

Sponsor:\_\_\_\_\_

First Reading:\_\_\_\_\_

Second Reading:\_\_\_\_\_

**AN ORDINANCE ADDING CHAPTER 218 REGULATING THE PRODUCTION  
AND SALE OF MARIJUANA IN THE TOWN OF BETHANY BEACH**

**Whereas**, the Town of Bethany Beach deems it appropriate, necessary, and proper for the protection of persons and property and for the preservation of the public health, welfare, and safety of its citizens to adopt regulations pertaining to the production and sale of marijuana within the Town and;

**Whereas**, the Town Council finds the production and sale of marijuana is not deemed to be clearly integral and a harmonious component of permitted use within the Town.

**Whereas**, the newly enacted Delaware Marijuana Control Act specifically provides a municipality may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities or retail marijuana stores through the enactment of an ordinance or through an initiated or referred measures.

**BE IT HEREBY ENACTED** by the Town Council of the Town of Bethany Beach, a majority thereof concurring in Council duly met, that the Town Code be and hereby is amended as follows:

**Section 1.** Add Chapter 218-Marijuana as follows: (All additions are highlighted in bold below):

**Chapter 218-Marijuana**

**Article I: Licensing of Commercial Establishments**

**218-1**

**No business license shall be issued for any operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, retail marijuana stores or marijuana smoking lounges in the Town of Bethany Beach.**

**Synopsis**

The purpose of this ordinance is to add a new chapter 218 (“Marijuana”) as a result of the enactment of the Delaware Marijuana Control Act by the State of Delaware legislature. The Act specifically provides that a Municipality may prohibit the operation

of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment or through an initiated or referred measure. The adoption of Chapter 218 by Town Council is to protect the public health, welfare and safety of citizens and inhabitants of the Town of Bethany Beach.

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This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Bethany Beach at a duly-noticed and convened meeting at which a quorum was present on \_\_\_\_\_, 2023.

Attest: \_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Mayor

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This shall certify that the title and synopsis of the foregoing ordinance was posted at the Town Hall on \_\_\_\_\_, 2023 and published in \_\_\_\_\_ on \_\_\_\_\_, 2023.

So Certifies:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Clerk

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This shall certify that the title, synopsis, date of adoption, and effective date of the foregoing ordinance was published in \_\_\_\_\_ on \_\_\_\_\_, 2023 and that a copy of the foregoing ordinance was posted at the Town Hall on \_\_\_\_\_, 2023.

So Certifies:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Clerk