

**MAYOR AND COUNCIL**

**PROPOSED COUNCIL RESOLUTION NO. 2024-11**

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

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4 **WHEREAS**, the Mayor and City Council seek to preserve, protect, and promote the  
5 general health, safety, and welfare of the citizens of the City of Dover, Delaware through the  
6 enactment of certain codes, ordinances, and other regulatory tools and policies that are necessary,  
7 and good to achieve that end; and  
8

9 **WHEREAS**, recreational marijuana became legal for adult use in the State of Delaware  
10 on July 5, 2023, when the Delaware Marijuana Control Act went into effect; and  
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12 **WHEREAS**, the Delaware Marijuana Control Act allows municipalities to enact  
13 ordinances or regulations prohibiting the operation of recreational marijuana related  
14 establishments within their jurisdiction or governing the time, place, manner, and number of  
15 recreational marijuana establishment operations; and  
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17 **WHEREAS**, the Council Committee of the Whole, Legislative, Finance, and  
18 Administration Committee discussed options on regulating recreational marijuana within the City  
19 of Dover at their meetings on September 26, 2023, and April 09, 2024, and directed city staff to  
20 draft an ordinance permitting recreational marijuana establishments within certain zones; and  
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22 **WHEREAS**, the Council Committee of the Whole, Legislative, Finance, and  
23 Administration Committee discussed Proposed Ordinance #2024-24 relating to recreational  
24 marijuana business licenses, and Proposed Ordinance #2024-25 relating to zoning regulations on  
25 June 11, 2024; and  
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27 **WHEREAS**, during this meeting, several public commenters raised concerns about the  
28 provisions outlined in these proposed ordinances; and  
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30 **WHEREAS**, following this discussion, the Council Committee of the Whole, Legislative,  
31 Finance, and Administration Committee and City Council requested that more research and  
32 community outreach be conducted and ultimately deferred the issue to a Special Legislative,  
33 Finance, and Administration Committee meeting; and  
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35 **WHEREAS**, the State of Delaware Office of the Marijuana Commissioner will begin  
36 accepting applications for all recreational marijuana business license types on September 1, 2024,  
37 and will begin issuing licenses on November 1, 2024; and  
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39           **WHEREAS**, the City of Dover, Delaware is actively working to determine the best way  
40 to regulate land uses related to the recreational marijuana industry.

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42           **NOW THEREFORE BE IT RESOLVED:**

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

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47           1. This moratorium shall become effective immediately upon adoption by the City  
48 Council of the City of Dover, Delaware; and
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50           2. This moratorium shall apply to all recreational marijuana establishments licensed  
51 by the Delaware Office of the Marijuana Commissioner, which are defined as  
52 follows:
- 53  
54           a) “Marijuana cultivation facility” means an entity licensed to cultivate, prepare,  
55 and package marijuana and sell marijuana to retail marijuana stores, to  
56 marijuana product manufacturing facilities, and to other marijuana cultivation  
57 facilities, but not to consumers. A marijuana cultivation facility may not  
58 produce marijuana concentrates, tinctures, extracts, or other marijuana  
59 products.
- 60  
61           b) “Marijuana product manufacturing facility” means an entity licensed to  
62 purchase marijuana, manufacture, prepare, and package marijuana products,  
63 and sell marijuana and marijuana products to other marijuana product  
64 manufacturing facilities and retail marijuana stores, but not to consumers.
- 65  
66           c) “Marijuana testing facility” means an entity licensed to test marijuana for  
67 potency and contaminants.
- 68  
69           d) “Retail marijuana store” means an entity licensed to purchase marijuana from  
70 marijuana cultivation facilities, to purchase marijuana and marijuana products  
71 from marijuana product manufacturing facilities, and to sell marijuana and  
72 marijuana products to consumers.
- 73  
74           3. It shall be understood that the purpose of this moratorium is to afford the City  
75 Council a reasonable due diligence period to consider alternative courses of action  
76 relative to the governing of recreational marijuana uses within the city including,  
77 but not limited to, adoption of an amendment to the Dover Code of Ordinances,  
78 regulating the time, place, manner, and number of marijuana establishment  
79 options; and
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81           4. This moratorium shall remain in effect until December 31, 2024, unless rescinded  
82 by City Council or unless City Council adopts ordinances related to recreational  
83 marijuana related uses/establishments at an earlier date.
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ADOPTED: \*

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ROBIN R. CHRISTIANSEN  
MAYOR

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DAVID L. ANDERSON  
COUNCIL PRESIDENT

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

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