Honorable Members of City Council
City Hall
50 Winfield Scott Plaza
Elizabeth, New Jersey 07201

RE: RESOLUTION – REQUEST THE CITY OF ELIZABETH PLANNING BOARD TO CONSIDER
ESTABLISHING A NEW CHAPTER IN THE CITY’S ZONING AND LAND USE MUNICIPAL CODE
TO REGULATE THE SALE, GROWTH, WAREHOUSING AND / OR TRANSPORTATION OF
CANNABIS

Dear Honorable Members of City Council:

In 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age. On February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession.

The Act establishes six marketplace classes of licensed businesses, including:

• Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;

• Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;

• Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;

• Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from one licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;

• Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and

• Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.
Section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments, cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

Furthermore, section 31b of the Act stipulates that any municipal regulation must be adopted within 180 days of the effective date of the Act. (By August 22, 2021) and that failure to do so shall mean that for a period of five years thereafter, 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 items to consumers shall be a conditional use in all commercial and retail zones.

Accordingly, since the cannabis uses are land use regulations, I respectfully request that this Honorable Body authorize the Planning Board to recommend a new chapter in the City of Elizabeth Zoning and Land Use Municipal Code to establish and regulate the sale, growth, warehousing, and/ or transportation of cannabis.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Respectfully submitted,

Eduardo J. Rodriguez, Director
Planning & Community Development

CC: J. Christian Bollwage, Mayor
Bridget Anderson, Business Administrator
William R. Holzapfel, City Attorney
Victor Vinegra, City Planner
Monae Whitehead, Planning