

BOROUGH OF AVALON
CAPE MAY COUNTY
NEW JERSEY

ORDINANCE NO. 910-2026

AN ORDINANCE OF THE BOROUGH OF AVALON REAFFIRMING AND READOPTING ORDINANCE NO. 822-2021, INCLUDING ALL FACTS AND ALLEGATIONS CONTAINED THEREIN, WHICH ORDINANCE PROHIBITS ANY CLASS OF CANNABIS BUSINESS WITHIN THE GEOGRAPHICAL BOUNDARIES OF THE BOROUGH OF AVALON AND DECLARES THE SALE OF MARIJUANA TO BE A PROHIBITED USE WITHIN ALL ZONING DISTRICTS IN THE BOROUGH OF AVALON SO THAT SAME IS PROHIBITED FOR AN ADDITIONAL FIVE YEAR PERIOD.

WHEREAS, Ordinance No.822-2021 of the Borough of Avalon readopted and amended Ordinance No. 781-2018; and

WHEREAS, Ordinance No. 822-2021 also amended Chapter 27 – Zoning; and

WHEREAS, Ordinance No. 822-2021, was enacted in accordance with the New Jersey Cannabis Regulatory Enforcement Assistance and Marketplace Modernization Act “CREAMMA” (P.L. 2021, c. 16); and

WHEREAS, the intent of Ordinance 822-2021 was, in accordance with the authority granted to the Borough under CREAMMA, to prohibit all classes of cannabis establishments, distributors, and delivery services within the geographical boundaries of the Borough and in each of its Zoning Districts; and

WHEREAS, the prohibition pursuant to CREAMMA is for an initial period of five (5) years; and

WHEREAS, the initial prohibition enacted pursuant to Ordinance No. 822-2021 has expired and, pursuant to CREAMMA must be re-adopted by the Borough in order to continue the prohibition; and

WHEREAS, the Borough Council desires to re-adopt the prohibitions outlined in Ordinance No. 822-2021 for another period of five (5) years.

BE IT ORDAINED BY THE BOROUGH COUNCIL, THE GOVERNING BODY OF THE BOROUGH OF AVALON IN THE COUNTY OF CAPE MAY AND STATE OF NEW JERSEY AS FOLLOWS:

SECTION 1. REAFFIRMATION AND READOPTION OF ORDINANCE No. 822-2021.

Ordinance No. 822-2021, of the Borough of Avalon, including all statements contained in the pre-amble and all factual determinations contained therein are hereby re-adopted.

The re-adoption of this ordinance shall be in effect for a period of five (5) years in accordance with the Cannabis Regulatory Enforcement Assistance and Marketplace Modernization Act “CREAMMA” (P.L. 2021, c. 16).

SECTION 2. REPEALER. All Ordinances or parts of Ordinances which are in conflict or inconsistent herewith are hereby repealed to the extent of such inconsistency or conflict only.

SECTION 3. SEVERABILITY. If any section, paragraph, subdivision, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause, or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

SECTION 4. EFFECTIVE DATE. This Ordinance shall take effect immediately upon final adoption and publication as required by law.

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed on first reading of the Municipal Council of the Borough of Avalon on July 8, 2026. It will be further considered for second reading, public hearing and final adoption at a meeting of said Council to be held on the 22nd day of July, 2026 in the Meeting Room of the Municipal Building, Avalon, New Jersey at 4:00 pm and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

C. DANIELLE NOLLETT

Borough Clerk