

*Approved First Reading: October 27, 2023*  
*Proposed Second Reading: December 8, 2023*

AN ORDINANCE TO AMEND CHAPTER 100 (LICENSING) OF THE CODE OF  
THE TOWN OF FENWICK ISLAND, DELAWARE

RELATING TO THE OPERATION OF MARIJUANA CULTIVATION FACILITIES,  
MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING  
FACILITIES AND RETAIL MARIJUANA ESTABLISHMENTS

**WHEREAS**, the General Assembly of the State of Delaware has enacted the Delaware Marijuana Control Act (the “Act”), declaring that the personal use of marijuana is legal for persons 21 years of age or older and should be regulated and taxed in a manner similar to alcohol; and

**WHEREAS**, section 1351(a) of the Act authorizes a municipality to prohibit by ordinance the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana establishments, as those terms are defined in the Act; and

**WHEREAS**, the Town Council (“Council”) of the Town of Fenwick Island (“Town”) has deemed it necessary and appropriate, and in the best interest of the health, safety and welfare of the Town’s residents and members of the public who visit, travel, or conduct business in the Town, to amend the Town’s Code, consistent with the Act, to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana establishments, as those terms are defined in the Act;

**NOW THEREFORE, BE IT ORDAINED**, this \_\_\_\_ day of \_\_\_\_\_, 2023, by the Town Council of the Town of Fenwick Island, Delaware, in session met, in the manner following:

Section 1. Amend Chapter 100 (Licensing), Section 100-1 (License requirement; fees) of the Town Code, by inserting a new paragraph after the existing paragraph thereof, to read:

No person or business shall operate in the Town of Fenwick Island, and no license shall be issued by the Town of Fenwick Island to a person or business that seeks to operate, a marijuana cultivation facility, a marijuana product manufacturing facility, a marijuana testing facility, or a retail marijuana establishment, as those terms are defined in the Delaware Marijuana Control Act, 4 Del. C. section 1302, and as may hereafter be amended.

Section 2. Amend Chapter 100 (Licensing), Section 100-2 (Definitions) of the Town Code, by inserting the following new definitions, to read:

**MARIJUANA CULTIVATION FACILITY**

Shall have the meaning defined in the Delaware Marijuana Control Act, 4 Del. C. section 1302, and as may hereafter be amended.

**MARIJUANA PRODUCT MANUFACTURING FACILITY**

Shall have the meaning defined in the Delaware Marijuana Control Act, 4 Del. C. section 1302, and as may hereafter be amended.

**MARIJUANA TESTING FACILITY**

Shall have the meaning defined in the Delaware Marijuana Control Act, 4 Del. C. section 1302, and as may hereafter be amended.

**RETAIL MARIJUANA ESTABLISHMENT**

Shall have the meaning defined in the Delaware Marijuana Control Act, 4 Del. C. section 1302, and as may hereafter be amended.

Section 3. This ordinance shall take effect immediately upon its passage by the Town Council of the Town of Fenwick Island.