

ORDINANCE NO. 1-2024

AN ORDINANCE OF THE TOWN OF TRAPPE AMENDING THE TRAPPE ZONING ORDINANCE, TITLE III, SECTION 2, TITLE IV, SECTIONS 5, 7, 8, AND 12 TO ESTABLISH REASONABLE ZONING REGULATIONS FOR CANNABIS BUSINESSES

WHEREAS, the Town of Trappe is authorized by the Md. Code Ann. Land Use Article § 4-202 to adopt such zoning regulations as it determines are in the public health, safety and welfare; and

WHEREAS, in accordance with Md. Code Ann. Land Use Article, §4-204, the Town of Trappe is authorized to amend, supplant, or modify the Zoning Ordinance; and

WHEREAS, the Council of Trappe is authorized by the Maryland Code Ann. Alcoholic Beverages Article to establish reasonable zoning requirements for cannabis businesses; and

WHEREAS, the Council of Trappe recognizes that the Cannabis Reform Act (House Bill 556/Senate Bill 516) was signed into law and became effective July 1, 2023; and

WHEREAS, the Cannabis Reform Act creates a licensing system for sales of recreational marijuana and establishes regulatory agencies to oversee the retail market; and

WHEREAS, the Town Zoning Ordinance contains no specific or particular provisions for the development and/or regulation of businesses engaged in the manufacture or sale of cannabis for recreational or medicinal purposes; and

WHEREAS, the Council of Trappe have determined that it is desirable and in the public interest to amend Titles III and IV of the Trappe Zoning Ordinance to provide the provisions for developing and/or regulating businesses engaged in the manufacture or sale of cannabis.

NOW, THEREFORE, the Council of Trappe hereby ordain as follows:

Section 1. Title III, Section 2 of the Trappe Zoning Ordinance is hereby amended as follows:

ARTICLE III – DEFINITIONS

SECTION 2 – DEFINITIONS. For purposes of this Ordinance, the following definitions shall apply:

...

Cannabis – (a) “Cannabis” means all parts of any plant of the genus cannabis, whether growing or not, including: (i) The seeds of the plant; (ii) The resin extracted from any part of the plant; and (iii) Any compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin including

tetrahydrocannabinol (THC) and all other naturally produced cannabinol derivatives, whether produced directly or indirectly by extraction.

Cannabis Dispensary - *an entity licensed by the Maryland Cannabis Administration that acquires, possesses, repackages, processes, transfers, transports, sells, distributes, or dispenses, products containing cannabis, related supplies, related products including tinctures, aerosols, oils, or ointments, or educational materials for use by a qualifying patient or caregiver.*

Cannabis Growing Facility - *an entity that cultivates, manufactures, packages or distributes cannabis to licensed processors, licensed dispensaries or registered independent testing laboratories.*

Cannabis Processing Facility - *an entity licensed by the Maryland Cannabis Administration that: (a) Transforms the cannabis into another product or extract; and (b) Packages and labels cannabis.*

Child Care Center – *an agency, institution, or establishment that, for part or all of a day, or on a 24-hour basis on a regular schedule, and at least twice a week, offers or provides child care to children who do not have the same parentage except as otherwise provided for in law or regulation.*

On-Site Consumption Establishments – *an entity licensed pursuant to Section 36-401(c)(4) of the Alcoholic Beverages Article of the Maryland Annotated Code that allows cannabis to be consumed, smoked, vaped, or otherwise ingested, on premises.*

Section 2. Title IV, Section 5 of the Trappe Zoning Ordinance is hereby amended to include cannabis dispensaries as a special exception use within the C-1 district, as follows:

SECTION 5 (“C-1”) COMMERCIAL DISTRICT

...
Subsection 5.20 – Special Exceptions. The following principal uses and structures shall be permitted by special exception in the “C-1” district:

22. ***Cannabis Dispensary***

1. ***A cannabis dispensary shall be licensed and operate in accordance with State of Maryland regulations for such use pursuant to COMAR 10.62.01 to 10.62.35 and Title 36 of the Alcoholic Beverages Article of the Maryland Annotated Code.***
2. ***No cannabis dispensary shall be permitted within five hundred (500) feet (measured from the closest portion of the affected***

properties) of any of the following uses: Schools, child care centers; playgrounds; recreation centers; libraries; places of worship; or public parks. No cannabis dispensary shall be located within one-half mile (measured from the closest portion of the affected properties) of another cannabis dispensary.

3. *No licensed cannabis dispensary may be located within one hundred (100) feet of an area zoned for residential use.*

Section 3. Title IV, Section 7 of the Trappe Zoning Ordinance is hereby amended to include cannabis growing facilities as a special exception use in the Agricultural District, as follows:

7.20 - Special Exceptions. The following principal uses and structures may be permitted by special exception in the “A” district.

...

16) Cannabis Growing Facility.

1. *A cannabis growing facility shall be licensed and operate in accordance with State of Maryland regulations for such use pursuant to COMAR 10.62.01 to 10.62.35 and Title 36 of the Alcoholic Beverages Article of the Maryland Annotated Code. A growing facility shall not be less than 500 feet from any dwelling, school, church, or other structure intended for human occupancy.*

Section 4. Title IV, Section 8 of the Trappe Zoning Ordinance is hereby amended to include cannabis manufacturing and processing facilities as special exception uses in the “M” Industrial District, as follows:

Subsection 8.10 – Land Use Table for the M District. The following principal uses apply in the “M” District. The land use table is intended to permit the following uses, or uses which are substantially similar to the uses set forth herein.

USE DESCRIPTION	Use Classification
INDUSTRIAL	
Cannabis Manufacturing	P
Cannabis Processing Facility	P

Section 5. Section 12 of the Trappe Zoning Ordinance is hereby amended by adding Section 12.110 titled “On-Site Consumption – Cannabis”, as follows:

Subsection 12.110 – On-Site Consumption. A location that is licensed pursuant to Section 36-407 of the Alcoholic Beverages Article of the Maryland Annotated Code to distribute cannabis or cannabis products for on-site consumption other than consumption by smoking indoors which is prohibited.

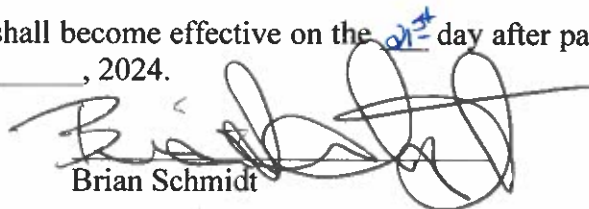
1) **Prohibited.** It shall be prohibited for an On-Site Consumption Establishment to operate within the corporate limits of the Town of Trappe. No license or permit shall be issued at any time that authorizes said operation. It shall further be prohibited for any establishment to permit the consumption, smoking, vaping, or otherwise ingesting, cannabis or cannabis products on-site.

2) **Penalties.** A person who operates, or causes to be operated, an establishment that allows for on-site consumption of cannabis or cannabis products is in violation of this Article and shall be subject to the following penalties and/or remedies:

1. A violation of this Article shall be a municipal infraction and subject to the penalties and remedies set forth in Title of this Ordinance.
2. Each day that any violation continues after receipt of a written notice of such violation shall constitute a separate violation and a separate offense for purposes of the penalties and remedies specified herein.
3. In addition to the penalties above, the Town may institute any appropriate action or proceedings to prevent, restrain, correct, or abate a violation of this Section, as provided by law including but not limited to injunctive relief.


Section 6. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance, which can be given effect without the invalid section, subsection, sentence, clause or phrase, and to that end, all provisions of this Ordinance are hereby declared to be severable.

Section 7. This Ordinance shall become effective on the 21st day after passage which shall be the 06th day of June, 2024.


Brian Schmidt


Walter Chase


Jeremy Newnam


Rose Potter


Michael Sullivan

I hereby certify that the above Ordinance was adopted by a yea and nay vote of the Council
this 5th day of June, 2024.


Erin Braband, Town Administrator/Town Clerk

Language in ***bold and italicized*** reflects language added
Language ~~stricken~~ reflects language to be deleted

