil and other fuel incidental to the aforesaid uses; provided, that the aforesaid uses shall be conducted within an enclosed building located within the geographic boundaries of the Borough of North Plainfield.

MOTOR VEHICLE REPAIR FACILITIES

Shall mean any and all facilities, garages, body repair shops, vehicle dealers, used vehicle dealers or mobile repair facilities that repair and/or service motor vehicles located within the geographic boundaries of the Borough of North Plainfield.

§ 3-7.11.2. Requirements.

Exhaust systems installed, repaired, and/or modified on any motor vehicle manufactured after July 1, 1935 shall meet all of the requirements of *N.J.A.C.* 13:20-4.4 and *N.J.S.A.* 13:20-33.20, as well as New Jersey Motor Vehicle Statute *N.J.S.A.* 39:3-70.

§ 3-7.11.3. Penalties.

Any automotive service station garage, automotive public garage or motor vehicle repair facility, and/or any employee of any such garage/facility thereof, who violates, permits, aids or abets the

violation of any provision of this Section shall, upon conviction thereof, be liable for the penalty stated in Chapter 1, § 1-5, of the Borough Code of the Borough of North Plainfield. A separate offense shall be deemed committed for each muffler installed, repaired, and/or modified in violation of this Section.

NOW, THEREFORE, BE IT FURTHER ORDAINED that this Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the Mayor as provided by law or an override of a mayoral veto by the Council, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to *N.J.S.A. 40:69A-181(b)*, declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

INTRODUCED:

PASSED:

PUBLISHED:

ADOPTED:

ROLL CALL: AYES:
 NAYS:
 ABSTAIN:
 ABSENT:

APPROVED BY THE MAYOR: Yes _____ No _____

The above is a true copy of the Ordinance adopted by the Borough of North Plainfield on _____, 2021

ATTEST:

BOROUGH OF NORTH PLAINFIELD

Richard K. Phoenix, RMC
Borough Clerk
Borough of North Plainfield

Frank A. "Skip" Stabile, III, Council President

Date signed: _____, 2021

Date signed: _____, 2021

ATTEST:

APPROVED:

Mayor Lawrence La Ronde

Date signed: _____, 2021

Date signed _____

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

ORDINANCE NO. 21-04

AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 22, "LAND DEVELOPMENT," ARTICLE CXV, ENTITLED "GENERAL PROVISIONS," MOST NOTABLY AMENDING, REVISING AND SUPPLEMENTING § 22-115.1 BY ADDING § 22-115.1(B AND C), PROHIBITING ANY CLASS OF CANNABIS BUSINESSES WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE BOROUGH OF NORTH PLAINFIELD.

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and,

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (hereinafter referred to as the "Act"), which legalizes the recreational use of marijuana by adults twenty one (21) years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational adult use cannabis operations, use and possession; and,

WHEREAS, the Act establishes six (6) marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and,
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the

ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer; and,

WHEREAS, § 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in § 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and,

WHEREAS, § 31b of the Act authorizes municipalities by Ordinance to prohibit the operation of any one (1) or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and,

WHEREAS, § 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within one hundred and eighty (180) days of the effective date of the Act, i.e., by August 22, 2021; and,

WHEREAS, pursuant to § 31b of the Act, the failure to do so shall mean that for a period of five (5) years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and,

WHEREAS, at the conclusion of the initial and any subsequent five (5) year period following a failure to enact local regulations or prohibitions, the Borough shall again have one hundred and eighty (180) calendar days to adopt an Ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the Borough; and,

WHEREAS, the Borough Council of the Borough of North Plainfield has determined that, due to present uncertainties regarding the potential future impacts that allowing one (1) or more classes of cannabis business might have on New Jersey municipalities in general, and on the Borough of North Plainfield in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the residents of the Borough of North Plainfield residents and members of the public who visit, travel, or conduct business in the Borough of North Plainfield, to amend the Borough of North Plainfield’s zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of Borough of North Plainfield; and,

WHEREAS, officials from two (2) prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act, those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys, have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or

may be implicated in decisions as to whether or to what extent recreational cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and, the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's one hundred and eighty (180) day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of North Plainfield, in the County of Somerset, State of New Jersey, as follows:

Deletions indicated by ~~strikethrough~~; additions indicated by underline.

§ 22-115.1, Provisions of Section Applicable to All Zones, is hereby amended as follows:

A. Unless otherwise stated in this Chapter, the provisions of this section shall be applicable to all zones.

B. Pursuant to § 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in Borough of North Plainfield, except for the delivery of cannabis items and related supplies by a delivery service located outside of North Plainfield.

C. The following are declared to be a prohibited use in all zones now or in the future provided for in Chapter 22 of the Ordinances of the Borough of North Plainfield: "All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in § 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service located outside of North Plainfield."; and,

BE IT FURTHER ORDAINED, that any article, section, paragraph, subsection, clause, or other provision of the Borough Code of the Borough of North Plainfield inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency; and,

BE IT FURTHER ORDAINED, that if any article, section, paragraph, subsection, clause, or other provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the article, section, paragraph, subsection, clause, or other provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective; and,

BE IT FURTHER ORDAINED that this Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the Mayor as provided by law and filing with the County of Somerset Planning Board, and as otherwise provided for by law or an override of a mayoral veto by the Council, whichever is applicable and publication in accordance with law,

unless a resolution is adopted, pursuant to N.J.S.A. 40:69A-181(b), declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

INTRODUCED:

PASSED:

PUBLISHED:

ADOPTED:

ROLL CALL:

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED BY THE MAYOR: Yes _____ No _____

The above is a true copy of the Ordinance adopted by the Borough of North Plainfield on _____, 2021

ATTEST:

BOROUGH OF NORTH PLAINFIELD

Richard K. Phoenix, RMC
Borough Clerk
Borough of North Plainfield

Frank A. "Skip" Stabile, III, Council President

Date signed: _____, 2021

Date signed: _____, 2021

Lawrence La Ronde, Mayor

Date signed: _____, 2021

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

ORDINANCE NO. 21-05

AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 22, "LAND DEVELOPMENT", § 22-115, ENTITLED "GENERAL PROVISIONS," MOST NOTABLY AMENDING, REVISING AND SUPPLEMENTING § 22-115 BY ADDING § 22-115.33, ENTITLED "COMMERCIAL RECREATIONAL ADULT USE CANNABIS OPERATIONS," PERMITTING CERTAIN CLASSES OF CANNABIS BUSINESSES IN SPECIFIED ZONES WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE BOROUGH OF NORTH PLAINFIELD.

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least twenty-one (21) years of age; and,

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (hereinafter referred to as the "Act"), which legalizes the recreational use of marijuana by adults twenty one (21) years of age or older and establishes a comprehensive regulatory and licensing scheme for commercial recreational adult use cannabis operations, use and possession; and,

WHEREAS, the Act establishes six (6) marketplace classes of licensed businesses, including:

1. Class 1: Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
2. Class 2: Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
3. Class 3: Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
4. Class 4: Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
5. Class 5: Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and,
6. Class 6: Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would

include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer; and,

WHEREAS, § 31a of the Act authorizes municipalities, by ordinance, to adopt regulations governing the number of cannabis establishments (defined in § 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location, manner and times of operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and,

WHEREAS, § 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within one hundred and eighty (180) days of the effective date of the Act, *i.e.*, by August 21, 2021; and,

WHEREAS, pursuant to § 31b of the Act, the failure to do so shall mean that for a period of five (5) years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and,

WHEREAS, at the conclusion of the initial and any subsequent five (5) year period following a failure to enact local regulations or prohibitions, the Borough shall again have one hundred and eighty (180) calendar days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the Borough; and,

WHEREAS, the Borough Council of the Borough of North Plainfield has determined that it is, at this time, necessary and appropriate, and in the best interest of the health, safety and welfare of the residents of the Borough of North Plainfield and members of the public who visit, travel or conduct business in the Borough of North Plainfield, to amend the Borough of North Plainfield’s zoning regulations to permit certain recreational adult use cannabis-related uses within the geographic boundaries of Borough of North Plainfield.

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of North Plainfield, in the County of Somerset, State of New Jersey, that a new section § 22-115.33 of the Borough Code of the Borough of North Plainfield, entitled “Commercial Recreational Adult Use Cannabis Operations” is hereby added as follows:

§ 22-115.33 Commercial Recreational Adult Use Cannabis Operations.

The following commercial recreational adult use cannabis operations are hereby permitted in the following zones:

- A. Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis, shall be permitted in the B-3, B-4 and B-5 Zones only.

- B. Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items, shall be permitted in the B-3, B-4 and B-5 Zones only.
- C. Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees, shall be permitted in the B-3, B-4 and B-5 Zones only.
- D. Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another, shall be permitted in the B-3, B-4 and B-5 Zones only.
- E. Class 5 Cannabis Retailer License shall be permitted only as follows:
 - a. In the B-3 Zone only from Watchung Avenue to Norwood Drive North;
 - b. In the R-5 Residence Zone provided, however, that such cannabis retailers shall only be permitted in the R-5 Zone located on designated commercial properties directly fronting on and having direct access to and from U.S. Route 22 West; and,
 - c. In the B-5 Zone.
- F. Class 6 Cannabis Delivery license is a prohibited use in all zones.

BE IT FURTHER ORDAINED that any article, section, paragraph, subsection, clause, or other provision of the Borough Code of the Borough of North Plainfield inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency; and,

BE IT FURTHER ORDAINED that if any article, section, paragraph, subsection, clause, or other provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the article, section, paragraph, subsection, clause, or other provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective; and,

BE IT FURTHER ORDAINED that this Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the Mayor as provided by law and filing with the County of Somerset Planning Board, and as otherwise provided for by law or an override of a mayoral veto by the Council, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to *N.J.S.A. 40:69A-181(b)*, declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

ORDINANCE NO. 21-06

AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 23, "TAX EXEMPTIONS", MOST NOTABLY AMENDING, REVISING AND SUPPLEMENTING § 23-8, ENTITLED "INELIGIBILITY," BY ADDING § 23-8(B), REQUIRING CERTAIN CLASSES OF CANNABIS BUSINESSES WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE BOROUGH OF NORTH PLAINFIELD TO PROVIDE MAXIMUM PERMITTED EXCISE TAXATION.

WHEREAS, in 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least twenty-one (21) years of age; and,

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (hereinafter referred to as the "Act"), which legalizes the recreational use of marijuana by adults twenty one (21) years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational adult use cannabis operations, use and possession; and,

WHEREAS, the Act establishes six (6) marketplace classes of licensed businesses, including:

1. Class 1: Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
2. Class 2: Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
3. Class 3: Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
4. Class 4: Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
5. Class 5: Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and,
6. Class 6: Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis

delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer; and,

WHEREAS, the Borough Council of the Borough of North Plainfield has introduced a new section of the Borough Code of the Borough of North Plainfield § 22-115.33 entitled “Commercial Recreational Adult Use Cannabis Operations” to amend the Borough of North Plainfield’s zoning regulations to permit certain adult recreational cannabis-related uses within the geographic boundaries of Borough of North Plainfield; and,

WHEREAS, the Borough Council of the Borough of North Plainfield wishes to ensure that such licensed recreational adult use cannabis operations provide the maximum local licensing fees and municipal taxation as provided for in the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.”

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of North Plainfield, in the County of Somerset, State of New Jersey, that Borough Code § 23-8 is hereby amended as follows.

Deletions Shown By ~~Strikethrough~~; Additions Shown By Underline.

§ 23-8 INELIGIBILITY.

A. No exemptions shall be granted for any property for which property taxes or any other municipal charges are delinquent or remain unpaid or for which penalties for nonpayment are due for a period of at least one year, or for any property not being used in conformance with local, State or Federal ordinance, regulation or statute.

B. No exemption shall be granted for any adult recreational cannabis-related uses and the Borough shall make all efforts necessary to insure that any and all municipal excise taxes are duly authorized and/or enforced as provided by the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act.

BE IT FURTHER ORDAINED that any article, section, paragraph, subsection, clause, or other provision of the Borough Code of the Borough of North Plainfield inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency; and,

BE IT FURTHER ORDAINED that if any article, section, paragraph, subsection, clause, or other provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the article, section, paragraph, subsection, clause, or other provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective; and,

BE IT FURTHER ORDAINED that this Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the Mayor as provided by law and filing with the County of Somerset Planning Board, and as otherwise provided for by law or an override of a mayoral veto by the Council, whichever is applicable and publication in accordance with law,

unless a resolution is adopted, pursuant to *N.J.S.A.* 40:69A-181(b), declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

INTRODUCED:

PASSED:

PUBLISHED:

ADOPTED:

ROLL CALL:

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED BY THE MAYOR: Yes _____ No _____

The above is a true copy of the Ordinance adopted by the Borough of North Plainfield on _____, 2021

ATTEST:

BOROUGH OF NORTH PLAINFIELD

Richard K. Phoenix, RMC
Borough Clerk
Borough of North Plainfield

Frank A. "Skip" Stabile, III, Council President

Date signed: _____, 2021

Date signed: _____, 2021

Lawrence La Ronde, Mayor

Date signed: _____, 2021

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

ORDINANCE NO. 21-07

**AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT CHAPTER 26,
“HEALTH REGULATIONS”, ARTICLE XIV, ENTITLED “SMOKING ON PUBLIC
PROPERTY,” MOST NOTABLY AMENDING, REVISING AND SUPPLEMENTING
§ 26-14 BY PROHIBITING ANY USE OF CANNABIS ON ANY PUBLIC PROPERTY
OF THE BOROUGH OF NORTH PLAINFIELD.**

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and,

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (hereinafter referred to as the “Act”), which legalizes the recreational use of marijuana by adults twenty one (21) years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational adult use cannabis operations, use and possession; and,

WHEREAS, as part of the Act, the New Jersey Legislature enacted *N.J.S.A. 2C:35-10a*, which statute continues to prohibit smoking, including smoking, vaping or using aerosol inhalants, for tobacco as well as cannabis products in public places; and,

WHEREAS, the Borough Council now wishes to amend its ordinance prohibiting smoking on public property to include such legislation passed by the New Jersey Legislature:

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of North Plainfield, in the County of Somerset, State of New Jersey, that Borough Ordinance § 26-14 is hereby amended as follows:

Deletions indicated by ~~strikethrough~~; additions indicated by underline.

§ 26-14 SMOKING ON PUBLIC PROPERTY.

§ 26-14.1 Title.

This Article shall be entitled Prohibition of Smoking on Public Property.

§ 26-14.2 Definitions.

As used in this Article, the following words shall have the following meanings:

BOROUGH

Shall mean the Borough of North Plainfield.

BOROUGH PROPERTY

Shall mean all facilities, structures, property, places and locations owned and/or leased and/or operated by the Borough of North Plainfield and/or occupied by Borough employees and used for the official business of the Borough of North Plainfield, including but not limited to the Vermeule Mansion, the Community/Senior Center, the Department of Public Works Building, the Recreation Department Building, the Borough's Memorial Public Library, and any other Borough Property as defined herein.

BOROUGH COMPLEX

Shall mean the facility located at 263 Somerset Street, North Plainfield, New Jersey, which houses Borough Hall and its administrative offices, the Borough Police Department, the Borough Fire Department and the Borough's Municipal Court.

INTERNATIONAL NO SMOKING SYMBOL

Is a sign consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section.

PARKS AND/OR RECREATIONAL FACILITIES

Shall include all public parks, playgrounds, athletic fields and swimming pools, including but not limited to all areas adjacent to such places, such as any parking area, driveway, or drive aisle, where individuals gather for recreational activities, and which is publicly owned by the Borough of North Plainfield and/or upon which the public is invited or permitted by the Borough of North Plainfield. Parks and/or Recreational Facilities shall also include all parks, playgrounds and ball fields as defined or set forth in N.J.S.A. 2C:35-10a regarding use of cannabis or its derivatives in public places, N.J.S.A. 2C:33-13 regarding smoking in public, and N.J.S.A. 26:3D-577, et seq., regarding smoking and vaping in public places.

PUBLIC PLACE

Shall mean any public place pursuant to law that prohibits the smoking of tobacco, including N.J.S.2C:33-13 and the "New Jersey Smoke-Free Air Act," P.L.2005, c. 383 (C.26:3D-55 et seq.), and any indoor public place, as that term is defined in section 3 of P.L.2005, c. 383 (C.26:3D-57), or portion thereof, even if the smoking of tobacco is otherwise permitted in that place or portion thereof pursuant to the "New Jersey Smoke-Free Air Act". Public Place shall also include all public places and/or spaces as defined or set forth in N.J.S.A. 2C:35-10a regarding use of cannabis or its derivatives in public places, N.J.S.A. 2C:33-13 regarding smoking in public, and N.J.S.A. 26:3D-57, et seq., regarding smoking and vaping in public places.

SMOKING

Shall mean the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking

device. Smoking shall also include smoking by any such means of cannabis or its derivatives as defined or set forth in N.J.S.A. 2C:35-10a regarding use of cannabis or its derivatives in public places, N.J.S.A. 2C:33-13 regarding smoking in public, and N.J.S.A. 26:3D-577, et seq., regarding smoking and vaping in public places.

VEHICLE

Shall mean any vehicle of any type whatsoever, able to be driven by means of an engine or other propulsion, which is registered to and owned by the Borough of North Plainfield and operated by duly authorized employees, servants, or agents of the Borough of North Plainfield, except any vehicle, autobus, van or other conveyance which is excepted or set forth in N.J.S.A. 2C:35-10a regarding use of cannabis or its derivatives in public places, N.J.S.A. 2C:33-13 regarding smoking in public, and N.J.S.A. 26:3D-577, et seq., regarding smoking and vaping in public places.

§ 26-14.3 Smoking Prohibited; Signage.

- a. Smoking shall be prohibited in and on all Borough Property, including the Borough Complex, except as otherwise provided herein, both indoors and outdoors, except as provided herein.
- b. Smoking shall be prohibited in all Borough Parks and/or Recreational Facilities.
- c. "No Smoking" signs or the International No Smoking Symbol shall be clearly, sufficiently and conspicuously posted at the entrance to and within each Borough Property, Borough Park, and/or Borough Recreation Facility where smoking is prohibited. The signage shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall indicate that the violators are subject to a fine. The signs shall be written in English and Spanish in accordance with N.J.S.A. 26:3D-55.
- d. Smoking shall be prohibited in any Borough vehicle.

§ 26-14.4 Reservation of Designated Areas.

- a. Within the outdoor areas of Borough Property, the Borough hereby reserves the right to designate specific smoking areas. Each designated smoking area shall be located at a reasonable distance from any entrances to the Borough Property and shall contain the necessary fireproof receptacle(s) and signage delineating the specific area allowed for smoking. Such area shall be as non-visible as possible to the public view.
- b. The Borough hereby designates that smoking shall be permitted in an outdoor area at the following Borough Property(ies), in accordance with this Section:

At one outdoor area at the rear of the Borough Complex in a specifically designated and delineated area. The frontage of the Borough Complex shall be a no-smoking area.

§ 26-14.5 Violations and Penalties.

Any person who violates any provision of this Article shall be subject to a fine of not less than \$250 for the first offense; \$500 for the second offense and \$500 for each and every subsequent offense. In addition, any municipal employee found in violation of this Article may also be subject to disciplinary action, up to and including termination from employment, in accordance with the Borough's Policies and Procedures.

§ 26-14.6 Enforcement.

The provisions set forth under this Article shall be enforced by the Borough of North Plainfield Police Department and/or the Borough of North Plainfield Health Officer.

BE IT FURTHER ORDAINED, that any article, section, paragraph, subsection, clause, or other provision of the Borough Code of the Borough of North Plainfield inconsistent with the provisions of this Ordinance is hereby repealed to the extent of such inconsistency; and,

BE IT FURTHER ORDAINED, that if any article, section, paragraph, subsection, clause, or other provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the article, section, paragraph, subsection, clause, or other provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective; and,

BE IT FURTHER ORDAINED that this Ordinance shall take effect, after final passage, twenty (20) days following action or inaction by the Mayor as provided by law and filing with the County of Somerset Planning Board, and as otherwise provided for by law. or an override of a mayoral veto by the Council, whichever is applicable and publication in accordance with law, unless a resolution is adopted, pursuant to *N.J.S.A. 40:69A-181(b)*, declaring an emergency and providing that this Ordinance shall take effect at an earlier date.

INTRODUCED:

PASSED:

PUBLISHED:

ADOPTED:

ROLL CALL:

AYES:

NAYS:

ABSTAIN:

ABSENT:

APPROVED BY THE MAYOR: Yes _____ No _____

The above is a true copy of the Ordinance adopted by the Borough of North Plainfield on _____, 2021

ATTEST:

BOROUGH OF NORTH PLAINFIELD

Richard K. Phoenix, RMC
Borough Clerk
Borough of North Plainfield

Frank A. "Skip" Stabile, III, Council President

Date signed: _____, 2021

Date signed: _____, 2021

Lawrence La Ronde, Mayor

Date signed: _____, 2021

CONSENT AGENDA

June 14, 2021

RESOLUTION NOS. 06-14-21-07 a through d

RESOLUTION NO. 06-14-21-07

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

BE IT RESOLVED by the Council of the Borough of North Plainfield that resolutions numbered

06-14-21-07 a, b, c, d

having been placed on the Consent Agenda and there having been no objection thereto, the same are hereby approved.

Council President

Council Member

Introduced: June 14, 2021

Adopted: June 14, 2021

RESOLUTION NO. 06-14-21-07a

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

WHEREAS, both the homeowner, and Corelogic paid \$ 2,123.44 on Block 56 Lot 15, 276-78 Watchung Avenue, Corelogic has requested refund of that payment.

BE IT RESOLVED, by the Council of the Borough of North Plainfield, that the Chief Financial Officer is authorized to make the following refunds:

Refund Duplicate Tax Payment:

Corelogic \$ 2,123.44
Attn. Recoveries Dept.
PO Box 9205
Coppell, TX 75019-9214

Council President

Council Member

Introduced: June 14, 2021
Adopted: June 14, 2021

RESOLUTION NO. 06-14-21-07b

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

BE IT RESOLVED by the Council of the Borough of North Plainfield that the Tax Collector is hereby authorized and directed to create duplicate tax sale certificate(s) as follows:

Block 112 Lot 11 126 Ridge Avenue # 08-00116 issued 12/04/08

Council President

Council Member

Introduced: June 14, 2021
Adopted: June 14, 2021

RESOLUTION NO. 06-14-21-07c

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

WHEREAS, Equity Title Services over paid \$ 3,125.18 on Block 64.02 Lot 21, 105 Jennings Lane, Equity Title has requested refund of that payment.

BE IT RESOLVED, by the Council of the Borough of North Plainfield, that the Chief Financial Officer is authorized to make the following refunds:

Refund Tax Over Payment:

Equity Title Services, LLC	\$ 3,125.18
Escrow Account.	
1923 Springfield Avenue	
Maplewood, NJ 07040	

Council President

Council Member

Introduced: June 14, 2021
Adopted: June 14, 2021

RESOLUTION NO. 06-14-21-07d

**BOROUGH OF NORTH PLAINFIELD
COUNTY OF SOMERSET
STATE OF NEW JERSEY**

BE IT RESOLVED by the Council of the Borough of North Plainfield that the attached bills of the accounts named and for the amounts stated, having been duly audited and found to be correct as of this 14th day of June, 2021 the same be paid; and that the Mayor and Chief Financial Officer are hereby authorized to sign and deliver warrants for the same.

Council President

Council Member

Introduced: June 14, 2021
Adopted: June 14, 2021