

STATE OF ALABAMA

COUNTY OF BLOUNT

TOWN OF CLEVELAND

ORDINANCE NO. 2026 -04

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CLEVELAND,
ALABAMA, REGULATING THE RETAIL SALE OF CONSUMABLE HEMP PRODUCTS
WITHIN THE CORPORATE LIMITS, IN ACCORDANCE WITH STATE LAW**

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLEVELAND, ALABAMA, in regular meeting duly assembled, a quorum being present, as follows:

WHEREAS, the State of Alabama has enacted Act 2025-385 (formerly HB 445), adding Chapter 12 to Title 28, Code of Alabama 1975, to regulate the testing, labeling, distribution, and retail sale of consumable hemp products, including requirements for licensing by the Alabama Alcoholic Beverage Control Board (ABC Board), age restrictions (21+), bans on smokable hemp, and prohibitions on online/direct delivery sales; and

WHEREAS, said state law authorizes municipalities to impose additional local requirements or restrictions on the location and operation of retailers of consumable hemp products, provided they do not conflict with state regulations; and

WHEREAS, the Town of Cleveland seeks to protect public health, safety, and welfare by ensuring that any retail sales of consumable hemp products within city limits comply with state standards, local zoning, and community standards, including appropriate location restrictions to minimize impacts on residential areas, schools, parks, and youth-oriented facilities; and

WHEREAS, the Town Council finds that requiring local review and approval prior to or in conjunction with ABC Board licensing is consistent with the town's authority and promotes orderly development;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLEVELAND, ALABAMA, as follows:

Section 1. Definitions.

- A. "Consumable Hemp Product" means any product as defined in Ala. Code § 28-12-20 et seq. "Retailer" means any person or entity seeking or holding an ABC Board license to sell consumable hemp products at retail in the Town.
- B. "Pharmacy" means a place as defined in Ala. Code § 34-23-1(21) and licensed by the Alabama State Board of Pharmacy in which prescriptions, drugs, medicines, medical devices, chemicals, and poisons are sold, offered for sale, compounded, or dispensed, and shall include all places whose title may imply the sale, offering for sale, compounding, or dispensing of prescriptions, drugs, medicines, chemicals, or poisons."
- C. "Liquor Store" means a place licensed by the Town of Cleveland as a liquor (package) store, and its primary business is the sale of alcoholic beverages for off-premises consumption.

Section 2. Local Approval Required.

No person shall sell consumable hemp products within the corporate limits of the Town of Cleveland without first obtaining approval from the Town Council or its designee, the Alcohol Review Committee of the Town of Cleveland, in addition to any required Alabama Alcoholic Beverage Control Board license. Applicants must submit:

- A. Proof of Alabama Alcoholic Beverage Control Board application (or intent to apply).
- B. Business details on operations, security, and age verification (21+ with ID checks).
- C. Any other information deemed necessary by the Town Council or its designee, the Alcohol Review Committee of the Town of Cleveland.

Section 3. Restrictions.

Retailers of consumable hemp products are permitted as follows:

- A. Location on a Federal or State Highway. All persons or businesses authorized to sell or distribute consumable hemp products pursuant to this Ordinance must be located on a Federal or State Highway within the Town limits of Cleveland, Alabama.
- B. Prohibition against location of business near church, school or licensed daycare. Subject to exceptions contained in this sub-section, no business or property shall be authorized for on-premises sale of consumable hemp

- C. products where any part of the building in which the business is located is less than 500 feet from any building in which there is a church, or a public or private elementary, secondary school or licensed daycare, the aforesaid distance restrictions shall not apply in the enumerated cases:
- i. Where the licensed business premises are separated from the church, school, or licensed daycare by a street or highway having four (4) or more traffic lanes;
 - ii. Where the licensed business premises and the church, school, or licensed daycare front on different streets and do not have common exits or driveways providing access;
 - iii. Where the licensed business premises and the church, school, or licensed daycare are separated by the permanent building, or topographical or man-made barrier, and the governing body or its duly delegated agent finds that the separation adequately screens and insulates the premises whereby the spirit of the separation requirement herein provided is substantially achieved; or
 - iv. Where the church, school, or licensed daycare was established after the licensed premises began operation and said operation has not been abandoned or disconnected for a period of six (6) months, the above distance restrictions do not apply.
- D. When measuring from a church, school, or licensed daycare, the point of measurement is from the closest exterior wall of the closest building in the church or school complex wherein an essential function or activity of the church, school, or licensed daycare takes place, to the closest point on the exterior wall of the building occupied by the licensee; otherwise, such measurement purposes if the building is occupied solely by the licensee; otherwise, such measurement shall be made from the closest point of the licensee's occupancy within the building in question.
- E. Full compliance with state THC limits, packaging, labeling, and age restrictions.
- F. No drive-thru sales or exterior displays visible from the public right of way.

Section 4. Enforcement and Penalties.

Violations are punishable by fines up to five hundred (\$500.00) dollars per offense, business license revocation, or injunction.

Section 5. Severability. If any provision is held invalid, the remainder shall remain in effect.

Section 6. Effective Date.

That this Ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall be in full force and effect as provided by law and shall continue in full force and effect from month to month and year to year from its effective date until repealed.

THEREFORE, BE IT ORDAINED, that the Town Council of the Town of Cleveland, Alabama, does hereby ordain and enact the foregoing Ordinance for the Town of Cleveland.

ADOPTED & APPROVED: This 11th day of June 2026.

TOWN OF CLEVELAND, ALABAMA

By: J. A. Sullivan
Mayor

ATTEST:

[Signature]
Town Clerk