

RESOLUTION NO. 584, CANNABIS MORATORIUM

RESOLUTION NO. 584

A RESOLUTION OF POCOMOKE CITY ESTABLISHING A MORATORIUM ON APPLICATIONS, SITE PLANS, PERMITS FOR, CONSTRUCTION OF, PROCESSING OF, AND APPROVAL OF BUSINESSES ENGAGED IN THE GROWING, PROCESSING AND/OR SELLING OF CANNABIS TO INCLUDE ON-SITE CONSUMPTION ESTABLISHMENTS

WHEREAS, the City Council of Pocomoke City is authorized by Md. Code Ann. Local Government Article, §5-202 and Section §C24 of Pocomoke City Charter, as they deem necessary for the good government of the City, the power to take all such action that is not contrary to the Constitution, laws of the State of Maryland, or the provisions of the Charter, "for the protection and preservation of the City's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of residents of the City and visitors thereto and sojourners therein;" and

WHEREAS, the City is authorized by the Local Government Article of the Annotated Code of Maryland, §5-213 to enact and administer reasonable zoning regulations; and

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

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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 City recognizes the significant planning, zoning, property and secondary effects surrounding or arising from the location and operation of businesses engaged in the growing, processing and/or or sale of cannabis to include on-site consumption establishments; and

WHEREAS, the City currently has no zoning or other regulations for the aforementioned purpose; and

WHEREAS, the City considers the public interest to be best served by the adoption of zoning regulations establishing the appropriate locations for facilities for the growing, processing and dispensing of cannabis to include on-site consumption establishments; and

WHEREAS, the City requires additional time to undertake appropriate study and obtain desired public input before establishing effective City ordinances and other necessary regulations applicable to businesses engaging in the growing, processing and/ or selling of cannabis to include on-site consumption establishments; and

WHEREAS, the acceptance and processing of an application and/ or site plan and/ or issuance of other zoning approvals or business licenses for the operation of businesses engaged in the growing, processing and/ or selling of cannabis to include on-site consumption establishments, before appropriate study of the matter, obtaining desired public input, and consideration and approval of meaningful and effective City ordinances and/ or regulations governing the matter, would frustrate the City' s ability to protect the health, safety and welfare of the residents of and visitors to the City and would be adverse to the orderly business development of the City; and

WHEREAS, the City believes that a moratorium on the issuance of permits, licenses and approvals for facilities relating to the growing, processing and/or selling of cannabis to include on-site consumption establishments and related paraphernalia while the City gives due consideration to state regulations in crafting any zoning or other regulations for such facilities is necessary and appropriate, provided that the suspension continues for a period no longer than necessary to complete the assessment in the exercise of all due haste; and

Attest:

September 18, 2023 October 2, 2023 Esther L. Troast
Date Introduced Date Passed Council Vice President
Esther L. Troast

APPROVED BY ME THIS ____ DAY OF ____
_____, 2023

Michelle Beckett El-Soloh
City Clerk
Michelle Beckett El-Soloh

Todd J. Nock
Mayor and Council President
Todd J. Nock