

**AN ORDINANCE AMENDING SECTION 126-324 (GENERAL USE RESTRICTIONS) SO AS TO SPECIFICALLY PROHIBIT THE OPERATION OF ANY CLASS OF MARIJUANA ESTABLISHMENT IN ALL ZONES**

**WHEREAS**, in 2020's general election, New Jersey voters approved a ballot measure supporting the legalization of recreational marijuana for persons at least 21 years of age; and

**WHEREAS**, the issue of recreational marijuana has been a prevalent topic in the New Jersey legislature since the election of Governor Phil Murphy in 2017; and

**WHEREAS**, on February 22, 2021, Governor Murphy signed into law the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), which concerns the development, regulation, and enforcement of a recreational cannabis marketplace for persons 21 years of age or older; and

**WHEREAS**, the state-wide administrative body known as the Cannabis Regulatory Commission is tasked with overseeing the licensing process for applicants desiring to become involved with the recreational cannabis marketplace; and

**WHEREAS**, the Act establishes six classes of businesses for licensure: Class 1- cultivators; Class 2- manufacturing and packaging; Class 3- wholesaling; Class 4- distributing; Class 5- retailing; and Class 6- delivery service; and

**WHEREAS**, the Act authorizes municipalities to adopt regulations governing the number of licensed cannabis establishments, distributors, or delivery services, as well as the location, manner, and times of operation of establishments and distributors but not times of operation for delivery services, as well as regulations establishing civil penalties for violation of an ordinance governing the number of cannabis establishments, distributors, or delivery services that may operate in such municipality, or their location, manner, or the times of operations; and

**WHEREAS**, 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

**WHEREAS**, the Act states that any such ordinance must be adopted within 180 days of the effective date of the Act; and

**WHEREAS**, the failure to enact such an ordinance shall mean that, for a period of five years, the growing, cultivating, manufacturing, selling, and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis and cannabis items to consumers shall be permitted in commercial and retail zones; and

**WHEREAS**, at the conclusion of the initial five-year period following the failure to enact such an ordinance, the municipality shall have another 180-day period to enact an ordinance, but said

ordinance would be prospective only and not be applicable to any existing cannabis establishments; and

**WHEREAS**, any ordinance enacted by a municipality prior to the effective date of the Act addressing recreational cannabis within its jurisdiction are made null and void by virtue of the act; and

**WHEREAS**, existing Chapter 53 (Recreational Marijuana) of the Code of the Township of Bridgewater is now null and void and the current Master Plan and zoning scheme do not contemplate recreational cannabis; and

**WHEREAS**, the Administration and Council of the Township of Bridgewater has determined that the sale, manufacture, and/or distribution of cannabis or cannabis items within Township jurisdiction would be detrimental to the public health, safety, and welfare of the Township and its residents; and

**WHEREAS**, the Township of Bridgewater and its officials, due to the uncertainty of potential future impacts of allowing cannabis establishments, distributors, or delivery services within its jurisdiction, have determined that the prudent course of action is to allow sufficient time to carefully review all aspects of the Act and its impacts before permitting cannabis establishments, distributors, or delivery services to operate within the Township; and

**WHEREAS**, the Township of Bridgewater and its officials wish to update its zoning ordinance to ensure cannabis establishments are not a permitted use in any zone;

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Bridgewater, in the County of Somerset and State of New Jersey, that Section 126-324 entitled "General use restrictions" in the Municipal Code of the Township of Bridgewater is hereby amended as follows:

#### **SECTION I.**

Chapter 126 (Land Use), Part 12 (Zoning), Article XLIII (Zone Regulations), Section 126-324 (General use restrictions) is hereby amended as follows (struck through portions to be removed, bolded and underlined portions to be added):

Any use not specifically designated as a principal permitted use, a permitted use, a permitted accessory use or a conditional use is specifically prohibited from any zone district in the Township of Bridgewater.

**This general use restriction shall apply to any and all classes (1 through 6) of cannabis establishments, cannabis distributors, or cannabis delivery services for recreational purposes, including but not limited to, cannabis cultivators, manufacturers, wholesalers, retailers, testing facilities, and dispensaries. Such use shall be prohibited in all zones as stated herein and Chapter 53.**

#### **SECTION II.**

As required by N.J.S.A. 40:55D-26 and -64, prior to the hearing on adoption of this ordinance, the Township clerk shall send a copy of this ordinance to the Bridgewater Township Planning Board for its review and comment. Upon adoption, the Township Clerk shall forward a copy of this ordinance to the County Planning Board as required by N.J.S.A. 40:55D-16.

**SECTION III.**

Any ordinances or parts thereof inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION IV.**

If any such section, paragraph, subdivision, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall only apply to this section, paragraph, subdivision, clause, or provision, and the remainder of this ordinance shall be deemed valid and effective.

**SECTION V.**

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey law but, in no event, less than 20 days after its final passage by the Township Council and approval by the Mayor, where such approval is required pursuant to N.J.S.A. 40:69A-181(b).

Adopted: April 5, 2021

Effective: April 26, 2021