

TOWNSHIP OF SADDLE BROOK
COUNTY OF BERGEN, NEW JERSEY

ORDINANCE NO. 1684-20

AN ORDINANCE AMENDING SECTION 206 OF THE TOWNSHIP CODE OF THE
TOWNSHIP OF SADDLE BROOK PERMITTING VAPE SHOPS AS A CONDITIONAL USE
IN THE AB ADULT BUSINESS OVERLAY DISTRICT, IN THE TOWNSHIP OF SADDLE
BROOK

WHEREAS, an executive summary on the use of electronic smoking devices issued in 2016 by the United States Surgeon General indicates that such devices pose a significant health risk, especially to youth and young adults; and

WHEREAS, among middle and high school students, 3.62 million were current users of electronic smoking devices in 2018 according to the US Food and Drug Administration (FDA); and

WHEREAS, the FDA reports electronic smoking devices use, from 2017 to 2018, increased 78% among high school students, to more than 1 in 5, and 48% among middle school students from 2017 to 2018; and

WHEREAS, the Centers for Disease Control has issued multiple alerts in 2019 identifying a new syndrome of respiratory illness and failure related to “vaping” with e-cigarettes; and

WHEREAS, under the circumstances, the Mayor and Township Council have determined that it is in the best interests of the Township and the health of its residents to ban vape shops as a principal permitted use in any zone districts;

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Saddle Brook, County of Bergen, State of New Jersey, as follows:

Article 1.

§206 entitled “ZONING” is hereby supplemented and amended as follows:

- A. §206 Article VD shall be known as, “AB Adult Business and Vape Shop Overlay District.”
- B. The following terms and definitions are hereby added to the Terms and Definitions of §206-3A:

Retail Electronic Smoking Device Establishment shall mean any establishment that solely sells, distributes, gives, offers or manufactures electronic smoking devices, components or parts, electronic liquid, and/or liquid nicotine.

Vape Shop shall mean any commercial establishment whose principal business is the retail sale, service or use of electronic smoking devices, liquid nicotine or vapor products, demonstrated by large signage advertising vaping.

Vapor Product shall mean any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic or chemical means to produce vapor from nicotine or other inhalation agents.

- C. §206-9.35 shall be amended to read as follows: “It is the purpose of the AB Adult Business and Vape Shop Overlay District to supplement and not to abrogate or eliminate any provision of N.J.S.A. K2C:34-7. It is also the purpose of the AB Adult Business and Vape Shop Overlay District to designate certain areas for sexually oriented business, tattoo parlors and vape shops as conditional uses subject to all the provisions of N.J.S.A. 2C:34-7.
- D. §206-9.36 shall be amended to read as follows: “A sexually oriented business, a tattoo parlor and a vape shop shall be allowed as conditional uses in the AB Adult Business and Vape Shop Overlay District. These types of businesses are prohibited in any zoning district in town except as conditional uses in the AB zone.
- E. The title of §206-9.38 shall be changed to, “Area, yard and other requirements for conditional uses for sexually oriented businesses and tattoo parlors.”
- F. A new section, §206-9.39 shall be added, and shall read as follows:
 - 1. Vape Shop requirements for conditional uses. The following standards shall apply as conditions to conditionally permitted vape shops:
 - a. No vape shop shall be located within one thousand (1,000) feet of the boundary of any parcel occupied by any of the following uses (as measured in a straight line from parcel boundary to parcel boundary):

- i. Public or private early childhood, elementary, middle or high school;
 - ii. Park;
 - iii. Public playground;
 - iv. Recreation (Use), Outdoor;
 - v. Community center;
 - vi. Day care center;
 - vii. Athletic facility, indoor and outdoor.
2. No vape shop shall be located within six hundred (600) feet of a site occupied by another vape shop, as measured in a straight line from parcel boundary to parcel boundary.
 3. The hours of operation for a vape shop shall be no earlier than 6am and no later than 10pm, seven days per week.

Article II

All other parts, portions and provisions of the Township Code of the Township of Saddle Brook, be and the same, are hereby ratified and confirmed, except where inconsistent with the terms thereof. In the event of any such inconsistency, the terms of this Ordinance shall be deemed to govern.

Article III

The terms of this ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

Article IV

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

ATTEST:

APPROVED:
TOWNSHIP OF SADDLE BROOK

Peter LoDico, Township Clerk

Andrew Cimiluca
Council President

Mayor Robert D. White

Adopted: July 2, 2020