

Introduced and Read: 12/05/2023

Second Reading and Adoption: _____

Effective Date: _____

Town of Brentwood Ordinance 2023-04 Creating Chapter 326 Cannabis Regulation

An ordinance whereby the Mayor and Council sets forth regulations for permitted cannabis use in the Town of Brentwood; including prohibited areas for licensed cannabis business; creating reasonable parameters for hours of operation; establishing prohibitions related to the advertising and display of cannabis and cannabis products; and prohibiting on-site cannabis consumption.

Whereas, the Mayor and Council is committed to promoting the health, safety and general welfare of the community and seeks to establish reasonable and ascertainable standards for the regulation and control of cannabis; and

Whereas, cannabis use can harm the health and wellbeing of youth and young adults, according to the State of Maryland Cannabis Administration, and youth and young adults may be discouraged from using cannabis by restricting cannabis sales near schools and youth-serving locations; and

Whereas, legalized cannabis businesses have proliferated in many Black and Latino neighborhoods at a disproportionately high rate, following a similar pattern taken by liquor and tobacco retailers; and

Whereas, preserving the character of the Gateway Arts District and the surrounding community is integral to creating development that promotes desirable living conditions, stable property values and the absence of a concentration of retail outlets for cannabis and related products; and

Whereas, Maryland Annotated Code, Local Government Article, Section 5-202 grants to municipal corporations of the State of Maryland, including the Town of Brentwood, the power to preserve peace and good order and protect the health, comfort, and convenience of their residents and to enact laws regarding the same.

Now Therefore, Be It Ordained by the Mayor and Council of the Town of Brentwood, that Chapter 326 of the Brentwood Code is enacted as follows:

SECTION ONE: DEFINITIONS

Cannabis

“Cannabis” shall mean the plant Cannabis Sativa L. and any part of the plant, including all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a 12 A Delta-9 tetrahydrocannabinol concentration greater than 0.3% on a dry weight basis.

“Cannabis” includes cannabis products that are composed of cannabis, cannabis concentrate, cannabis extract or other cannabis ingredients and are intended for use or consumption, including but not limited to edible products, oils, and tinctures.

“Cannabis” does not include “hemp” or “hemp products,” as defined in Agriculture Article, Annotated Code of Maryland.

Cannabis Business

“Cannabis business” shall mean a business licensed or registered by the Maryland Cannabis Administration to operate in the cannabis industry.

SECTION TWO: REQUIREMENTS FOR PERMITTED PRINCIPLE USES

A. Any licensed cannabis business including cannabis dispensary or micro-dispensary, cannabis grower or micro-grower, cannabis processor or micro-processor, or cannabis incubator may not locate within:

- (i) ~~300 feet of a Legacy Mixed Use Town Center Zone or Residential Zone as defined by Prince George’s County, located in the Town of Brentwood.~~
- (ii) ~~1000~~ 500 feet of a pre-existing primary or secondary school, ~~pre-existing licensed day care center or registered family child care home,~~ playgrounds, public parks, ~~any land owned by the Maryland National Capital Park and Planning Commission, unless the land has no recreational facilities within 1000 feet of the store,~~ libraries, and recreational centers.
- (iii) 1000 feet from another cannabis dispensary, micro-dispensary, or cannabis incubator.

B. Any licensed cannabis dispensary, cannabis micro-dispensary or cannabis incubator must limit its business hours to twelve (12) hours per day, between the hours of 8 a.m. and 10 p.m. All sales must be made and recorded during the hours of 8 a.m. and 10 p.m.

C. Outdoor signage shall be limited to building-mounted signs.

Commented [SL1]: Removing everything but dispensaries

Commented [SL2]: Sub sections (ii) and (iii) are pulled from existing state law

Commented [SL3]: B. pulled from failed County bill, however maybe that's the state's rules based on existing dispensaries hours? Also, County Tobacco bill limits hours to 10am-8pm, this would allow more business hours.

Added last line to prohibit after-hours shenanigans

- (i) Advertisements for cannabis or cannabis products is prohibited.
- (ii) Any displays or signs with LED, bright, flashing lights, or any lights that disturb the peace of the well-being of the community are not permitted.
- (iii) Any illuminated displays or signs shall be limited to hours of operation.
- (iv) The display of drug paraphernalia, drug imagery or any other representation, in windows, signage or otherwise, such that it is visible from the street, is prohibited

Commented [SL4]: C, (i) and (iii) are from failed county bill. (ii) are from tobacco bill (iv) is new

D. On-site cannabis consumption facilities are prohibited. There shall be no on-site consumption, including vaping and smoking of cannabis or cannabis products, at any licensed cannabis business.

Commented [SL5]: Existing state law

SECTION THREE: SEVERABILITY

A. Be it further enacted that the provisions of this Ordinance are severable; and, if any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Ordinance.

SECTION FOUR: EFFECTIVE DATE

A. This ordinance shall become effective at the expiration of thirty (30) calendar days, following its adoption on _____.