



## Ordinance 672

### AN ORDINANCE AMENDING CHAPTER 131 REGULATING THE PRODUCTION AND SALE OF MARIJUANA IN THE TOWN OF ELSMERE.

**Sponsored By:** Mayor Thompson

**First and Second Reading:** April 11, 2024, Council Meeting

**Results:** 6 In Favor, 1 Vacant, 0 Opposed.

**Third and Final Reading:** May 9, 2024, Council Meeting

**Results:** 5 In Favor with 1 Absent, 1 Vacant, 0 Opposed.

# Ordinance 672

## AN ORDINANCE AMENDING CHAPTER 131 REGULATING THE PRODUCTION AND SALE OF MARIJUANA IN THE TOWN OF ELSMERE.

**WHEREAS**, the Mayor and Council have determined it to be 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 Mayor and Council determine the sale of marijuana is not deemed to be 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 production manufacturing facilities, marijuana testing facilities or retail marijuana stores through the enactment of an ordinance or through an initiated or referred measures.

### NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF ELSMERE, AS FOLLOWS:

Section 1. Amend 131-6 of the Town of Elsmere Code of Ordinances by adding thereto a new subsection to read as follows:

- A. No business license shall be issued for the operation, occupancy, or conducting of (i) marijuana sales, transfers or distribution (with or without payment), or (ii) a marijuana smoking lounge or lounges, within the boundaries of the Town of Elsmere, unless the license is for the sole purpose of manufacturing facilities in the GI – General Industrial zoning district.

Section 2. This Ordinance shall take effect immediately upon its passage by a majority vote of the Mayor and Council of Elsmere.

First and Second Reading  
April 11, 2024



Eric Thompson, Mayor

Third and Final Reading  
May 9, 2024



Sally Jensen, Secretary

Approved as to form:



**SYNOPSIS  
ORDINANCE 672**

The purpose of this ordinance is to prohibit retail marijuana dispensaries and related businesses from conducting business in the Town of Elsmere, with the exception of manufacturing facilities in the General Industrial – GI Zoning District, in response to the enactment of the Delaware Marijuana Control Act by the State of Delaware legislature. The Act specifically provides that a Municipal may prohibit the operation of marijuana retail stores through the enactment or through an initiated or referred measure.

**Fiscal Impact:**

This Ordinance fiscal impact cannot be measured as there is no way to identify potential any retail marijuana store applicants.