



MAYOR AND COUNCIL

COUNCIL RESOLUTION NO. 2024-11

A RESOLUTION TO ENACT A MORATORIUM ON RECREATIONAL MARIJUANA RELATED USES IN THE CITY OF DOVER, DELAWARE

WHEREAS, the Mayor and City Council seek to preserve, protect, and promote the general health, safety, and welfare of the citizens of the City of Dover, Delaware through the enactment of certain codes, ordinances, and other regulatory tools and policies that are necessary, and good to achieve that end; and

WHEREAS, recreational marijuana became legal for adult use in the State of Delaware on July 5, 2023, when the Delaware Marijuana Control Act went into effect; and

WHEREAS, the Delaware Marijuana Control Act allows municipalities to enact ordinances or regulations prohibiting the operation of recreational marijuana related establishments within their jurisdiction or governing the time, place, manner, and number of recreational marijuana establishment operations; and

WHEREAS, the Council Committee of the Whole, Legislative, Finance, and Administration Committee discussed options on regulating recreational marijuana within the City of Dover at their meetings on September 26, 2023, and April 09, 2024, and directed city staff to draft an ordinance permitting recreational marijuana establishments within certain zones; and

WHEREAS, the Council Committee of the Whole, Legislative, Finance, and Administration Committee discussed Proposed Ordinance #2024-24 relating to recreational marijuana business licenses, and Proposed Ordinance #2024-25 relating to zoning regulations on June 11, 2024; and

WHEREAS, during this meeting, several public commenters raised concerns about the provisions outlined in these proposed ordinances; and

WHEREAS, following this discussion, the Council Committee of the Whole, Legislative, Finance, and Administration Committee and City Council requested that more research and community outreach be conducted and ultimately deferred the issue to a Special Legislative, Finance, and Administration Committee meeting; and

WHEREAS, the State of Delaware Office of the Marijuana Commissioner will begin accepting applications for all recreational marijuana business license types on September 1, 2024, and will begin issuing licenses on November 1, 2024; and

WHEREAS, the City of Dover, Delaware is actively working to determine the best way to regulate land uses related to the recreational marijuana industry.

NOW THEREFORE BE IT RESOLVED:

The City Council does hereby enact a moratorium on recreational marijuana related uses within the City of Dover, Delaware, subject to the following stipulations and conditions:

1. This moratorium shall become effective immediately upon adoption by the City Council of the City of Dover, Delaware; and
2. This moratorium shall apply to all recreational marijuana establishments licensed by the Delaware Office of the Marijuana Commissioner, which are defined as follows:
 - a) “Marijuana cultivation facility” means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers. A marijuana cultivation facility may not produce marijuana concentrates, tinctures, extracts, or other marijuana products.
 - b) “Marijuana product manufacturing facility” means an entity licensed to purchase marijuana, manufacture, prepare, and package marijuana products, and sell marijuana and marijuana products to other marijuana product manufacturing facilities and retail marijuana stores, but not to consumers.
 - c) “Marijuana testing facility” means an entity licensed to test marijuana for potency and contaminants.
 - d) “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.
3. It shall be understood that the purpose of this moratorium is to afford the City Council a reasonable due diligence period to consider alternative courses of action relative to the governing of recreational marijuana uses within the city including, but not limited to, adoption of an amendment to the Dover Code of Ordinances, regulating the time, place, manner, and number of marijuana establishment options; and
4. This moratorium shall remain in effect until December 31, 2024, unless rescinded by City Council or unless City Council adopts ordinances related to recreational marijuana related uses/establishments at an earlier date.

ADOPTED: July 22, 2024



ROBIN R. CHRISTIANSEN
MAYOR



DAVID L. ANDERSON
COUNCIL PRESIDENT

Actions History

07/22/2024 – Final Reading – City Council

07/09/2024 – Introduction – Council Committee of the Whole/Legislative, Finance, and
Administration Committee