

Ordinance Number 720

**AN ORDINANCE OF THE CITY OF CRISFIELD AMENDING CHAPTER 112 OF THE CRISFIELD CITY CODE ENTITLED ZONING BY AMENDING THE PROVISIONS THEREOF FOR THE PURPOSES OF INCORPORATING AMENDMENTS TO REGULATE THE CANNABIS BUSINESS TO INCLUDE THE GROWING, PROCESSING, DISPENSING, AND ON-SITE CONSUMPTION ESTABLISHMENTS IN THE CITY OF CRISFIELD.**

**WHEREAS**, on November 8, 2022, Maryland voters passed " Question 4" by ballot referendum, making it legal for individuals aged 21 and older to possess and consume cannabis in Maryland on or after July 1, 2023; and

**WHEREAS**, on April 8, 2023, the Maryland General Assembly passed the Cannabis Reform Act (HB556/ SB516) which allowed for cannabis sales to adults 21 and older from licensed dispensaries and established a framework for adult-use cannabis sales beginning July 1, 2023, including the conversion of existing medical cannabis business licenses to both medical and adult- use cannabis, and created a new Maryland Cannabis Administration to oversee see both medical and adult- use program; and

**WHEREAS**, on May 3, 2023, the Governor of Maryland signed the Cannabis Reform Act into law; and

**WHEREAS**, the Cannabis Reform Act provides political subdivisions with the power to establish zoning requirements for and otherwise regulate cannabis subject to certain limitations to include on-site consumption establishments; and

**WHEREAS**, the Mayor and Council of the City of Crisfield (the Mayor and Council) are authorized by MD Code, Local Government § 4-204, as amended, to amend zoning regulations, as the Mayor and Council deem necessary to assure the purposes set forth in MD Code, Local Government § 4-202(b) are satisfied;

**WHEREAS**, the Mayor and Council may amend Chapter 112 of the Crisfield City Code pursuant to the authority granted in §1-5 and §112-15;

**WHEREAS**, the Mayor and Council have determined that the amendments to Chapter 112, Ordinance No. 681, Exhibit A of the Crisfield City Code set forth below shall be adopted and set forth therein;

**WHEREAS**, pursuant to Chapter 112 of the Crisfield City Code, §112-15(B), the Planning Commission reviewed the matter and provided a favorable recommendation on the amendments;

**WHEREAS**, the Mayor and Council find that amendments to Chapter 112 of the Crisfield City Code are desirable to establish new provisions governing cannabis businesses in the City;

**NOW THEREFORE**, be it enacted and ordained by the Mayor and City Council of the City of Crisfield that Chapter 112, Exhibit A of Ordinance 681, of the Crisfield City Code is amended by adding the following sections with language being adding in capitalized lettering, language being deleted from the existing ordinance appearing in strikethrough, language being deleted by amendment appearing in capitalized, bold strike through and language added by amendment appearing in capitalized and underlined:

\* \* \*

Article III

Definitions; Interpretation

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§112-20 Definition of terms:

As used in this chapter, the following terms shall have the meaning indicated:

(Note: Added definitions are to be inserted in alphabetical order with the terms already defined)

**CANNABIS** THE PLANT CANNABIS SATIVA L. AND ANY PART OF THE PLANT, INCLUDING ALL DERIVATIVES, EXTRACTS, CANNABINOIDS, ISOMERS, ACIDS, SALTS, AND SALTS OF ISOMERS, WHETHER GROWING OR NOT, WITH A DELTA-9-TETRAHYDROCANNABINOL CONCENTRATION GREATER THAN 0.3% ON A DRY WEIGHT BASIS. CANNABIS INCLUDES CANNABIS PRODUCTS. CANNABIS DOES NOT INCLUDE HEMP OR HEMP PRODUCTS, AS DEFINED IN § 14-101 OF THE AGRICULTURE ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

**CANNABIS ADMINISTRATION** THE MARYLAND CANNABIS ADMINISTRATION ESTABLISHED UNDER TITLE 36 OF THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

**CANNABIS BUSINESS** A BUSINESS LICENSED OR REGISTERED BY THE CANNABIS ADMINISTRATION TO OPERATE IN THE CANNABIS INDUSTRY. THIS INCLUDES, BUT IS NOT LIMITED TO, A GROWER, PROCESSOR, OR DISPENSARY, TO INCLUDE AN ON-SITE CONSUMPTION ESTABLISHMENT, LICENSED UNDER TITLE 36 OF THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE OF THE ANNOTATED CODE OF MARYLAND

**CANNABIS DELIVERY SERVICE** A CANNABIS LICENSEE AUTHORIZED TO DELIVER CANNABIS IN ACCORDANCE WITH A CANNABIS MICRO LICENSE TO OPERATE A CANNABIS DISPENSARY.

**CANNABIS DISPENSARY** AN ENTITY LICENSED UNDER TITLE 36 OF THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE OF THE ANNOTATED CODE OF MARYLAND THAT ACQUIRES, POSSESSES, REPACKAGES, TRANSFERS, REPACKAGES, TRANSPORTS, SELLS, DISTRIBUTES, OR DISPENSES CANNABIS OR CANNABIS PRODUCTS, INCLUDING TINCTURES, AEROSOLS, OILS, AND OINTMENTS, RELATED SUPPLIES, AND EDUCATIONAL MATERIALS FOR USE BY QUALIFYING PATIENTS, CAREGIVERS, OR CONSUMERS THROUGH A STOREFRONT OR THROUGH A DELIVERY SERVICE, BASED ON LICENSE TYPE.

**CANNABIS GROWER** AN ENTITY LICENSED UNDER TITLE 36 OF THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE OF THE ANNOTATED CODE OF MARYLAND THAT CULTIVATES, OR PACKAGES, CANNABIS AND IS AUTHORIZED BY THE CANNABIS ADMINISTRATION TO PROVIDE CANNABIS TO OTHER CANNABIS LICENSEES AND REGISTERED INDEPENDENT TESTING LABORATORIES.

**CANNABIS MICRO LICENSE** A MICRO LICENSE ISSUED IN ACCORDANCE WITH § 36-401(C)(2) OF THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

**CANNABIS ON-SITE CONSUMPTION ESTABLISHMENT** AN ENTITY LICENSED UNDER § 36-401(C)(4) OF THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE OF THE ANNOTATED CODE OF MARYLAND TO DISTRIBUTE CANNABIS OR CANNABIS PRODUCTS FOR ON-SITE CONSUMPTION OTHER THAN CONSUMPTION BY SMOKING INDOORS.

**CANNABIS PROCESSOR** A LICENSED ENTITY THAT:

- (1) TRANSFORMS CANNABIS INTO ANOTHER PRODUCT OR AN EXTRACT AND PACKAGES AND LABELS THE CANNABIS PRODUCT; AND
- (2) IS AUTHORIZED BY THE ADMINISTRATION TO PROVIDE CANNABIS TO LICENSED DISPENSARIES AND REGISTERED INDEPENDENT TESTING LABORATORIES.

\* \* \*  
Article VIII  
Permitted Uses  
\* \* \*

§ 112-49. Industrial use category. This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage and handling of these products and the materials from which they are produced. The industrial subcategories are:

B. CANNABIS BUSINESSES- A BUSINESS LICENSED OR REGISTERED BY THE CANNABIS ADMINISTRATION TO OPERATE IN THE CANNABIS INDUSTRY. THIS INCLUDES, BUT IS NOT LIMITED TO, A GROWER, PROCESSOR, OR DISPENSARY, TO INCLUDE AN ON-SITE CONSUMPTION ESTABLISHMENT, LICENSED UNDER TITLE 36 OF THE ALCOHOLIC BEVERAGES AND CANNABIS ARTICLE OF THE ANNOTATED CODE OF MARYLAND

B. C. General industrial – Manufacturing and industrial uses that process, fabricate, assemble or treat materials for the production of large equipment and machines as well as industrial uses that because of their scale or method of operation regularly produce odors, dust, noise, vibration, truck/commercial vehicle traffic or other external impacts that are detectable beyond the property lines of the subject property. This subcategory includes research laboratories and facilities and limited retail sales.

⊖ D. Intensive industrial - Manufacturing and industrial uses that regularly use hazardous chemicals or procedures or produce hazardous byproducts, including the following: manufacturing of acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins and radioactive materials. This subcategory also includes petrochemical tank farms, gasification plants, smelting, asphalt and concrete plants and tanneries. Intensive industrial uses have high potential for external impacts on the surrounding area in terms of noise, vibration, odor, hours of operation and truck/commercial vehicle traffic. The subcategory includes limited retail sales.

⊖ E. Junk or salvage yard - An area or building where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled for reclamation, disposal or other like purposes, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles.

⊖ F. Recycling uses - This industrial subcategory includes uses that collect, store or process recyclable material for the purpose of marketing or reusing the material in the manufacturing of new, reused or reconstituted products.

(1) Recyclable material drop-off facility - An establishment that accepts consumer recyclable commodities directly from the consuming party and stores them temporarily before transferring them to recyclable material processing facilities. Recyclable commodities shall be limited to non-hazardous, non-special, homogeneous, non-putrescible materials such as dry paper, glass, cans or plastic. The term "recyclable material drop-off facility" as used in this chapter shall not

include general construction or demolition debris facilities, and/or transfer stations, facilities located within a structure principally devoted to another use, facilities temporarily located on a lot under authority of a temporary use, and facilities for collecting used motor oil which are necessary to an automobile service station. Establishments that process recyclable material are classified as “recyclable material processing facilities.”

(2) Recyclable material processing - Establishments that receive and process consumer recyclable commodities for subsequent use in the secondary market.

§ 112.56. Table of permitted uses.

§ 112.56. Table of Permitted Uses	Zoning District										
	R-1	R-2	R-3	R-4	C-1	C-2	CBD	I-1	I-2	TM	CO
<b>INDUSTRIAL USE CATEGORY</b>											
<b>CANNABIS</b>											
GROWER								<u>P SE</u>	<u>P SE</u>		
PROCESSOR								<u>P SE</u>	<u>P SE</u>		
DISPENSARY								<u>P SE</u>	<u>P SE</u>		

\* \* \*

Article IX

Supplemental Use Regulations

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§112-59.1 CANNABIS BUSINESSES

A. A CANNABIS BUSINESS MAY NOT LOCATE WITHIN 500 FEET OF:

- (1) A PRE-EXISTING PRIMARY OR SECONDARY SCHOOL IN THE STATE, OR A LICENSED CHILD CARE CENTER OR REGISTERED FAMILY CHILD CARE HOME; OR
- (2) A PLAYGROUND, RECREATION CENTER, LIBRARY, PLACE OF RELIGIOUS ASSEMBLY OR PUBLIC PARK; OR
- (3) ANOTHER CANNABIS BUSINESS.

B. A CANNABIS ON-SITE CONSUMPTION ESTABLISHMENT IS PROHIBITED WITHIN THE CITY OF CRISFIELD.

C. A CANNABIS BUSINESS NOT ENUMERATED AS A PERMITTED USE IN § 112-56 IS PROHIBITED WITHIN THE CITY OF CRISFIELD.

D. THE DISTANCE FROM A CANNABIS BUSINESS TO A PLACE ENUMERATED IN SUBSECTION (A) OF THIS SECTION IS TO BE MEASURED FROM THE FRONT DOOR OR MAIN ENTRANCE OF THE CANNABIS BUSINESS, WHICHEVER IS NEAREST THE STREET ABUTTING THE SITE, TO THE FRONT DOOR OR MAIN ENTRANCE OF THE PLACE ENUMERATED IN SUBSECTION (A) OF THIS SECTION. AS TO PUBLIC PARKS AND PLAYGROUNDS, THE DISTANCE SHALL BE MEASURED FROM THE FRONT DOOR OR MAIN ENTRANCE OF THE CANNABIS BUSINESS, WHICHEVER IS NEAREST THE STREET ABUTTING THE SITE, TO THE PARCEL BOUNDARY, IN ALL DIRECTIONS, OF THE PUBLIC PARK OR PLAYGROUND.

**Section 2.** It is the intention of the Mayor and Council of the City of Crisfield that each provision of this Ordinance shall be deemed independent of all other provisions herein.

**Section 3.** It is further the intention of the Mayor and Council of the City of Crisfield that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Ordinance shall remain and shall be deemed valid and enforceable.

**Section 4.** The recitals set forth hereinabove are incorporated into this section of the Ordinance as if such recitals were specifically set forth at length in this Section 4.

**Section 5.** This Ordinance shall take effect from and after the date of its final passage.

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**THIS ORDINANCE** was introduced and read at a Meeting of the Mayor and Council of the City of Crisfield held on the 8<sup>th</sup> day of November, 2023, and, a public hearing was held on the 29<sup>th</sup> day of November, 2023, following which a second reading occurred and was passed by the Council of the City of Crisfield on the 29<sup>th</sup> day of November, 2023.

**ATTEST:**

\_\_\_\_\_  
**Joyce L. Morgan, City Clerk-Treasurer  
President**

\_\_\_\_\_  
**Ivan R. Lankford, City Council Vice**

\_\_\_\_\_  
Eric Banks, Councilman

\_\_\_\_\_  
Casey Goldsborough, Councilman

\_\_\_\_\_  
LaVerne Johnson, Councilwoman

\_\_\_\_\_  
Ruthie Todd, Councilwoman

Approved, this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
**Darlene M. Taylor, Mayor**

This Ordinance shall be effective at the expiration of 20 calendar days following approval by the Mayor or passage by the Council over veto. A fair summary of each ordinance shall be published at least twice in a newspaper or newspapers having general circulation in the municipality, and a statement inviting interested persons to view the complete text of the ordinance at City Hall during regular business hours shall be appended to that published summary.