

**BOROUGH OF PAULSBORO
GLOUCESTER COUNTY, NEW JERSEY
ORDINANCE NO. 08.21, AS AMENDED**

**ORDINANCE OF THE BOROUGH OF PAULSBORO ADOPTING AN AMENDMENT
TO THE REDEVELOPMENT PLAN FOR THE ENTIRETY OF THE BOROUGH OF
PAULSBORO, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY TO PERMIT
CANNABIS CULTIVATORS, MANUFACTURERS, WHOLESALERS,
DISTRIBUTORS, RETAILERS AND DELIVERY SERVICES WITHIN THE
MANUFACTURING DISTRICT.**

WHEREAS, on November 3, 2020, more than two-thirds of the registered voters in New Jersey voted to approve 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 21 years of age and older; and

WHEREAS, in the County of Gloucester more than 70% of registered voters voted in favor of Public Question No. 1; 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 legalized the recreational use of marijuana by adults 21 years of age or older; and

WHEREAS, the Act 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 to cultivate, manufacture, wholesale, distribute, sell and deliver cannabis and cannabis related products; and

WHEREAS, Section 31(a) of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 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, Section 31(b) of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, cannabis distributors, or cannabis delivery services anywhere in the municipality; and

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

WHEREAS, on September 6, 2016, the Mayor and Council of the Borough of Paulsboro (the “Borough Council”), by way of Resolution #157.16, designated the entirety of

the Borough of Paulsboro, Gloucester County, State of New Jersey as an “Area in Need of Rehabilitation” pursuant to the Local Redevelopment and Housing Law (the “Redevelopment Law”), N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, a Governing Body may adopt, revise or amend a redevelopment plan; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7(c), a redevelopment plan shall supersede applicable provisions of the development regulations of the municipality or constitute an overlay zoning district within the redevelopment area; and

WHEREAS, by way of Ordinance No. 11.16 adopted on October 4, 2016, the Borough adopted a redevelopment plan for the entirety of the Borough entitled “Redevelopment Plan for the Borough of Paulsboro” (the “Redevelopment Plan”), which adopted the underlying zoning then in effect throughout the Borough of Paulsboro, subject to certain exceptions; and

WHEREAS, the Borough of Paulsboro is desirous to amend the Redevelopment Plan to impose development regulations on any one or more classes of cannabis establishments, cannabis distributors, or cannabis delivery services throughout the Borough; and

WHEREAS, pursuant to N.J.S.A. 12A-7(e), the Borough Planning Board did adopt a Resolution as its official report and recommendation to the Borough Council that the Redevelopment Plan, which is on file with the Borough Clerk’s office, be adopted, as it provides for the planning, development, redevelopment, and rehabilitation of the Rehabilitation Area; and

WHEREAS, the Borough Council has reviewed the recommendation of the Planning Board and has determined that it is in the best interest of the Borough to adopt the Redevelopment Plan, set forth herein, in order to effectuate rehabilitation and development of the Rehabilitation Area; and

WHEREAS, the Borough of Paulsboro has carefully considered the benefits and detriments of permitting any one or more classes of cannabis establishments, cannabis distributors, or cannabis delivery services within the Borough of Paulsboro and the impact upon the health, safety, and welfare of its residents; and

WHEREAS, the Mayor and Council of the Borough of Paulsboro has determined that it is necessary and appropriate, and in the best interest of the health, safety and welfare of the Borough of Paulsboro’s residents and members of the public who visit, travel, or conduct business in the Borough of Paulsboro, to adopt an ordinance prohibiting the operation of any one or more classes of cannabis establishments, cannabis distributors, or cannabis delivery services within the Borough of Paulsboro in accordance with Section 31(b) of the Act; and

WHEREAS, the Mayor and Council of the Borough of Paulsboro has determined that an amendment to the Borough-wide Redevelopment Plan is the most prudent course of action to address the six (6) cannabis marketplace classes of licensed businesses and the adoption of such an ordinance satisfies Section 31(b) of the Act.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Paulsboro, in the County of Gloucester, State of New Jersey, as follows:

Section VI. Proposed Land Uses and Building Requirements of the Redevelopment Plan is hereby amended by repeal of the specific provisions of the Section VI in their entirety and replaced with the following:

The existing use, bulk, design, and performance standards, and all other standards, as currently set forth in the Borough's Development Regulations and Zoning Ordinances, and any duly adopted Redevelopment Plan, shall apply to the Project Area. The following conditional uses, restrictions and special requirements shall be applicable within the designated Zoning Districts, in addition to the underlying existing zoning, only to an applicant, property owner, developer or redeveloper that has an executed Redevelopment Agreement with the Borough. An executed Redevelopment Agreement with the Borough shall be required (as a checklist item) as a part of an application submission for site plan approval to the Borough Land Use Board or as part of any other application for land use approvals utilizing zoning under this amendment.

The definitions set forth in the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, N.J.S.A. 24:6I-1 et seq. (the "Act"), are incorporated herein and the relevant terms shall have the same meaning and definition as set forth in the Act.

The following zones shall have the following conditional uses, restrictions, and special requirements:

M District

A. Permitted conditional uses shall be:

1. Class 1, Cannabis cultivators, Class 2, Cannabis manufacturers, Class 3, Cannabis wholesalers, Class 4, Cannabis distributors, Class 5 Cannabis retailers and Class 6 Cannabis delivery services subject to the special requirements set forth in Section B below.

B. The permitted conditional uses shall be subject to the following special requirements:

1. Class 1, 2, 3, and 4 establishments shall be located on a single-use site that that shall be devoid of other principal uses. Only one (1) cannabis establishment shall be permitted on the single-use site. Class 5 and Class 6 may be located within a site that adjoins another building or structure. Only one (1) cannabis retailer or delivery service may be located within a site.
2. Class 1, 2, 3, 4, 5 and 6 establishments shall comply with the following bulk, area, and yard requirements of the established zone and shall be considered a

conditional use. The request may be further adopted to adhere to the Borough approved redevelopment zones.

3. Signage identifying the establishment shall be restricted in the following manner:
 - i. One façade sign, which complies with §80-43 through 80-45 and sections (a) through (d) below, shall be permitted.
 - a. The façade sign shall appear only once on each facade of any building showing only the name of the building or its occupants.
 - b. The façade sign shall not exceed 15% of the area of the facade upon which it is placed.
 - c. The façade sign may be illuminated but not of the flashing or animated type.
 - d. The façade sign shall not project more than 12 inches in any direction from the façade.
 - ii. One door sign, which complies with §80-43 through 80-45 and Section B(3)(1)(a)-(d) above, shall be permitted and limited to the name of the business, street address, and days and hours of operation.
 - iii. Window and temporary signs shall be prohibited.
 - iv. Banners and billboards, as defined in §80-45(D) shall be prohibited.
4. A Class 1, 2, 3, 4, 5 and 6 establishment shall not be located within a distance of one thousand feet (1,000 ft.) from the boundaries of the property on which the cannabis establishment is located to the boundaries of the property on which the following land uses are located: a public or private school, including elementary, vocational, or secondary schools, colleges, and universities; a state-licensed childcare center; a house of worship; and a state-licensed addiction recovery facility.
5. A Class 1, 2, 3, 4, 5 and 6 establishment shall not be located within a distance of five hundred feet (500 ft.) from the boundaries of the property on which the cannabis establishment is located to the boundaries of the property on which another Class 1, 2, 3, 4, 5 and/or 6 establishment is located.
6. The days and hours of operation for Class 1, 2, 3, and 4 establishments shall comply with the following requirements:
 - i. Class 1 Cannabis Cultivator – Sunday through Saturday, 7 a.m. to 7 p.m.

- ii. Class 2 Cannabis Manufacturer, Class 3 Cannabis Wholesaler and Class 4 Cannabis Distributor – Monday through Friday, 7 a.m. to 7 p.m., and Saturday 7 a.m. to 5 p.m.
 - iii. Class 5 Cannabis Retailer and Class 6 Cannabis Delivery Service – Sunday through Saturday, 7 a.m. to 9:00 p.m.
- 7. The establishment shall be duly licensed by the State of New Jersey with its license maintained in good standing.
- 8. On-site sales of alcohol or tobacco products are prohibited.
- 9. On-site consumption of food, alcohol, tobacco, or cannabis products by patrons is prohibited.
- 10. Security Requirements for Class 1, 2, 3, 4, 5 and 6 establishments:
 - i. All licensed facilities shall be equipped with security cameras covering all exterior parking and loading areas, all points of entry into the facilities, and interior spaces that are open to the public and that are used to store cannabis products.
 - a. Security cameras shall be installed to monitor and record all areas of the premises, except in restrooms, and where persons may gain or attempt to gain access to cannabis products or cash maintained by the establishment. Cameras shall record operations of the business and all potential areas of ingress and egress to the facility with sufficient detail to identify facial features and clothing. Recordings from security cameras shall be maintained for a minimum of forty (40) days in a secure offsite location or through a service over a network that provides on-demand access, commonly referred to as a “cloud.” The offsite location shall be submitted to the Paulsboro Borough Police Department and shall be updated within forty-eight (48) hours of any change of such location.
 - ii. All licensed Class 1, 2, 3, 4, 5 and 6 establishments shall have at least one (1) armed security officer stationed at each facility during hours of operation. The expense of providing the security officer shall be paid by the establishment.
 - iii. All licensed establishments shall provide a dimensioned floor plan, clearly labeled, showing: the layout of the structure and floor plan; the principal uses of the floor area depicted on the floor plan including, but not limited to, public areas, processing and manufacturing areas, loading and unloading areas, storage areas and restricted areas where cannabis products will be located, storage areas and restricted areas where cannabis products will be located; all

points of entry into the facility; and the locations of all security cameras that will be positioned within the facility.

- iv. All licensed establishments shall provide a plan for exterior lighting for security purposes.
- v. All licensed establishments shall install and use a safe for storage of any cannabis products and cash on the premises when the business is closed. The safe shall be incorporated into the building structure or securely attached thereto as approved by the Paulsboro Borough Police Department and Construction Official. For cannabis products that require refrigerated storage, the refrigerated container or freezer shall be locked in a manner authorized by the Paulsboro Borough Police Department.
- vi. All licensed establishments shall install and use an alarm system that is monitored by a company that is staffed twenty-four hours a day, seven days a week. The name, location and contact information of the company monitoring the alarm shall be provided to the Paulsboro Borough Police Department and shall be updated within forty-eight (48) hours of any change of monitoring company. If the alarm system includes a panic alarm, an operable dedicated phone for Paulsboro Borough Police Department to respond to the alarm shall be remain on the premises at all times.
- vii. The perimeter of the parcel of land on which a Class 1, 2, 3 or 4 cannabis establishment is located shall be fenced in the following manner:
 - a. An eight (8)-foot high chain link fence shall circumscribe the establishment by enclosing the rear and side yards of the parcel of land and connecting to the building and/or buildings in which the cannabis establishment operates so as to avoid locating the fence in the front yard.
 - b. An eight (8)-foot high gate shall be provided as the single point of access in the driveway from the public road to the establishment. The gate shall be incorporated into the eight (8)-foot high fence that circumscribes the establishment. A security camera, which is previously described in this section, shall be provided to monitor, and record all vehicles and pedestrians moving through the gate.
 - c. The chain link openings of the fence fabric shall be restricted to a size that prohibits the ability of adults and children to climb the fence. The Borough Engineer shall approve the chain link openings of the fence fabric before it is installed.

Unless otherwise specified above, all uses requiring a Class 1 Cannabis Cultivator license, Class 2 Cannabis Manufacturer license, Class 3 Cannabis Wholesaler license, Class 4 Cannabis Distributor license, Class 5 Cannabis Retailer license or Class 6 Delivery license shall be prohibited within the Borough of Paulsboro.

It is intended and expressly understood that with respect to any issue of relevant land use and building requirements not specifically addressed in this Redevelopment Plan, those issues are subject to the Zoning and Land Development Ordinances and all other ordinances and regulations of the Borough of Paulsboro not contravened in this Redevelopment Plan.

Development of the Rehabilitation Area shall be governed by the underlying zoning currently in effect throughout the Borough of Paulsboro and subject to this Redevelopment Plan and any and all existing Redevelopment Plans, or amendments thereto.

Section 2. The Mayor and Borough Council declares and determines that said Redevelopment Plan Amendment meets the criteria, guidelines and conditions set forth in N.J.S.A. 40A:12A-7, provides realistic opportunities for redevelopment of the Rehabilitation Area and is otherwise in conformance with N.J.S.A. 40A:12A-1, et seq.

Section 3. The Mayor and Borough Council further declares and determines that said Redevelopment Plan Amendment is consistent with the Borough Master Plan.


Section 4. The Mayor and Borough Council of the Borough of Paulsboro, Gloucester County, State of New Jersey shall have, be entitled to, and is hereby vested all power and authority.

Section 5. The Redevelopment Plan Amendment shall constitute an overlay zone to the extent set forth therein.

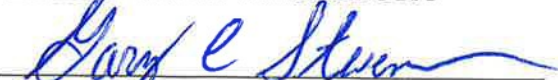
Section 6. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 7. In the event any clause, section or paragraph of the Ordinance is deemed invalid or unenforceable for any reason, it is the intent of the Mayor and Borough Council that the balance of the Ordinance remains in full force and effect to the extent it allows the Borough to meet the goals of the Ordinance.

Section 8. This Ordinance shall take effect after final adoption and publication according to law.


Kathy A. VanScoy, Borough Clerk

BOROUGH OF PAULSBORO


Gary C. Stevenson, Mayor

PUBLIC NOTICE

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SUMMARY

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 marijuana 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. The Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality and also stipulates that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act. The purpose of this Ordinance is to permit certain classes of cannabis operations within the Borough of Paulsboro. Specifically, Class 1, Cannabis cultivators, Class 2, Cannabis manufacturers, Class 3, Cannabis wholesalers, Class 4, Cannabis distributors, Class 5 Cannabis retailers and Class 6 Cannabis delivery services will be permitted conditional uses in the Borough’s Manufacturing District subject to the special requirements set forth in the Ordinance, including, but not limited to prohibiting cannabis operations within 1,000 feet of a public or private school, childcare center, house of worship or addiction recovery facility. The Ordinance makes this conditional zoning available in specific zones only if the property is governed by a Redevelopment Agreement with the Borough governing such use. This requirement provides an additional level of control for the Mayor and Council over such use.

PLEASE TAKE NOTICE that the foregoing Ordinance, as amended, was introduced and passed on first reading on the 10th day of August, 2021, at a Special Meeting of the Mayor and Borough Council of the Borough of Paulsboro and will be taken up for final consideration and passage at a Special Meeting of the Mayor and Borough Council of the Borough of Paulsboro to be held on the 20th day of August, 2021 via telephone or zoom conference. Additional information to access the meeting will be available on the Borough’s website www.paulsboronj.org or by contacting the Borough Administrator at (856) 423-1500. Copies of the foregoing Ordinance are available free of charge at the Borough Clerk’s office located at the Municipal Building, 1211 Delaware Street, Paulsboro New Jersey, Monday through Friday 8:30 a.m. to 4:00 p.m.

Kathy VanScoy, RMC/CMC/CMR
Clerk, Borough of Paulsboro



State of New Jersey,) ss
County of Gloucester)

Jeanette Kryzmaliski being duly sworn, deposes that he/she is principal clerk of NJ Advance Media; that South Jersey Times is a public newspaper, with general circulation in Camden, Cumberland, Gloucester, and Salem Counties, and this notice is an accurate and true copy of this notice as printed in said newspaper, was printed and published in the regular edition and issue of said newspaper on the following date(s):

South Jersey Times 08/13/2021


Principal Clerk of the Publisher

Sworn to and subscribed before me this 17th day of August 2021



Notary Public



PUBLIC NOTICE

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Kathy VanScoy, RMC/CMC/CMR

Clerk, Borough of Paulsboro

Cost: \$76.75

(0010065501) 1t 8/13/21

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DELIVERY SERVICES WITHIN THE MANUFACTURING DISTRICT.**

TAKE NOTICE THAT THE FOREGOING ENTITLED ORDINANCE WAS INTRODUCED AND PASSED ON FIRST READING AT A MEETING OF MAYOR AND COUNCIL OF THE BOROUGH OF PAULSBORO, COUNTY OF GLOUCESTER AND STATE OF NEW JERSEY, HELD ON AUGUST 10, 2021 AND FINALLY ADOPTED ON SECOND AND FINAL READING AT A MEETING OF THE SAID MAYOR AND COUNCIL HELD ON AUGUST 20, 2021 AFTER A PUBLIC HEARING THEREON. THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON FINAL ADOPTION AND PUBLICATION AS REQUIRED BY LAW. COPIES OF THE ORDINANCE ARE AVAILABLE FOR PUBLIC INSPECTION AT THE MUNICIPAL BUILDING, 1211 DELAWARE STREET, PAULSBORO, NEW JERSEY DURING NORMAL BUSINESS HOURS.

KATHY A. VANSKOY
BOROUGH CLERK



State of New Jersey,) ss
County of Gloucester)

Loretta Doran being duly sworn, deposes that he/she is principal clerk of NJ Advance Media; that South Jersey Times is a public newspaper, with general circulation in Camden, Cumberland, Gloucester, and Salem Counties, and this notice is an accurate and true copy of this notice as printed in said newspaper, was printed and published in the regular edition and issue of said newspaper on the following date(s):

South Jersey Times 08/26/2021

Principal Clerk of the Publisher

Sworn to and subscribed before me this 26th day of August 2021

Notary Public

JEANETTE KRZYMALSKI
NOTARY PUBLIC OF NEW JERSEY
Commission # 50033947
My Commission Expires 3/8/2026

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KATHY A. VANSCOY
BOROUGH CLERK

Cost: \$36.70
8/26/2021 1T (10073755)