

**SYNOPSIS OF ORDINANCE
AMENDING THE CODE OF SOUTH BETHANY,
TO AMEND CHAPTER 84, LICENSES AND PERMITS, ARTICLE I,
MERCANTILE LICENSES; AND CHAPTER 145, ZONING, ARTICLE IX,
C-1 COMMERCIAL DISTRICT REGARDING THE PROHIBITION OF THE
OPERATION OF MARIJUANA-RELATED ESTABLISHMENTS WITHIN
THE TOWN
ORDINANCE 212-23 (SECOND READING)
(Sponsored by Mayor Saxton)**

This Ordinance amends the Code of the Town of South Bethany, Chapter 84, Licenses and Permits, Article 1, Mercantile Licenses, to prohibit licensure of marijuana establishments; and Chapter 145, Zoning, Article IX, C-1 Commercial District, to add as prohibited uses in the zone: establishments engaged in the business of marijuana cultivation, manufacturing, testing and sales.



ORDINANCE NO. 212-23

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BE IT HEREBY ENACTED by the Council of the Town of South Bethany, Sussex County, Delaware, a majority thereof concurring in Council duly met, that the following ordinances be and hereby are amended as follows: (additions are **bold and highlighted in red text** and deletions are ~~bold and marked through~~)

Amend Chapter 84, Licenses and Permits, Sections 84-12 and 84-13, as follows:

§ 84-12. Exemptions from License Requirement.

Nothing herein shall be construed to make it mandatory upon any resident of the State of Delaware to apply for a license in order to sell in the Town any form of produce or products **not otherwise prohibited by this Article or by Town Code**, grown upon a farm owned by such resident or any member of his family with whom he resides.

§ 84-13. Prohibition of Licensure for Marijuana Establishments.

Within the limits and bounds of the Town of South Bethany, no mercantile license shall be issued for, and no person shall maintain or operate any entity or establishment engaged in the business of marijuana cultivation, marijuana product manufacturing, marijuana testing, retail sales of marijuana (marijuana store), marijuana smoking lounge or other marijuana-related establishment.

Amend Chapter 145, Zoning, Section 145-32.1 as follows:

§ 145-32.1 Prohibited uses.

A. The following uses are not permitted in a C-1 Commercial District:

- (1) Uses not specifically permitted under § 145-32.
- (2) Establishments for the sale of alcoholic beverages for on-premises consumption or for off-premises consumption. Consequently, those establishments selling alcoholic beverages for consumption on-premises, commonly referred to as "bars," "taprooms," "taverns," "cabarets," "clubs" or "lounges" are prohibited in a C-1 Commercial District.
- (3) Establishments engaged in the business of marijuana cultivation, marijuana product manufacturing, marijuana testing, retail sales of marijuana (marijuana store), marijuana smoking lounge, or other marijuana-related establishment.**

B. No use otherwise permitted in a C-1 Commercial District shall be permitted as a rooftop space open-air business.

If any provision(s) 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.

Effective date. This ordinance shall become effective upon its passage by a majority vote of the Town Council of the Town of South Bethany.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SOUTH BETHANY, SUSSEX COUNTY, DELAWARE, ON THE 8 OF December 2023.

SEAL:






 Tim Saxton, Mayor



 Edie Dondero, Council Secretary

ATTEST:



1st Reading: 11/9/2023
 2nd Reading: 12/8/2023

