

# ORDINANCE 23-10-01

**Introduced:** Oct. 2, 2023

**Approved:** Nov. 6, 2023

## **AN ACT TO AMEND CHAPTER 45, OF THE TOWN OF MIDDLETOWN CODE OF ORDINANCES CONCERNING LICENSING OF BUSINESSES TO EXPRESSLY PROHIBIT THE PRODUCTION AND SALE OF MARIJUANA AND OTHER MARIJUANA RELATED BUSINESS ACTIVITIES**

**WHEREAS**, the Town of Middletown deems it appropriate, necessary and proper for the protection of persons and property and for the preservation of 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 & Council finds the production and sale of marijuana is not deemed to be clearly integral and harmonious component of permitted use within the Town, and

**WHEREAS**, the recently enacted Delaware Marijuana Control Act specifically provides a municipality may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities or retail marijuana stores through the enactment of an ordinance or through an initiated or referred measures, and so

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED**, by the Mayor & Council of the Town of Middletown, New Castle County, Delaware, in session met, as follows:

**Section 1.** Amend §45-4 of the Town of Middletown Code of Ordinances by adding thereto a new subsection to read as follows:

E. No business license shall be issued for any operation of marijuana cultivation facilities, marijuana product manufacturing facilities, retail marijuana stores or marijuana smoking lounges within the municipal boundaries of Middletown as such facilities and stores are defined in Title 4, Chapter 13 of the Code of the State of Delaware.

**Section 2.** 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 3.** This Ordinance shall take effect immediately upon its passage by a majority vote of the Mayor & Council of the Town of Middletown.

**SYNOPSIS:**

The purpose of this ordinance is to prohibit marijuana related businesses from being conducted in Middletown 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 testing facilities, or retail marijuana stores through the enactment or through an initiated or referred measure. The adoption of this amendment to Chapter 45 of the Town of Middletown Code of Ordinances is to protect the public health, welfare and safety of citizens and inhabitants of the Town of Middletown.

**ADOPTED BY MAYOR AND COUNCIL THIS  
SIXTH DAY OF NOVEMBER, 2023.**

(SEAL)

  
MAYOR OF THE TOWN OF MIDDLETOWN

ATTESTED TO BY:

  
"CLERK," TOWN OF MIDDLETOWN