

Municipal Resistance to Legal Cannabis

December 18, 2018

In anticipation of cannabis becoming legal in New Jersey, many municipalities have taken preemptive steps and positions as to the cultivation, sale and purchase of cannabis in their town, many taking the “not in my neighborhood approach,” and passing ordinances to prevent or restrict legal cannabis cultivation and/or sales. Draft Bills permit such ordinances. Specifically, Senate, No. 2703 as amended on November 2, 2018, permits local governments to prohibit the operation of marijuana cultivating, testing, and retail facilities. In fact, should the municipality fail to do so within 180 days of the adoption of the commission’s initial rules and regulations under Senate, No. 2703 as amended on November 2, 2018, the municipality shall be deemed to approve of such establishments for a five-year period, at the end of which the municipality will have the opportunity to prohibit such facilities through the enactment of an ordinance. The failure at that time to do so renews the approval for another five-year period.

The following municipalities have taken stances against the cultivation, testing, and/or sale of cannabis in their towns, passing ordinances banning the same: Barnegat, Berkeley, Brigantine, Carlstadt, Chatham Township, Clifton, Cranbury, East Rutherford, Franklin Lakes, Garfield, Hasbrouck Heights, Hawthorne, Hazlet, Lodi, Mahwah, Manville, Midland Park, North Caldwell, North Haledon, Oceanport, Old Bridge, Pleasantville, Point Pleasant Beach, Secaucus, Surf City, Union City, Upper Freehold, Wall, Weehawken, West Long Branch, Woodcliff Lake, and Wyckoff Township.

While some municipalities have not passed ordinances outright banning the sale or cultivation of cannabis, they have taken stances on the issue, passing resolutions strongly opposing the legalization of cannabis in New Jersey. These municipalities include Bridgewater, Parsippany-Troy Hills, Spotswood, and Upper Saddle River.

Further, while Ocean City has not yet passed an ordinance, members of City Council have strongly voiced their concerns and stances against legal cannabis. Tellingly, Councilman Michael DeVlieger at a Council meeting in March, 2018 stated that he will “die before [he’ll] vote for recreational marijuana in Ocean City.” In contrast, Jersey City and Asbury Park have indicated that they welcome the sale of cannabis within their town borders.

There seems to be little reason for municipalities or counties to take a position in advance of the adoption of statutes that create a regulated adult-use cannabis marketplace. These non-binding pronouncements by lower government levels are nothing more than political posturing. They are also shortsighted and contrary to the overwhelming majority of New Jersey voters who believe that access to a regulated adult use cannabis marketplace, along with the end of the failed policy of prohibition, is in their interests.