

# ENROLLED

## COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND

### LEGISLATIVE SESSION, 2023

#### EMERGENCY LEGISLATIVE BILL 2023-15

Introduced: October 17, 2023

By: The Council President

AN EMERGENCY ACT ESTABLISHING A MORATORIUM ON THE PROCESSING, REVIEW, AND APPROVAL OF APPLICATIONS, SITE PLANS, PERMITS, AND OTHER AUTHORIZATIONS FOR THE LOCATION, CONSTRUCTION, AND/OR OPERATION OF BUSINESSES ENGAGED IN GROWING, PROCESSING, AND/OR SELLING CANNABIS TO INCLUDE ON-SITE CONSUMPTION ESTABLISHMENTS FOR A PERIOD OF (6) SIX MONTHS TO ALLOW THE COUNTY SUFFICIENT TIME TO ENACT REASONABLE, THOUGHTFUL, AND LAWFUL ZONING REQUIREMENTS AND OTHER REGULATIONS PERTAINING THERETO AS DEEMED NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE.

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 10-324, Wicomico County, Maryland (the "County"), as a charter county, "may enact local laws relating to zoning and planning to protect and promote public safety, health, morals, and welfare;" and

WHEREAS, on November 8, 2022, Maryland voters passed "Question 4" by ballot referendum, making it legal for individuals aged 21 and older to possess and consume cannabis in Maryland on or after July 1, 2023,; and

WHEREAS, on April 8, 2023, the Maryland General Assembly passed the Cannabis Reform Act (HB556/ SB516) which allowed for cannabis sales to adults 21 and older from licensed dispensaries and established a framework for adult-use cannabis sales beginning July 1, 2023, including the conversion of existing medical cannabis business licenses to both medical and adult-use cannabis, and created a new Maryland Cannabis Administration to oversee see both medical and adult- use program; and

WHEREAS, on May 3, 2023, the Governor of Maryland signed the Cannabis Reform Act into law; and

WHEREAS, the Cannabis Reform Act provides political subdivisions with the power to establish zoning requirements for and otherwise regulate cannabis subject to certain limitations to include on-site consumption establishments; and

WHEREAS, the County recognizes the significant planning, zoning, property and secondary effects surrounding or arising from the location and operation of businesses engaged in the growing, processing and/or or sale of cannabis to include on-site consumption establishments; and

WHEREAS, the Maryland Cannabis Administration, pursuant to State law, will be awarding the first application round for cannabis business licenses for growers, processors and dispensaries on or before January 1, 2024; and,

WHEREAS, the County will receive two standard dispensary licenses and is eligible for up to 12 total standard growing and processing licenses and up to 14 micro growing, processing and dispensing licenses in the first application round; and

WHEREAS, the County currently has no zoning or other regulations for cannabis businesses; and

WHEREAS, § 225-67 of the County Code provides that unclassified uses are subject to determination by the Board of Appeals and that once a use has been allowed by the Board, it shall be considered classified; and

WHEREAS, the County Council considers the public interest to be best served by the adoption of zoning regulations through legislative bill establishing the appropriate locations for facilities for the growing, processing and dispensing of cannabis to include on-site consumption establishments; and

WHEREAS, the Wicomico County Planning and Zoning Commission has held hearings for zoning regulations for cannabis to include adoption of the Director's Report and a recommendation for zoning requirements and regulations has been made to the County Council; and

WHEREAS, the County requires additional time to undertake an appropriate study and obtain desired public input before establishing effective County ordinances and other necessary regulations applicable to businesses engaging in the growing, processing and/ or selling of cannabis to include on-site consumption establishments; and

WHEREAS, the acceptance and processing of an application and/ or site plan and/ or issuance of other zoning approvals or business licenses for the operation of businesses engaged in the growing, processing and/ or selling of cannabis to include on-site consumption establishments, before appropriate study of the matter, obtaining desired public input, and consideration and approval of meaningful and effective County ordinances and/ or regulations governing the matter, would frustrate the County's ability to protect the health, safety and welfare of the residents of and visitors to the County and would be adverse to the orderly business development of the County; and

WHEREAS, the County believes that a moratorium on the issuance of permits, licenses and approvals for facilities relating to the growing, processing and/or selling of cannabis to include on-site consumption establishments and related paraphernalia while the County gives due consideration to state regulations in crafting any zoning or other regulations for such facilities is necessary and appropriate, provided that the suspension continues for a period no longer than necessary to complete the assessment in the exercise of all due haste; and

WHEREAS, completion of this process is anticipated to occur within six (6) months following the adoption of this Emergency Act; and

WHEREAS, in the exercise of its police power as a charter county, Wicomico County, Maryland, through its elected officials, hereby finds that a moratorium bill is needed and deems that a minimum period of (6) six months is necessary for an adequate study of the subject, and for this reason will impose a moratorium on the issuance of (6) six months.

SECTION I: BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, as follows:

- A. A Moratorium is hereby established on the processing, review, and approval of applications, site plans, permits, and other authorizations for the location, construction, and/or operation of businesses engaged in growing, processing, and/or selling cannabis to include on-site consumption establishments for a period of (6) six months.
- B. The Moratorium shall apply prospectively only, beginning on the date this bill is enacted and (6) six months thereafter or upon the effective date of any legislative bill regarding cannabis zoning requirements and other regulations.


SECTION II: BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, based upon the award date of the first application round for cannabis business licenses and the number of licenses Wicomico County is eligible to receive, as stated above, and as there are no zoning requirements or regulations for cannabis businesses in Wicomico County an emergency exists, wherefore this Legislative Bill is passed as an emergency measure necessary for the immediate preservation of public health, safety and welfare which requires immediate action in the public interest, and subject to the laws of Maryland, the Wicomico County Charter, and the Wicomico County Code relating zoning regulations and procedures.

SECTION III: BE IT ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF WICOMICO COUNTY, MARYLAND, IN LEGISLATIVE SESSION, THAT this bill shall be known as Emergency Legislative Bill No. 2023-15 and shall become effective immediately after its final passage.

Certified correct as passed and adopted by the County Council of Wicomico County, Maryland

this 7<sup>th</sup> day of November, 2023.

WICOMICO COUNTY, MARYLAND

  
By: John T. Cannon, President (SEAL)

  
By: Laura Hurley, Secretary (SEAL)

I HEREBY CERTIFY that copies of the above Bill are available to the public, the press and other news media at the time of its introduction.

  
By: Laura Hurley, Secretary (SEAL)

Explanation:

~~Strike Out~~ indicates matters deleted from existing law,

CAPITALS INDICATE MATTERS ADDED TO EXISTING LAW.

~~CAPITAL STRIKE OUT~~ indicates matter stricken from Bill by Amendment.

Underlining indicates Amendments to Bill.

COUNTY COUNCIL  
OF  
WICOMICO COUNTY, MARYLAND

2023 Legislative Session

Legislative Day No. 20

**LEGISLATIVE BILL NO. 2023-15**

**INTRODUCED BY:** The Council President

**Legislative Bill No. 2023-15:** AN EMERGENCY ACT ESTABLISHING A MORATORIUM ON THE PROCESSING, REVIEW, AND APPROVAL OF APPLICATIONS, SITE PLANS, PERMITS, AND OTHER AUTHORIZATIONS FOR THE LOCATION, CONSTRUCTION, AND/OR OPERATION OF BUSINESSES ENGAGED IN GROWING, PROCESSING, AND/OR SELLING CANNABIS TO INCLUDE ON-SITE CONSUMPTION ESTABLISHMENTS FOR A PERIOD OF (6) SIX MONTHS TO ALLOW THE COUNTY SUFFICIENT TIME TO ENACT REASONABLE, THOUGHTFUL, AND LAWFUL ZONING REQUIREMENTS AND OTHER REGULATIONS PERTAINING THERETO AS DEEMED NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE.

Introduced and read first time on October 17, 2023. Ordered posted and public hearing scheduled for November 7, 2023 at 6:00 p.m.

Laura Hurley  
Laura Hurley, Council Administrator

**PUBLIC HEARING:** Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, the Bill was read for a second time at a public hearing held on November 7, 2023.

Laura Hurley  
Laura Hurley, Council Administrator

**CERTIFICATION:** The undersigned hereby certifies that this Bill was Approved and Adopted by the County Council of Wicomico County, Maryland, on the 7<sup>th</sup> day of November, 2023.

Laura Hurley  
Laura Hurley, Council Administrator

Presented to the County Executive for approval this 8<sup>th</sup> day of November at 1:40 a.m. (p.m.) (5 days §411)

Laura Hurley  
Laura Hurley, Council Administrator

**BY THE COUNTY EXECUTIVE:**

[Signature]  
County Executive

APPROVED  
Date: 11/8/2023  
(21 days §411)

VETOED  
Date: \_\_\_\_\_

**BY THE COUNCIL:**

Option One: This Bill, having been approved by the County Executive and returned to the Council, becomes law on November 8, 2023 and effective on: November 8, 2023.  
(60 days §311)

Option Two: This Bill, having received neither the approval nor the disapproval of the County Executive with 21 days of its presentation, stands enacted on \_\_\_\_\_ and becomes effective on \_\_\_\_\_.  
(60 days §311)

Option Three: This Bill, being exempt from the Executive Veto stands enacted on \_\_\_\_\_ and becomes effective on \_\_\_\_\_. (Charter Section 305)

**ENROLLMENT:** Legislative Bill No. 2023-15 is herewith submitted to the County Council of Wicomico County for enrollment as being the text as finally passed.

Laura Hurley  
Laura Hurley, Council Administrator