



Town of Dewey Beach

www.townofdeweybeach.com

105 Rodney Avenue
Dewey Beach, DE 19971
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ORDINANCE NO _____

AN ORDINANCE TO AMEND CHAPTER 80, CIVIL OFFENSES, OF THE MUNICIPAL CODE OF THE TOWN OF DEWEY BEACH, DELAWARE CONCERNING PERSONAL USE QUANTITY OF MARIJUANA.

WHEREAS, the Commissioners of the Town of Dewey Beach find it necessary and appropriate to bring its civil prohibitions against the possession and use of “personal use quantities” of marijuana and associated paraphernalia in line with more recent amendments to state law; and

WHEREAS, state law no longer criminalizes use of personal use quantities of marijuana (less than one ounce) for which Dewey Beach imposes a civil penalty.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Commissioners of the Town of Dewey Beach, Sussex County, Delaware, in session met, as follows:

Section 1. Amend Section 80-13.1 of the Code of Ordinances as depicted by highlighted insertions, strikeouts, and substitutions depicted below:

~~A. Any person who knowingly or intentionally possesses, uses, or consumes a personal use quantity of marijuana, as defined in Title 16, § 4701, of the Delaware Code, shall be assessed a civil penalty of \$200, and the marijuana shall be forfeited, provided that the violation can be classified as a civil offense under Title 16, § 4764, of the Delaware Code.~~

~~B. Any person who uses or possesses drug paraphernalia, as defined in § 85-4771 of the Dewey Beach Code, for the use or possession of a personal use quantity of marijuana shall be assessed a civil penalty of \$200, except that any person charged under Subsection A of this section shall not also be charged with this offense if in possession of drug paraphernalia pertaining to the use of marijuana.~~

Section 2. If any provisions of this Ordinance shall be deemed or held to be invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect any other provision of this Ordinance which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 3. This Ordinance shall take effect immediately upon its passage by a majority vote of the Commissioners of the Town of Dewey Beach.

Adopted by at least a majority of the Commissioners of the Town of Dewey Beach on this 15th day of March, 2024.

SYNOPSIS

This Ordinance strikes civil penalties for use and possession of personal use quantities of marijuana (one ounce or less) and associated drug paraphernalia as defined in 16 Del. C. §4701 and §4771, as amended.

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45 William Stevens, Mayor
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Bill Zolper, Town Manager