

**AN ORDINANCE TO AMEND CHAPTER 36 TO PROHIBIT CONSUMING MARIJUANA AND/OR MARIJUANA PRODUCTS IN PUBLIC PLACES AND MOVING VEHICLES**

**#0503**

**Sponsor:**

**Council  
Member  
Johnson**

**WHEREAS**, City Council is empowered by the City Charter to enact legislation that preserves, protects, and promotes the general health, safety, and welfare of citizens of the City of Wilmington; and

**WHEREAS**, on March 2023, the Delaware General Assembly passed House Bill No. 1, entitled “An Act to Amend Title 16 of the Delaware Code Relating to Marijuana,” which established a legal “personal use quantity” of marijuana legal for persons aged 21 and over; and

**WHEREAS**, City Council deems it necessary and appropriate to establish a prohibition of consumption of marijuana in certain public places and/or moving vehicles within City limits.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON  
HEREBY ORDAINS:**

**SECTION 1.** Chapter 36 of the City Code is hereby amended by adding the underlined language to read as follows:

**Sec. 36-101. – Prohibition of consumption of marijuana in public places and moving vehicles; penalties for violation of section.**

- (a) Any person who knowingly or intentionally uses or consumes up to a personal use quantity of marijuana in an area accessible to the public or in a moving vehicle shall be guilty of a misdemeanor and be fined not more than \$500.00.
- (b) For purposes of this section, “area accessible to the public” means any of the following:
  - (1) Sidewalks, streets, alleys, parking lots, parks, playgrounds, stores, restaurants, and any other areas to which the general public is invited.
  - (2) Any outdoor location within a distance of 10 feet from a sidewalk, street, alley, parking lot, park, playground, store,

restaurant, or any other area to which the general public is invited.

(3) Any outdoor location within a distance of 10 feet from the entrances, exits, windows that open, or ventilation intakes of any public or private building.

**SECTION 2.** Chapter 36 of the City Code is hereby amended by renumbering certain reserved sections thereof by deleting the stricken language and adding the underlined language to read as follows:

**Secs. ~~36-101~~102 – 36-130. – Reserved.**

**SECTION 3.** This Ordinance shall become effective immediately upon its date of passage by City Council and approval by the Mayor

First Reading.....November 7, 2024  
Second Reading.....November 7, 2024  
Third Reading.....

Passed by City Council,

\_\_\_\_\_  
President of City Council

ATTEST: \_\_\_\_\_  
City Clerk

Approved this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Mayor

**SYNOPSIS:** This Ordinance amends Chapter 36 to create a fine for individuals cited for consuming marijuana in public places or moving vehicles.

**FISCAL IMPACT STATEMENT:** This Ordinance's fiscal impact should be *de minimis*.