

**HARDING TOWNSHIP  
ORDINANCE 11-2021**

**AN ORDINANCE OF THE TOWNSHIP OF HARDING AMENDING PART II, CHAPTER 285, §225-18 OF THE CODE OF THE TOWNSHIP OF HARDING ENTITLED “PEACE AND ORDER” TO ADDRESS CHANGES IN STATE LAW PERTAINING TO SALE OR USE OF MARIJUANA AND/OR PARAPHERNALIA ON PUBLIC PROPERTY, PARKS AND/OR SCHOOLS**

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**WHEREAS**, the Township of Harding has under its the police power, N.J.S.A. 40:48-1, et seq., the authority to regulate land uses within its municipal boundaries; and

**WHEREAS**, the Township of Harding through adoption of Harding Township Code Chapter 285 established certain prohibited activities within the Township in order to maintain peace and order within the Township of Harding; and

**WHEREAS**, the Township of Harding in exercising its general police powers previously determined by adoption of Ordinance No. 19-18 on September 10, 2018, that the use or sell marijuana and marijuana related paraphernalia on public lands, parks and/or schools present special concerns for security, safety and location; and

**WHEREAS**, the State of New Jersey recently enacted various laws more commonly known as P.L. 2021, c. 16, c. 19, c. 25 and c. 38 that impact and affect the application of §285-18 of the Township Code and therefore it is necessary to amend this section to account for these new state laws.

**NOW THEREFORE BE IT ORDAINED** by The Township Committee of the Township of Harding, County of Morris, State Of New Jersey, as follows (additions are bolded and underlined; deletions have strikethrough):

**SECTION 1. §225-18 Prohibited use or sale of marijuana and marijuana related paraphernalia.**

- A. **Subject to the provisions and application of P.L. 2021, c. 16, c. 19, c. 25 and c. 38, and such other state laws that affect the application of this section,** ~~N~~no person(s) shall be permitted to use or sell marijuana or any marijuana related paraphernalia on or within 1000 feet of any public housing facility, public park, public building and/or any location and areas within the municipality which is owned by or leased to any elementary or secondary school or School Board and is used for school purposes.
  
- B. **Subject to the provisions and application of P.L. 2021, c. 16, c. 19, c. 25 and c. 38, and such other state laws that affect the application of this section,** ~~T~~the Police Department of the Township of Harding, in connection with its duties imposed by law, shall diligently enforce the provisions of this chapter and shall have the authority to eject from such public housing facility, public park, public building and/or any location and areas within the municipality which is owned by or leased to any elementary or secondary school or School Board and is used school purposes, any person acting in violation of this chapter.
  
- C. **Subject to the provisions and application of P.L. 2021, c. 16, c. 19, c. 25 and c. 38, and such other state laws that affect the application of this section,** ~~I~~n addition to the ejection penalty, as provided above, any person who violates any provisions of this chapter or who otherwise fails

to comply with any of the requirements of this chapter shall, for each such violation or offense, be subject to the general penalty in Chapter 1, General Provisions, Article I. Each day that a violation or offense continues shall constitute a separate violation hereof.

SECTION 2. At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.

SECTION 3. This ordinance shall take effect upon final passage and publication according to law.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held 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.

**ATTEST**

**TOWNSHIP OF HARDING**

  
 Lisa A. Sharp, RMC  
 Township Clerk

  
 Timothy Jones,  
 Township Committee Chairman

**INTRODUCED:** May 10, 2021

**ADVERTISED:** May 13, 2021

**PUBLIC HEARING:** June 14, 2021

**ADOPTED:** June 14, 2021

**ADVERTISED:** June 17, 2021

**Vote on Adoption:**

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN
Ms. Chipperson		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ms. DiTosto	2nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	1st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>