

**AN ORDINANCE TO ESTABLISH A TEMPORARY MORATORIUM ON  
RETAIL MARIJUANA IN THE CITY OF WILMINGTON, DELAWARE**

**#0504**

**Sponsor:**

**Council  
Member  
Field**

**Co-  
Sponsors:**

**Council  
President  
Congo**

**Council  
Member  
Spadola**

**WHEREAS**, City Council is empowered by the City Charter to enact legislation that preserves, protects, and promotes the general health, safety, and welfare of citizens of the City of Wilmington; and

**WHEREAS**, recreational marijuana use became legal for adult use in the State of Delaware on April 23, 2023, when House Bill 1 was enacted without Governor John Carney’s signature; and

**WHEREAS**, House Bill 2, which created the Delaware Marijuana Control Act, was enacted on April 27, 2023, without Governor John Carney’s signature. The Delaware Marijuana Control Act became effective on August 1, 2023; and

**WHEREAS**, the Delaware Marijuana Control Act allows municipalities to (i) prohibit or limit the operation of the four types of marijuana-related uses through the enactment of an ordinance or through an initiated or referred measure and (ii) enact ordinances or regulations, which do not conflict with State laws and regulations, governing the time, place, and manner that marijuana establishments may operate in the municipalities; and

**WHEREAS**, on October 1, 2024, the City’s Planning Commission, via its Resolution 8-24, as amended, recommended amendments to the City’s Zoning Code to allow, but limit, marijuana-related operations within City limits; and

**WHEREAS**, on October 3, 2024, Council introduced Ordinance 24-053, which modified the Planning Commission’s recommendations, and referred the modified ordinance back to the Planning Commission for further consideration; and

**WHEREAS**, on October 22, 2024, the City Planning Commission met and reset some of 24-053’s modifications to those in line with its October 1, 2024, recommendations; and

**WHEREAS**, during all these public meetings, several Councilmembers and members of the public raised concerns about the proposed Zoning Ordinances; and

**WHEREAS**, the State of Delaware Office of the Marijuana Commissioner will begin issuing recreational marijuana business licenses in 2025; and

**WHEREAS**, City Council is actively working to determine the best way to regulate land uses related to the recreational marijuana industry; and

**WHEREAS**, considering the foregoing, City Council deems it necessary and appropriate to establish a temporary moratorium on retail marijuana activities in the City of Wilmington.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:**

**SECTION 1.** A temporary moratorium is hereby established regarding retail marijuana business licenses in order to give Council and the Administration sufficient time to perform their due diligence to consider alternative course of action relative to the governing of recreational marijuana uses within the City including, but not limited to, adoption of an amendment to Chapter 48 of the City’s Code regulating the time, place, manner, and number of marijuana establishment options and/or an amendment to Chapter 5 of the City Code related to issuing business licenses to retail marijuana businesses.

**SECTION 2.** The moratorium shall apply to retail marijuana establishments licensed by the Delaware Office of the Marijuana Commissioner, which is defined as follows:

- a) “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.

**SECTION 3.** This Ordinance shall be deemed effective upon passage by City Council and approval by the Mayor. The temporary moratorium shall last until either January 15, 2025, or the passage of legislation revising Chapter 5 of the City Code, whichever occurs first.

First Reading ..... November 7, 2024  
Second Reading ..... November 7, 2024  
Third Reading .....

Passed by City Council,

\_\_\_\_\_  
President of City Council

ATTEST: \_\_\_\_\_  
City Clerk

Approved this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

**SYNOPSIS:** This Ordinance establishes a temporary moratorium on retail marijuana in the City of Wilmington, Delaware in order to allow City Council and the Administration sufficient time to perform their due diligence to consider alternative course of action relative to the governing of recreational marijuana uses within the City including, but not limited to, adoption of an amendment to Chapter 5 of the City’s Code regulating the time, place, manner, and number of marijuana establishment options.

**FISCAL IMPACT STATEMENT:** There is no anticipated negative fiscal impact associated with this Ordinance.

