

**AN ORDINANCE
TO AMEND THE MUNICIPAL CODE OF THE CITY OF LEWES, CHAPTER 128
MERCANTILE LICENSING, BY AMENDING SECTION 128-2, AND INSERTING A
NEW SECTION 128-5, RELATING TO PROHIBITING THE SALE OF MARIJUANA**

WHEREAS, the Mayor and City Council, in accordance with 4 *Del. C.* § 1351(a), have determined that prohibiting retail marijuana stores within the City of Lewes promotes the health, safety, and welfare of the City of Lewes and its inhabitants; and

WHEREAS, the Mayor and City Council, intend to continue investigating whether to prohibit or regulate the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities within the City of Lewes.

BE IT ORDAINED by the Mayor and City Council, in session met, a quorum pertaining at all times thereto, in the manner following to-wit:

Section 1. Chapter 128, Mercantile Licensing, Section 128-2, of the Municipal Code of the City of Lewes, Delaware, as amended be and the same is hereby further amended by making insertions as shown by underlying, as follows:

§ 128-2 Definitions

For the purposes of this article, the following definitions shall be applicable:

....

Marijuana

Shall be defined as that term is defined under 16 *Del. C.* § 4701.

....

Retail marijuana store

Shall be defined as that term is defined under 4 *Del. C.* § 1302(28). That is, “retail marijuana store” means an entity licensed to purchase marijuana from marijuana cultivation facilities; to purchase marijuana and marijuana products from marijuana product manufacturing facilities; and to sell marijuana and marijuana products to consumers.

Section 2. Chapter 128, Mercantile Licensing, of the Municipal Code of the City of Lewes, Delaware, as amended, be and the same is hereby further amended by inserting a new Section 128-5 in its entirety as follows:

§ 128-5 Prohibition on retail marijuana stores.

Within the limits and bounds of the City of Lewes, no person or entity shall operate, maintain, or otherwise be engaged in any entity defined under this Chapter as a retail marijuana store.

Section 3. If any provision of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 4. This Ordinance shall take effect immediately upon its adoption by the Mayor and City Council of the City of Lewes.

Adopted by the Mayor and City Council
of the City of Lewes
August 12, 2024

I, Timothy Ritzert, Secretary of the City Council of the City of Lewes, do hereby certify that the foregoing is a true and correct copy of the ordinance passed by the Mayor and City Council at its regular meeting on August 12, 2024 at which a quorum was present and voting throughout and the same is still in full force and effect.



Secretary

SYNOPSIS: This Ordinance prohibits the sale of marijuana in the City of Lewes.