

AN ORDINANCE AMENDING CHAPTER 88 OF THE CODE OF THE TOWNSHIP OF ROBBINSVILLE ENTITLED “CANNABIS”

WHEREAS, in 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of the use 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” (the “Act”), which legalizes the recreational use of cannabis by adults 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 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 Distributor license, for businesses involved in transporting cannabis plants in bulk from one 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 purchased 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.

WHEREAS, due to uncertainties regarding the potential future impacts that allowing one or more of the six marketplace classes of cannabis businesses might have on New Jersey municipalities in general, and the Township of Robbinsville in particular, on July 26, 2021, the Township adopted Ordinance 2021-21, establishing Chapter 88 of the Township Code, entitled “Cannabis”, which prohibited all marketplace classes of cannabis as said terms are defined in Section 3 of P.L.2021, c.16, within the geographic boundaries of the Township of Robbinsville; and

WHEREAS, as the Cannabis Regulatory Commission has now promulgated rules and regulations governing recreational cannabis businesses and the experiences of other municipalities that have permitted cannabis businesses within their borders are known, the Township has acted to allow for cannabis cultivation, cannabis manufacturing, and cannabis wholesaling to locate and operate within the OW and PCD Zones within the Township of Robbinsville; and

WHEREAS, the Township Council and the Mayor of the Township of Robbinsville have now determined that, based upon the support and approval of Public Question No. 1 by the voters of Robbinsville Township, as well as the opportunities that will be afforded to the Township's economic base, that it is in the best interests of the Township to allow for cannabis retailer and cannabis delivery services to locate and operate within the Old York Road Redevelopment Area within the Township of Robbinsville;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Robbinsville, County of Mercer, State of New Jersey, that Chapter 88 of the Code of the Township of Robbinsville, entitled Cannabis, is hereby amended as follows:

SECTION 1.

Chapter 88 – Cannabis.

§ 88-1 Purpose.

Notwithstanding any Federal law to the contrary, the purpose of this chapter is to provide the Township with a means to authorize, regulate and govern the location and operation of Cannabis operations within the geographic boundaries of the Township and the number and types of permits and licenses issued in the Township pursuant to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-32 et seq. (“CREAMMA”).

§ 88-2 Definitions.

As used in this chapter, the following terms shall have the same meanings that they have in the Acts and as indicated:

CANNABIS

All parts of the plant *Cannabis sativa* L., whether growing or not, the seeds thereof, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds, except those containing resin extracted from the plant, which are cultivated and, when applicable, manufactured in accordance with CREEMMA for use in cannabis products as set forth in that act, but shall not include the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink, or other product. “Cannabis” does not include: medical cannabis dispensed to registered qualifying patients pursuant to the Honig Act and N.J.S.A. 18A:40-12.22 et seq.; marijuana as defined in N.J.S.A. 2C:35-2 and applied to any offense set forth in chapters 35, 35A, and 36 of Title 2C of the New Jersey Statutes, N.J.S.A. 2C:35B-1 et seq., or marihuana as defined in N.J.S.A. 24:21-2 and applied to any offense set forth in the “New Jersey Controlled Dangerous Substances Act,” N.J.S.A. 24:21-1 et seq.; or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the “New Jersey Hemp Farming Act,” N.J.S.A. 4:28-6 et seq.

CANNABIS CONSUMPTION AREA

A designated location operated by a licensed cannabis retailer or permit holder for dispensing medical cannabis, for which both a State and local endorsement has been obtained, that is either: (1) an indoor, structurally enclosed area of the cannabis retailer or permit holder that is separate from the area in which retail sales of cannabis items or the dispensing of medical cannabis occurs; or (2) an exterior structure on the same premises as the cannabis retailer or permit holder, either separate from or connected to the cannabis retailer or permit holder, at which cannabis items or medical cannabis either obtained from the retailer or permit holder, or brought by a person to the consumption area, may be consumed.

CANNABIS CULTIVATOR

Any licensed person or entity that grows, cultivates, or produces cannabis in this State, and sells, and may transport, this cannabis to other cannabis cultivators, or usable cannabis to cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 1 Cannabis Cultivator license from the State of New Jersey.

CANNABIS DELIVERY SERVICE

Any licensed person or entity that provides courier services for consumer purchases of cannabis items and related supplies fulfilled by a cannabis retailer in order to make deliveries of the cannabis items and related supplies to that consumer, and which services include the ability of a consumer to purchase the cannabis items directly through the cannabis delivery service, which after presenting the purchase order to the cannabis retailer for fulfillment, is delivered to that consumer. This person or entity shall hold a Class 6 Cannabis Delivery license from the State of New Jersey.

CANNABIS DISTRIBUTOR

Any licensed person or entity that transports cannabis in bulk intrastate from one licensed cannabis cultivator to another licensed cannabis cultivator, or transports cannabis items in bulk intrastate from any one class of licensed cannabis establishment to another class of licensed cannabis establishment, and may engage in the temporary storage of cannabis or cannabis items as necessary to carry out transportation activities. This person or entity shall hold a Class 4 Cannabis Distributor license from the State of New Jersey.

CANNABIS ESTABLISHMENT

A cannabis cultivator, cannabis manufacturer, or cannabis wholesaler, but not a cannabis distributor, cannabis retailer, or a cannabis delivery service.

CANNABIS ITEM

Any usable cannabis, cannabis product, cannabis extract, and any other cannabis resin. "Cannabis item" does not include: any form of medical cannabis dispensed to registered qualifying patients pursuant to the Honig Act and N.J.S.A. 18A:40-12.22 et seq. or hemp or a hemp product cultivated, handled, processed, transported, or sold pursuant to the "New Jersey Hemp Farming Act," N.J.S.A. 4:28-6 et seq.

CANNABIS MANUFACTURER

Any licensed person or entity that processes cannabis items in this State by purchasing or otherwise obtaining usable cannabis, manufacturing, preparing, or packaging cannabis items,

and selling, and optionally transporting, these items to other cannabis manufacturers, cannabis wholesalers, or cannabis retailers, but not to consumers. This person or entity shall hold a Class 2 Cannabis Manufacturer license from the State of New Jersey.

CANNABIS RETAILER

Any licensed person or entity that purchases or otherwise obtains usable cannabis from cannabis cultivators and cannabis items from cannabis manufacturers or cannabis wholesalers, and sells these to consumers from a retail store, and may use a cannabis delivery service or a certified cannabis handler for the off-premises delivery of cannabis items and related supplies to consumers. A cannabis retailer shall also accept consumer purchases to be fulfilled from its retail store that are presented by a cannabis delivery service which will be delivered by the cannabis delivery service to that consumer. This person or entity shall hold a Class 5 Cannabis Retailer license from the State of New Jersey.

CANNABIS WHOLESALER

Any licensed person or entity that purchases or otherwise obtains, stores, sells or otherwise transfers, and may transport, cannabis items for the purpose of resale or other transfer to either another cannabis wholesaler or to a cannabis retailer, but not to consumers. This person or entity shall hold a Class 3 Cannabis Wholesaler license from the State of New Jersey.

COMMISSION or CRC

The New Jersey Cannabis Regulatory Commission.

MANUFACTURE

The drying, processing, compounding, or conversion of usable cannabis into cannabis products or cannabis resins. "Manufacture" does not include packaging or labeling.

PUBLIC PLACE or QUASI-PUBLIC PLACE

Any place to which the public has access that is not privately owned; or any place to which the public has access where alcohol consumption is not allowed, including, but not limited to, a public street, road, thoroughfare, school, sidewalk, bridge, alley, plaza, park, playground, swimming pool, shopping area, public transportation facility, vehicle used for public transportation, parking lot, public library, or any other public building, structure, or area.

§ 88-3 Licenses and permits authorized.

A. The following marketplace class licenses, as defined by CREAMMA, are authorized to locate and operate within the geographic boundaries of the Township: Class 1 – Cannabis Cultivator; Class 2 – Cannabis Manufacturer; ~~and Class 3 – Cannabis Wholesaler; Class 5 – Cannabis Retailer; and Class 6 – Cannabis Delivery Service.~~ Class 4 – Cannabis Distributor; ~~Class 5 – Cannabis Retailer; and Class 6 – Cannabis Delivery Service,~~ as defined by CREAMMA, ~~are~~ is hereby expressly prohibited from locating and operating within the Township.

§ 88-4 Local cannabis transfer tax.

A. Purpose. It is the purpose of this section to implement the provisions of both N.J.S.A. 40:48I-1 and 24:6I-46 of CREAMMA, which authorizes a municipality to impose Cannabis Transfer and User Taxes. All terms herein shall be defined the same as defined in N.J.S.A.

24:6I-33, section 3 of CREAMMA and Chapter 88 Cannabis.

B. Cannabis transfer tax.

- (1) There shall be a local transfer tax, pursuant to CREAMMA, imposed on the receipts from the sale of cannabis or any cannabis items by any Class 1, Class 2, ~~or Class 3~~, or Class 5 business licensed pursuant to CREAMMA and located in the Township.
- (2) There shall be a 2% tax on the receipt of any sale by a holder of a Class 1 – Cannabis Cultivator license, ~~or Class 2 – Cannabis Manufacturer license~~, or Class 5 – Cannabis Retailer license, and a 1% tax on the receipt of any sale by a holder of a Class 3 – Cannabis Wholesaler license.
- (3) The local transfer tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity with regard to cannabis.
- (4) Any transaction for which the local transfer tax is imposed is exempt from the tax imposed under N.J.S.A. 54:32B-1 et seq., the “Sales and Use Tax Act”.
- (5) The local transfer tax shall be stated, charged and shown separately on any sales slip, invoice, receipt or other statement or memorandum of the price paid or payable or equivalent value of the transfer for the cannabis or cannabis item.

C. Cannabis user tax.

- (1) There shall be a user tax imposed on any concurrent license holder operating more than one cannabis establishment.
- (2) The user tax shall be equivalent to the transfer tax imposed by subsection B(2) above and imposed on any concurrent license holder operating more than one cannabis establishment. The user tax shall be imposed on the value of each transfer or use of cannabis or cannabis items not otherwise subject to the local transfer tax imposed pursuant to this section, from the license holder’s establishment that is located in the Township to any of the other license holder’s establishments, whether located in the Township or another municipality.
- (3) The user tax shall be in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity with regard to cannabis. Any transaction for which the user tax is imposed is exempt from the tax imposed under N.J.S.A. 54:32B-1 et seq., the “Sales and Use Tax Act”.
- (4) The user tax shall be stated, charged and shown separately on any sales slip, invoice, receipt or other statement or memorandum of the price paid or payable or equivalent value of the transfer for the cannabis or cannabis item.

D. Collection of cannabis transfer and user tax.

In accordance with the provisions of CREAMMA:

- (1) Every cannabis establishment required to collect the transfer and user taxes imposed by this section shall be personally liable for the transfer and user tax imposed, collected, or required by this section and CREAMMA.
- (2) Any cannabis establishment collecting a transfer tax or user tax shall have the same right with respect to collecting the tax from another cannabis establishment or the consumer as if the tax was a part of the sale and payable at the same time. With respect to non-payment of the transfer tax or user tax by the cannabis establishment or consumer, as if the tax was part of the purchase price of the cannabis or cannabis item and payable at the same time, provided that the CFO of the municipality which imposes the transfer tax and user tax is joined as a party in any action or proceeding brought to collect the transfer tax or user tax.
- (3) No cannabis establishment required to collect the transfer and user taxes imposed by this section shall advertise or holdout to any person or to the public in general, in any manner, directly or indirectly, that the transfer tax or user tax will not be separately charged and stated to another cannabis establishment or the consumer or that the transfer tax or user tax will be refunded to the cannabis establishment or the consumer.

E. Remittance of cannabis taxes: delinquencies.

- (1) Each cannabis establishment collecting transfer and user taxes pursuant to this section shall be remitted to the CFO of the municipality on a monthly basis.
- (2) Every cannabis establishment required to collect transfer tax or user tax shall be personally liable.
- (3) Delinquent taxes. If the transfer tax or user tax is not paid when due, the unpaid balance and any interest accruing thereon, shall be a lien on the parcel of real property comprising the cannabis establishment's premises.
- (4) The lien shall be superior and paramount to the interest in the parcel of any owner, lessee, tenant, mortgagee, or other person, except the lien of municipal taxes, and shall be on a parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year.
- (5) The Township shall file in the office of its tax collector a statement showing the amount and due date of the unpaid balance of cannabis taxes and identifying the lot and block number of the parcel of real property that comprises the delinquent cannabis establishment's premises. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.
- (6) The annual Township permit issued pursuant to Chapter 88 shall not be renewed for the cannabis establishment should any transfer or user tax pursuant to this section be delinquent.

§ 88-5 Permitting and regulation.

- A. Purpose. This section is enacted to regulate and to implement the provisions of the Acts. Permits granted pursuant to this section shall be issued to applicants upon a showing of proof of receipt of a State license/permit granted by the Cannabis Regulatory Commission.
- B. State licenses/permits and Township permits required.
- (1) To operate a cannabis establishment within the Township, a State license and annual Township permit are required.
 - (2) Class 4, ~~Class 5, and Class 6~~ cannabis licensed facilities pursuant to CREAMMA and medical cannabis cultivators, manufacturers, and dispensaries pursuant to the Honig Act are strictly prohibited in the Township.
- C. Statements of local support and conformance with zoning.
- (1) The statement of local support required to be submitted as part of the application for a State license/permit shall be accomplished by a resolution adopted by the Township Council.
 - (2) The statement of conformance with local zoning requirements required to be submitted as part of the application for a State license/permit shall be accomplished by a letter signed by the Mayor, or his or her designee, and the Director of Community Development.
 - (3) The issuance of a statement of local support and/or a statement of conformance with local zoning requirements shall not be construed to guarantee the issuance of a municipal permit pursuant to this section.
- D. A Township Cannabis Advisory Committee (CAC) as appointed below will act as the body for local review for the Township for all cannabis establishments, but the authority and responsibility to activate, suspend and revoke such licenses remains with the Township Council. Under all circumstances in which state law requires communication to the Township by the Cannabis Regulatory Commission or any other state agency with regard to the licensing of cannabis establishments by the state, or in which state law requires any review or approval by the Township of any action taken by the state licensing authority, the exclusive authority for receiving such communications and granting such approvals shall be communicated through the Township Clerk's Office upon recommendation by the Township Cannabis Advisory Committee and authorized by the Township's governing body.
- (1) Members of said CAC shall consist of the following individuals:
 - (a) Business Administrator or designee.
 - (b) Township Council designee.
 - (c) Director of Community Development or designee.

- (d) Robbinsville Township Chief of Police or designee.
 - (e) Zoning Officer.
 - (2) The CAC shall be supported by the Township Attorney and Township Planning and Zoning Office. The CAC may request additional resources as necessary to effectuate the responsibilities of the CAC.
 - (3) Of the members of the CAC, no member shall be affiliated with or related to a New Jersey adult use cannabis business or medical cannabis establishment or prospective licensee.
 - (4) Duties of the CAC will be to advise the Township governing body as to the issuance of cannabis business permits within the Township of Robbinsville. The CAC's work shall be based on the information contained in the application submitted to the clerk and shall be made consistent with the criteria outlined in this chapter, in addition to the issuance of detailed application criteria made available in the application.
 - (5) No member of the CAC may hold interest in or be related to an applicant.
 - (6) Meetings of the CAC shall not be subject to the Open Public Meetings Act.
- E. Issuance of Township permits.
- (1) All applications for annual permits, all permits issued, and all proceedings under this section shall be in accordance with all applicable laws of the State of New Jersey.
 - (2) All municipal permits required by this section shall be issued by the Township Council, which shall also administer the provisions of this section.
 - (3) No person shall cultivate, manufacture, ~~or wholesale,~~ or retail cannabis, or locate a cannabis delivery service within the Township, without having obtained a license in accordance with CREAMMA and an annual permit in accordance with the provisions of this section.
 - (4) In order to be granted an annual permit in accordance with this section, a cannabis cultivator, cannabis manufacturer, ~~or cannabis wholesaler,~~ cannabis retailer, or cannabis delivery service must satisfy, at a minimum, the following conditions:
 - (a) Completion of all forms, checklists, and other submissions as may be required by the Township Clerk;
 - (b) Payment of all applicable local fees, including inspection and permit fees;
 - (c) Demonstration that all applicable State licenses have been obtained;

- (d) Passage of all applicable State and local inspections required to be completed prior to the beginning of operations and/or renewal of any State license/permit or local permit;
 - (e) Emergency contact information to be utilized by police, fire, and EMT personnel in the event of an on-site emergency; and
 - (f) Submission of a full copy of the application for state licensure, via hard copy or digitally, with pages prominently marked “confidential” as appropriate for purposes of compliance with the New Jersey Open Public Records Act. Pages not marked as confidential shall be disclosed in response to an applicable OPRA request.
- (5) Notwithstanding the foregoing requirements, a notification of award and conditional permit may be issued and shall entitle the recipient applicant to pursue a state license in the requisite classification for up to 12 months, which may be extended in the Township Council’s discretion for an additional six months for good cause. No business may operate until the applicant has received a state license and satisfied other prerequisites of municipal permit. If the recipient of a notice of award and conditional permit has not received a state permit or license within 12 months from issuance, unless extended for good cause, the Township Council shall accept new applications and evaluate all applicants for permitting under the above criteria.
- (6) Term of license and license renewals.
- (a) Any local permit issued pursuant to this chapter that receives a state cannabis license to operate shall be valid for a period of one year from the date of state issuance and shall be renewed annually in accordance with the provisions of this chapter. Upon licensure, the cannabis establishment shall seek to obtain all land development approvals, construction permits and be open within one year.
 - (b) The Township Council may, at its discretion, adjust the renewal date of the local permit to correlate with an applicant’s state licensing and renewal schedule.
 - (c) Renewal of any permit shall be governed by any code amendments, additional restrictions or changes in regulations adopted since the previous permit was issued or renewed in addition to any history of property maintenance and zoning code violations.
 - (d) Except where the Council has received a complete renewal application along with the requisite fees, and has issued a permit renewal, it shall be unlawful for any person to manufacture, sell, distribute, transfer, transport, or otherwise remove cannabis or cannabis products from the premises of any permit after the expiration date recorded on the face of the permit.
- (7) A local host agreement with the Township shall be contingent upon state license approval. Upon receipt of a state license, a local host agreement shall be fully

executed. No applicant shall commence operation in the Township without execution of an agreement.

F. Maximum number of permits.

- (1) The maximum number of permits in the Township for Class 1 cannabis cultivators licensed under CREAMMA shall be one (1).
- (2) The maximum number of permits in the Township for Class 2 cannabis manufacturers licensed under CREAMMA shall be one (1).
- (3) The maximum number of permits in the Township for Class 3 cannabis wholesalers licensed under CREAMMA shall be one (1).
- (4) The maximum number of permits in the Township for Class 5 cannabis retailers licensed under CREAMMA shall be one (1).
- (5) The maximum number of permits in the Township for Class 6 cannabis delivery services licensed under CREAMMA shall be one (1).

G. Permit fees.

- (1) Cannabis Cultivator Permit.
 - (a) Application and year one fee: \$5,000.00. The fee shall be payable upon request for a resolution of local support. The fee shall be nonrefundable.
 - (b) Subsequent annual renewal permit fee: \$5,000.00.
- (+2) Cannabis Manufacturer Permit:
 - (a) Application and year one fee: \$5,000.00. The fee shall be payable upon request for a resolution of local support. The fee shall be nonrefundable.
 - (b) Subsequent annual renewal permit fee: \$5,000.00.
- (3) Cannabis Wholesaler Permit:
 - (a) Application and year one fee: \$5,000.00. The fee shall be payable upon request for a resolution of local support. The fee shall be nonrefundable.
 - (b) Subsequent annual renewal permit fee: \$5,000.00.
- (4) Cannabis Retailer Permit:
 - (a) Application and year one fee: \$5,000.00. The fee shall be payable upon request for a resolution of local support. The fee shall be nonrefundable.
 - (b) Subsequent annual renewal permit fee: \$5,000.00.

(5) Cannabis Delivery Service Permit:

(a) Application and year one fee: \$5,000.00. The fee shall be payable upon request for a resolution of local support. The fee shall be nonrefundable.

(b) Subsequent annual renewal permit fee: \$5,000.00.

H. Permits not transferrable.

Any permit issued by the Township under this chapter shall not be transferrable.

I. Suspension or revocation of permit.

Any permit issued under this section may be suspended or revoked for violation of any provisions of the Township Code, or any applicable statute or any of the rules or regulations promulgated by the Cannabis Regulatory Commission. Suspension or revocation of a permit shall be in addition to any other penalty which may be imposed for a violation of Township Ordinances. No refund will be issued by the Township for any suspended or revoked permit.

§ 88-6 Consumption, possession and unregulated sale.

A. Prohibition in public places. No person shall consume, use, smoke, vape, aerosolize, imbibe or possess in any open container any cannabis or medical cannabis products in or upon public or quasi-public place.

B. Prohibition in vehicles. No person shall consume, use, smoke, vape, aerosolize, or imbibe any cannabis or medical cannabis products in or upon any private vehicle while the vehicle is in motion or parked upon any such public or quasi-public place.

C. Prohibition. No person shall smoke, vape, or aerosolize cannabis items in any place that any other law prohibits the smoking of tobacco, including N.J.S.A. 2C:33-13 and the “New Jersey Smoke-Free Air Act.” (N.J.S.A. 26:3D-55 et seq.).

D. Cannabis consumption areas are strictly prohibited in the Township.

E. Prohibition of unregulated sale of cannabis.

(1) No person shall sell cannabis or medical cannabis in the Township without a State license/permit and a Township permit.

(2) No person shall gift cannabis or medical cannabis in the Township as part of a sale of another item or items.

F. Nuisance. It shall be deemed a nuisance pursuant to § 180-8 if a person who is consuming, using, smoking, vaping, aerosolizing or imbibing cannabis shall permit excessive odor or other pollution to extend beyond the person’s premises.

§ 88-7 ~~Shipping~~ Hours of Operation.

- (1) Shipping/distribution for cultivation, manufacturing, or wholesaling uses shall be limited to the hours of 8:00 a.m. to 8:00 p.m.
- (2) Cannabis retail sales shall be limited to the hours of 8:00 a.m. to 10:00 p.m.

§ 88-8 Enforcement; penalties.

Any person violating or failing to comply with any of the provisions of this article shall, upon conviction thereof, be punishable by a civil fine of no less than \$100 and no more than \$2,000. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of the violation may be punished as provided above for each separate offense. Any person who is convicted of violating this chapter within one year of the date of a previous violation of the same provision of this chapter and who was fined for the previous violation shall be sentenced by the Court to an additional fine as a repeat offender.

SECTION 2.

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3.

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.

SECTION 4.

This Ordinance shall take effect upon final passage and publication according to law.

PASSED:

ADOPTED:

Michele Seigfried, Municipal Clerk

David Fried, Mayor