

ORDINANCE NO. 30-2018

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HANOVER, IN THE COUNTY OF MORRIS, AND STATE  
OF NEW JERSEY AMENDING CHAPTER 120, DRUGS AND DRUG  
PARAPHERNALIA, OF THE TOWNSHIP CODE TO ESTABLISHING  
NEW ARTICLE III ENTITLED "RECREATIONAL MARIJUANA  
LICENSING"

**WHEREAS**, pursuant to N.J.S.A. 40:48-1 et seq. the New Jersey Legislature delegated to municipalities the responsibility to promulgate regulations designed to promote the public health, safety, and welfare of its citizens; and

**WHEREAS**, as part of this responsibility, the Township desires to protect its citizens, including its youth, from the negative psychological and physical effects of addictive drugs; and

**WHEREAS**, recent news stories have reported that the Governor of New Jersey intends to sign into law legislation legalizing recreational marijuana; and

**WHEREAS**, on September 13, 2018, the Township adopted a resolution opposing such legalization; and

**WHEREAS**, the legal authority of municipalities to broadly regulate the issuance of licenses for intoxicating substances, such as liquor, has long been recognized by New Jersey courts; and

**WHEREAS**, such decisions include Borough of Fanwood v. Rocco, 59 N.J. Super. 306, 318 (App. Div. 1960), aff'd, 33 N.J. 404 (1960), in which the court recognized that the Division of Alcoholic Beverage Control "has no right to compel a municipality to issue a license, even if the municipality has none at all, or to issue a new one when the municipality has several but in good faith wants no more" and in Meehan v. Board of Excise Commissioners of Jersey City, 73 N.J.L. 382, 386 (Sup. Ct. 1906), aff'd, 75 N.J.L. 557 (1908), in which the court confirmed that "The right to regulate the

sale of intoxicating liquors, by the Legislature, or by municipal or other authority under legislative power given, is within the police power of the state, and is practically limitless. It may extend to the prohibition of the sale altogether. A license is not a contract. It is a mere privilege"; and

**WHEREAS**, the Township Committee finds that, in accordance with this long-standing authority, should the Governor approve legislation authorizing municipalities to issue licenses for the cultivation, manufacturing, testing, or sale of recreational marijuana, it is in the best interest of the Township to not issue such a license.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Hanover, County of Morris, and State of New Jersey, as follows:

**Section 1.** Part II: General Legislation, Chapter 120, Drugs and Drug Paraphernalia, is hereby amended and supplemented to establish new Article III entitled "Marijuana Licensing" to read as follows:

**§ 120-11 Purpose.**

The purpose of this legislation is to prevent the cultivation, manufacturing, testing, and retail sale of recreational marijuana within the Township of Hanover. These regulations are deemed to be in the best interest of the citizens and residents of the Township, and are promulgated to maintain the traditional image and character of the Township as a family community.

**§ 120-12 Licensing.**

No person or entity in the Township of Hanover is presently permitted to cultivate, manufacture, test, distribute, or sell recreational marijuana in the Township. In the event the State of New Jersey establishes a regulatory scheme by which a municipality is authorized to issue licenses to operate recreational marijuana cultivation facilities, product manufacturing facilities, testing facilities, or retail stores, the Township shall not grant any such licenses in accordance with its police powers.

**Section 2.** All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

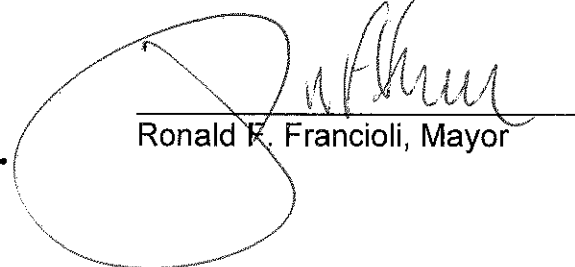
**Section 3.** In case, for any reason, any section or provision of this Ordinance shall be held to be unconstitutional or invalid, the same shall not affect any other section or provision of this Ordinance, except so far as the section or provision so declared unconstitutional or invalid shall be severed from the remainder or any portion thereof.

**Section 4.** This ordinance shall take effect in accordance with the law.

TOWNSHIP COMMITTEE  
TOWNSHIP OF HANOVER  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

ATTEST:

  
Joseph A. Giorgio, Township Clerk

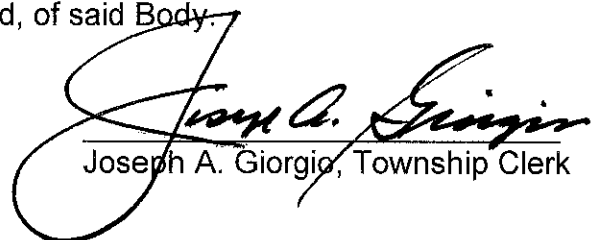
  
Ronald K. Francioli, Mayor

DATE OF INTRODUCTION: September 13, 2018  
DATE OF ADOPTION: October 11, 2018

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CERTIFICATION

I, Joseph A. Giorgio, Township Clerk of the Township of Hanover, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Committee of said Township on the 11<sup>th</sup> day of October, 2018 at a meeting duly convened, of said Body.

  
Joseph A. Giorgio, Township Clerk