

**AN ORDINANCE CREATING A NEW CHAPTER 54 ENTITLED "CANNABIS, LIMITATIONS" TO PROHIBIT SMOKING, VAPING, AEROSOLIZING, OR OTHERWISE CONSUMING CANNABIS OR CANNABIS ITEMS ON PUBLIC PROPERTY**

**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) (CREAMM Act), which concerns the development, regulation, and enforcement of a recreational cannabis marketplace for persons 21 years of age or older; and

**WHEREAS**, the Administration and Council of the Township of Bridgewater has already determined that the licensing of cannabis establishments within Township jurisdiction would be detrimental to the public health, safety, and welfare of the Township and its residents pursuant to Chapter 53 of its Municipal Code; and

**WHEREAS**, the Act already provides that the fines or civil penalties that may be assessed for the smoking of tobacco in designated places under the New Jersey Smoke-Free Air Act shall be applicable to the smoking, vaping, or aerosolizing of cannabis items; and

**WHEREAS**, the Smoke-Free Air Act allows a municipality to enact an ordinance preventing an individual from smoking or carrying lighted tobacco in any public place, including, but not limited to, places of public accommodation; and

**WHEREAS**, municipalities are given the discretion to enact an ordinance making it unlawful for any person who is of legal age to consume a cannabis item in a manner not from smoking, vaping, or aerosolizing in a public place, as well;

**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 a new Chapter entitled "Cannabis, Limitations" shall be inserted as Chapter 54 of the Municipal Code of the Township of Bridgewater and shall read as follows:

**SECTION I.**

Chapter 54-1 is hereby created and entitled "Findings/Purpose" and shall read as follows:

The purpose of this Chapter is to regulate the use and consumption of cannabis and cannabis items in public places, as discussed in Section 46 of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act. Pursuant to Section 46 and N.J.S.A. 26:3D-65(a), a municipality may, by ordinance, fine an individual who smokes or

carries lighted cannabis, or consumes cannabis not by smoking, vaping, or aerosolizing, in any public place.

For purposes of this section, "public place" means "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, 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."

In connection therewith, the Township of Bridgewater finds that in public places, the right of nonsmokers to breathe clean air outweighs the right of smokers to smoke, and also finds that the consumption of cannabis in public places is inimical to the health, safety, and welfare of the Township and its residents.

## **SECTION II.**

Chapter 54-2 is hereby created and entitled "Cannabis Limitations" and shall read as follows:

No person shall engage in the smoking, vaping, aerosolizing, or otherwise consuming of cannabis in a public place as defined in this Chapter.

## **SECTION III.**

Chapter 54-3 is hereby created and entitled "Signs" and shall read as follows:

"No smoking, vaping, aerosolizing, or otherwise consuming cannabis or cannabis items" signs adequately providing notice of the prohibition on the smoking, vaping, aerosolizing, or otherwise consuming of cannabis or cannabis items shall be clearly, sufficiently, and conspicuously posted in all public places affected by this section. Such signs shall also indicate that violators are subject to the penalty provisions of this Chapter.

## **SECTION IV.**

Chapter 54-4 is hereby created and entitled "Violations and Penalties" and shall read as follows:

Pursuant to N.J.S.A. 26:3D-65(a) and Section 46 of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, any person who violates this Chapter by smoking, vaping, aerosolizing, or otherwise consuming cannabis or cannabis items in a public place is subject to a civil penalty of up to \$200, which shall be recovered in a civil action by a summary proceeding in the name of the municipality pursuant to the "Penalty Enforcement Law of 1999," (P.L. 1999, c. 274) (C.2A:58-10 et. seq.).

## **SECTION V.**

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

**SECTION VI.**

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 VII.**

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