

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE TOWN OF
OCEAN VIEW CODE RELATING TO LICENSES
AS SET OUT IN CHAPTER 93**

WHEREAS, pursuant to Section 2.313 of the Ocean View Charter, the Town Council of the Town of Ocean View has all powers which, under the Constitution of the State, it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute; and

WHEREAS, the Town Council has the power to adopt ordinances for the protection and promotion of the health, safety, and welfare of the residents of the Town; and

WHEREAS, the Town Council deems it appropriate, necessary and proper for the health, safety and welfare of the residents of the Town of Ocean View to adopt an ordinance pertaining to the cultivation, manufacturing, testing and retail of marijuana within the Town of Ocean View; and

WHEREAS, the Delaware Marijuana Control Act specifically provides that a municipality may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores through the enactment of ordinance or through an initiated or referred measure; and

WHEREAS, the Town Council desires to amend certain sections of the Code of the Town of Ocean View (the “Code”) related to licenses as set out in Chapter 93, Licenses, to prohibit the issuance of licenses for certain marijuana related business.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE TOWN OF OCEAN VIEW:

Section 1. Amend § 93-2 of Chapter 93, Licenses, of the Code by adding thereto those matters **underlined** as follows:

E. No license shall be issued by the Town of Ocean View for the operation of a marijuana cultivation facility, a marijuana product manufacturing facility, a marijuana testing facility, a retail marijuana store, each as defined in Title 4, Section 1302 of the Delaware Code, or a marijuana smoking lounge within the municipal limits of the Town of Ocean View.

Section 2. This ordinance is subject to the Pending Ordinance Doctrine. Upon its introduction at the July 11, 2023 meeting of the Town Council, the Town shall thereafter reject any applications inconsistent with the amendments to Chapter 93 provided in the ordinance until such time as the Mayor and Town Council take action on the ordinance to either approve or reject, with or without amendments.

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48 **Section 3.** If any provision of this ordinance shall be deemed or held to be invalid
49 or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall
50 not affect any other provision of this ordinance which may be given effect without such valid
51 or unenforceable provision, and to this end, the provisions of this ordinance are hereby
52 declared to be severable.

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54 **Section 4.** This ordinance shall become effective upon its adoption by a majority
55 of all members elected to the Town Council.
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59 **Synopsis**

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61 The purpose of this ordinance is to prohibit the issuance of licenses to operate various
62 marijuana related businesses in the Town of Ocean View. The Delaware Marijuana
63 Control Act specifically provides that a Municipality may prohibit marijuana cultivations
64 facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail
65 marijuana stores through the enactment of an ordinance or through an initiated or referred
66 measure.

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70 TOWN OF OCEAN VIEW

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72 By: _____
73 Mayor

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76 Attest: _____
77 Town Clerk

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79 First Reading:

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81 Second Reading:

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83 Adopted:
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