

ORDINANCE NO. 4-2023

Introduced by: Comm. Schmidt

AN ORDINANCE OF THE TOWN OF TRAPPE ESTABLISHING A TEMPORARY MORATORIUM ON APPLICATIONS, SITE PLANS, PERMITS FOR, CONSTRUCTION OR OPERATION, PROCESSING OF, AND APPROVAL OF BUSINESSES ENGAGED IN THE MANUFACTURE OR SALE OF CANNABIS FOR RECREATIONAL OR MEDICINAL USE WITHIN THE TOWN FOR A PERIOD OF NINE (9) MONTHS IN ORDER TO ALLOW THE TOWN TO CONSIDER AND IMPLEMENT CERTAIN RESTRICTIONS ON WHERE AND UNDER WHAT CIRCUMSTANCES SUCH BUSINESSES MAY LOCATE IN TOWN TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE

WHEREAS, the Town of Trappe is authorized by Md. Code Ann. Local Government Article, § 5-202 and Section 302 of the Trappe Town Charter, to enact ordinances that are not contrary to the Constitution, laws of the State of Maryland, or the provisions of the Charter, for the protection and preservation of the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of residents of the Town and visitors thereto; and

WHEREAS, the Town is authorized by the Local Government Article of the Annotated Code of Maryland, § 5-213 to enact and administer reasonable zoning regulations; and

WHEREAS, in the 2022 legislative session, the Maryland General Assembly enacted House Bill 837 and Senate Bill 833 which legalized the recreational use of cannabis by persons over the age of 21 after placing the question of cannabis legalization to voters on the November 2022 ballot, which was approved; and

WHEREAS, as part of House Bill 837 and Senate Bill 833, the General Assembly is required to determine regulatory framework for the adult use market and sale of cannabis which was accomplished by the passage of House Bill 556 and Senate Bill 516 during the 2023 legislative session; and

WHEREAS, House Bill 556 and Senate Bill 516 take effect July 1, 2023 and will create a licensing system for sales of recreational marijuana and establish regulatory agencies, including testing labs, to oversee the retail market, and would create a social equity office aimed at promoting retailers from marginalized communities; and

WHEREAS, the Town of Trappe recognizes the significant planning, zoning, property and secondary effects surrounding or arising from the location and operation of businesses engaged in the manufacture or sale of cannabis for recreational or medicinal purposes; and

WHEREAS, the Town's current 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, revisions to the Town's Zoning Ordinance will be necessary to accommodate the newly authorized marketing and sale of cannabis, which will take some time; and

WHEREAS, current and planned growth within the Town and its environs may necessitate text amendments to the Zoning Ordinance that accommodate the health, safety and welfare impacts inherent in such growth and the secondary effects inherent in businesses that manufacture or sell cannabis; and

WHEREAS, the Town requires time to ensure that the appropriate study and desired public input can be obtained before establishing effective and enduring text amendments to the Zoning Ordinance and/or other regulations of the Town; and

WHEREAS, the acceptance, consideration, review or approval of applications, site plans, permits, or certificates of occupancy for businesses that manufacture or sell recreational or medicinal cannabis under the Zoning Ordinance at this time would frustrate the Town's ability to revise the Zoning Ordinance and any related Code provisions; would frustrate the Town's ability to enact meaningful ordinances and regulations to address the secondary effects of these businesses in the Town, thereby protecting the health, safety, and general welfare of the citizens of the Town of Trappe; and would be adverse to the orderly development of the Town of Trappe; and

WHEREAS, the Town of Trappe has determined that a temporary moratorium, for a term of nine (9) months, is necessary and in the interest of the present and future residents of the Town whose health, safety and well-being may be prejudiced by the unregulated operation of businesses that manufacture and sell medicinal and recreational cannabis within the Town; and

WHEREAS, the Town of Trappe believes that nine (9) months is a reasonable length of time for the completion, or substantial completion of the updated comprehensive plan, and any revisions to the Zoning Ordinance necessary to implement the updated comprehensive plan.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF TRAPPE:

Section 1. A moratorium on the application or site plan for, consideration of, approval of, construction of, expansion of, permits for, or certificates of occupancy for any businesses engaged in the manufacture or sale of cannabis for recreational or medicinal purposes is hereby imposed for a period of nine (9) months.

Section 2. During the moratorium, the Town shall not process, consider, review, or approve any application, permit, certificate of occupancy, site plan or other approval under the Town Zoning Ordinance or Town Building Code for businesses engaged in the manufacture or sale of cannabis for recreational or medicinal purposes.

Section 3. The moratorium shall apply to applications currently pending before the Town, as well as, applications filed after that date.

Section 4. This moratorium is adopted to allow sufficient time for the Town to accomplish the following:

- a. Review the Comprehensive Plan and adopt any necessary amendments;
- b. Consider any revisions to the Zoning Ordinance or any other law or regulation as necessary to implement the updated Comprehensive Plan and adequately address businesses engaged in the manufacture or sale of cannabis for recreational or medicinal purposes in the Town;
- c. Obtain expert advice and assistance as necessary;
- d. Obtain such other studies and reports as necessary to identify and address the impacts of businesses engaged in the manufacture or sale of cannabis for recreational or medicinal purposes in the Town; and
- e. Consider all such other matters as the Council, Planning Commission, and Town staff deem appropriate.

Section 5. The Town of Trappe shall have and reserve the right to extend or modify this moratorium for such additional period or periods and on such terms and conditions as it deems necessary for the health, safety and welfare of the citizens of the Town.

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

Section 7. In accordance with the Trappe Town Charter, this Ordinance shall become effective twenty (20) calendar days following approval by the Town of Trappe and recordation in the Minute Books.

This Ordinance shall become effective on the 25th day of July, 2023.



Nicholas Newnam



Walter Chase



Rosalee Potter



Brian Schmidt



Michael Sullivan

I hereby certify that the foregoing Ordinance Number 4-2023 of the Town of Trappe was duly read and enacted in accordance with the applicable provisions of the Charter of the Town of Trappe.

Attest: Erin Braband
Erin Braband, Town Administrator/Town Clerk