

ORDINANCE NO. 2024-09

Town of Rising Sun
Cecil County, Maryland

AN ORDINANCE OF THE TOWN OF RISING SUN, ("TOWN") CECIL COUNTY, MARYLAND, ADDING LANGUAGE TO THE TOWN'S ZONING CODE TO ADDRESS RECOMMENDED CHANGES AND UPDATES ADDRESS RECENT CHANGES IN THE MARYLAND STATE REGULATIONS RELATED TO CONSUMPTION, GROWING, PROCESSING, TESTING AND DISPENSING OF CANNABIS AND ; AND TO REPEAL ANY AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

WHEREAS the Town, located in Cecil County, Maryland is a municipality organized under the provisions of the Maryland Constitution and governed under the provisions of the Local Government Article of the Annotated Code of Maryland; and

WHEREAS the Town is proclaimed as a perpetual entity with the right to pass laws; and

WHEREAS as provided for in the LAND USE Article of the Annotated Code of Maryland, Division 1 titled SINGLE-JURISDICTION PLANNING AND ZONING [Titles 1-13], Title 4 titled ZONING, Subtitle 1 titled POWERS, §4-101 titled STATEMENT OF POLICY establishes as a statement of policy that that the orderly development and use of land and structures requires comprehensive regulation through the implementation of planning and zoning controls and that those controls shall be implemented by local government; and

WHEREAS as further provided for in the ALCOHOLIC BEVERAGES AND CANNABIS Article of the Annotated Code of Maryland, Division III title 36 titled MEDICAL AND ADULT USE CANNABIS establishes as state guidelines for the growing, processing, laboratory testing, dispensary and use of Medical and Adult Use Cannabis; and further allows for local political subdivision to establish reasonable zoning requirement for such cannabis businesses and to decide how to distribute its allocation of revenue under § 2-1302.2 of 5 the Tax - General Article. ; and

WHEREAS in addition to the above, §4-202 titled ZONING REGULATIONS - ADOPTION; PURPOSES, provides the Mayor and Commissioners with the authority to adopt zoning regulations in accordance with the Town's Comprehensive Plan and with reasonable considerations for, among other things, the character of the district or zone and its suitability for particular uses and with a view to conserving the value of property and encouraging orderly development and the most appropriate use of land; and

WHEREAS the Code of Ordinances of the Town, contains Chapters 12, titled TOWN OF RISING SUN ZONING ORDINANCE which establishes the intent and authority of the zoning ordinance to promote the orderly development of the Town of Rising Sun, Maryland, in accordance with the Rising Sun Comprehensive Plan; and

WHEREAS the Mayor and Commissioner wish to establish reasonable zoning regulations any cannabis business operating with the incorporated limits of Rising Sun; and

WHEREAS the Mayor and Commissioners proposed changes to the Town’s Zoning Ordinance, based on the Rising Sun Planning Commission’s findings and work-product, that were submitted to the Rising Sun Planning Commission and a meeting was held on these changes by the Rising Sun Planning Commission on January 13th, 2025; and

WHEREAS the Mayor and Commissioners also received guidance from the Maryland Cannabis Administration (MCA) to ensure compliance with state regulations and legal specificity; and

WHEREAS the comments of the Rising Sun Planning Commission and MCA on these changes were given to the Mayor and Commissioners for their review and consideration; and

WHEREAS the Mayor and Commissioners gave public notice as required by law and held a public hearing on February 27th, 2025, to receive public input and comment.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the authority of the Mayor and Commissioners of the Town of Rising Sun, Cecil County, Maryland, that Chapter 12 of the Codified Ordinance of the Town of Rising Sun, titled TOWN OF RISING SUN ZONING ORDINANCE shall be modified as follows:

SECTION 1

The Code of Ordinances for the Town of Rising Sun contains Chapter 12 titled Town of Rising Sun Zoning Ordinance, Article 5 titled Zone Regulations, Part III titled Permissible Uses which outlines the types of activities, developments, or land uses that are allowed within a specific zoning district.

Amendment 1

Section 12-519 titled Accessory Uses, note 3 shall be modified by keeping the existing language but will be provided with a new title as show below:

3. *Prohibited Accessory Residential Uses.* *The following activities shall not be regarded as accessory to a residential principal use and are prohibited in residential districts.*

Amendment 2

Section 12-519 titled Accessory Uses, note 3 shall be modified by adding a new subnote (b) to read as follows:

- (b) *Any proposed use regulated by the Maryland Cannabis Administration or is a dispensary shall not be considered as a home occupation and is subject to the designed regulations for the specific use delineated in this ordinance.*

SECTION 2

The Code of Ordinances for the Town of Rising Sun contains Chapter 12 titled Town of Rising Sun Zoning Ordinance, Article 6 titled Supplemental Zone Regulations, Part 11 titled Supplemental Use Regulations which establishes specific regulations for specific uses that supplement the

requirements found in other articles of Town's Codes. These supplementary use regulations are applicable to both specific uses permitted by right and to uses permitted by special exception.

Amendment 1

A new section 12-620 titled Cannabis Business, shall be created and shall read as follows:

Section 12-620. Cannabis Business

A Cannabis Business shall be permitted in any Town zoning district that allows Alcoholic Retailers or Distributers. A Cannabis Business shall comply with the following Performance standards:

- a. Use must be setback 500 feet from all public parks, playgrounds, recreation centers, libraires, schools, places of worship and child or day care facilities.*
- b. Use must be setback 100 feet from all areas zoned for residential use. .*
- c. Use must be setback at least one-Half Mile from all other cannabis dispensaries.*
- d. Consistent with the Town's requirements for licensed alcoholic beverage retailers, the outdoor storage or display of goods is restricted, meaning all sales must be conducted indoors unless a special event permit is secured in advance.*
- e. The cannabis use must comply with Cecil County Regulations on number of dispensaries per councilmanic district.*
- f. Operation of on-site cannabis consumption establishment is prohibited.*
- g. Consumption of cannabis in public places, such as parks, streets, sidewalks, or other areas open to the general public, is typically prohibited, even for medical cardholders. This restriction aligns with federal and state regulations governing public health and smoking.*
- h. Signage shall comply with signage regulations of the zoning district of which the cannabis business is located*

SECTION 3

The Code of Ordinances for the Town of Rising Sun contains Chapter 12 titled Town of Rising Sun Zoning Ordinance, Article 23 titled Definitions, which provides definitions for terms used in the Town's Zoning Code.

Amendment 1:

Six (6) new definitions regulating the Cannabis Industry will be added to this Article and shall read as follows:

Cannabis Business – A business licensed or registered by the Maryland Cannabis Administration to operate in the Cannabis Industry. This definition includes Dispensary, Grower and Processor as defined by the State of Maryland.

Cannabis Dispensary --

1. Any entity licensed under the Maryland Cannabis Administration that acquires, possesses, repackages, transports, sells, distributes, or dispenses cannabis or cannabis products, including but not limited to, tinctures, aerosols, oils, and ointments, related supplies, and educational materials for the use by qualifying patients, caregivers, or consumers through a storefront or delivery services based on license type; or
2. Any other entity that acquires, possesses, repackages, transports, sells, distributes or dispenses any hemp-derived product, or any other product that is created by a chemical reaction that changes the molecular structure of any chemical substance derived from cannabis sativa, intended for human consumption.

Cannabis Grower. An entity licensed under Maryland Cannabis Administration that cultivates or packages cannabis and is authorized by the Maryland Cannabis Administration to provide cannabis to other cannabis licensees and registered independent laboratories.

Cannabis Independent Testing Laboratory. A facility, an entity, or a site registered with the Maryland Cannabis Administration to perform tests related to the inspection and testing of cannabis and products containing cannabis.

Cannabis On-site Consumption Establishment. An entity licensed under the Maryland Cannabis Administration to distribute cannabis products for on-site consumption other than consumption by smoking indoors.

Cannabis Processor. An entity licensed under Maryland Cannabis Administration that transforms cannabis into another product or an extract and packages and labels the cannabis product and is authorized by the Maryland Cannabis Administration to provide cannabis to licensed dispensaries and register independent testing laboratories.

SECTION 4.

All ordinances or parts thereof inconsistent herewith are repealed, rescinded, canceled and annulled.

SECTION 5.

Should any provision, section, paragraph or subparagraph of this Ordinance, including any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable for a court having jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph or subparagraph hereof, including any code text adopted hereby. The Town of Rising Sun hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared null and void, illegal, unconstitutional, or otherwise determined to be

unenforceable. Each such provision, section, paragraph or subparagraph is expressly declared to be and is deemed severable.

SECTION 6.

That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 8 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 7.

If passed and adopted, the Rising Sun Town Clerk is hereby ordered and directed to cause this ordinance to be published in a newspaper in general circulation.

SECTION 8.

BE IT FURTHER ENACTED that this Ordinance shall be effective twenty (20) days after its adoption.

SECTION 9.

NOW THEREFORE BE IT RESOLVED that this ordinance was introduced on this 23rd. Day of December 2024.

SECTION 10.

NOW THEREFORE BE IT FURTHER RESOLVED that the Mayor and Commissioners of the Town of Rising Sun passed, approved and adopted this ordinance on this 27th day of February 2025.

AYES:

NAYES:

ABSTAIN:

THE MAYOR AND COMMISSIONERS OF
THE TOWN OF RISING SUN

BY: _____
Travis Marion, Mayor

ATTEST:

Judy C Melton
Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
THIS 22nd DAY OF FEBRUARY 2025

BY: _____
Jack A. Gullo, Jr., - Town Attorney

STATE OF MARYLAND)
COUNTY OF CECIL)
TOWN OF RISING SUN)

SS:

CERTIFICATE

I, Judy C Melton, Town Clerk for the Town of Rising Sun, Maryland, do hereby certify that the above and foregoing Ordinance is a true, perfect and complete copy of the Resolution adopted by the Mayor and Commissioners of the Town of Rising Sun, Maryland, and is identical to the original thereof appearing in the official records of the Town of Rising Sun, Maryland and the same has not, since its adoption, been rescinded or amended in any respect.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have affixed the seal of the Town of Rising Sun as of this _____ day of _____ 2025.

Judy C Melton
Town Clerk