



ORDINANCE NO. 24-01

AN ORDINANCE TO AMEND THE TOWN OF MILLVILLE CODE REGARDING MARIJUANA AT CHAPTER 155, ENTITLED “ZONING”, AT § 155-8, AND CHAPTER 90, ENTITLED “LICENSES”, AT § 90-2.

WHEREAS, the Town Council of Millville has the power to adopt ordinances in the interest of good government and the safety, health, and public welfare of the Town, its inhabitants, and affairs, including to provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants; and

WHEREAS, the Delaware Code affords the authority, inter alia, for the Town Council to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence or other purposes, and the Town Charter of Millville affords the authority, inter alia, for the Town Council to regulate and control the exercise of any license or franchise; and

WHEREAS, based on the aforementioned authority, the Town of Millville has adopted a Zoning Ordinance and License Ordinance for the municipality, which have been codified in Chapters 155 and 90 of the Town Code, respectively; and

WHEREAS, the Town Council may from time to time amend, supplement, or change the regulations and restrictions established by Ordinance; and

WHEREAS, the Town Council held a duly noticed public hearing on the 25th of July, 2023; and

WHEREAS, the Town Council finds the production and sale of marijuana within the Town to be incongruous and not harmonious with the aforementioned interests and the purpose of promoting health, safety, morals or the general welfare of the community; and

WHEREAS, the recently enacted Delaware Marijuana Control Act specifically permits a municipality to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities or retail

marijuana stores through the enactment of an ordinance or through an initiated or referred measures;

NOW, BE IT THEREFORE ORDAINED, by the Town Council for the Town of Millville, Sussex County, Delaware, having duly met and a majority thereof concurring herein, that the following amendments are hereby adopted and incorporated into the Town of Millville Code at Chapter 155, entitled “Zoning”.

Additions are shown in bold and underlined and deletions are shown in bold and strike-through as follows:

Article V. Application of District Regulations

§ 155-8 Applicability of zoning regulations.

F. For the purpose of this chapter, permitted uses are listed for the various districts. Unless the contrary is clear from the context of the lists of other regulations of this chapter, uses not specifically listed are prohibited. Without limiting or affecting the foregoing, and for purpose of clarity, all of the following uses are prohibited in all districts:

- (1) Adult entertainment establishment;
- (2) Massage establishment;
- (3) Tap ~~room~~ **room**;
- (4) Marijuana establishment, as defined in Title 4, Section 1302 of the Delaware Code.**

BE IT FURTHER ORDAINED, that the following amendments are hereby adopted and incorporated into the Town of Millville Code at Chapter 90, entitled “Licenses”.

Article I Business Licenses

§ 90-2. Annual license required; applicability.

A. No person shall engage in or carry on or aid or assist as employee, clerk or otherwise, in the Town of Millville, any business, occupation or activity or use therefor, any wagon, vehicle stand, store or other place or thing, at or from which any merchandise or commodity is dispensed or facilities or services are provided to members of the general public or members of an association, club or other body or the like, without first having paid the prescribed fee and having obtained from the Town of Millville an annual license for such business, occupation or activity. Specifically included are all persons engaging in general business.

B. A license shall be obtained for each branch establishment or location of the person's general business as if each branch or establishment or location were a separate business, provided that accessory buildings used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments.

C. If more than one business, rental, or occupation is carried on in any one building, each such business, rental, or occupation shall be licensed separately. Businesses that are a part of partnerships, firms, companies, associations, corporations, limited liability companies and trusts and do business under another name require individual business licenses.

D. All property owners who rent or offer to rent property shall obtain a rental license. All property owners who do not rent shall be required to file a certification that the owner does not rent or lease his or her property.

F. No business license shall be issued for any marijuana establishment, as defined in Title 4, Section 1302 of the Delaware Code.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS ____ DAY OF _____, 2023.

SEAL:

MAYOR

ATTESTED:

SECRETARY

SYNOPSIS

The purpose of this ordinance is to prohibit marijuana-related businesses from being conducted in the Town of Millville in response to the enactment of the Delaware Marijuana Control Act by the General Assembly of the State of Delaware. This State legislation specifically provides that a Municipality may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores through the enactment of an ordinance. The adoption of this ordinance amending Chapters 155 and 90 of the Town of Millville Code is to protect the public health, welfare and safety of citizens and inhabitants of the Town of Millville.