Ordinance 720-25

Declaring a Temporary Moratorium on Hemp and Vape Products

WHEREAS, it is the responsibility of the governing body of the Town of Summerdale ("Town") to set policies and enact regulations which improve the quality of life for everyone who lives, works or does business in the Town and to attract new residents and new and diverse businesses and industry to become a part of the community.

WHEREAS, it is an inherent function of the Town to facilitate growth and diversification of the Town's economic platform through business recruitment, retention and expansion;

WHEREAS, cannabidiol ("CBD") extracts are found in the plant Cannabis Sativa also known as industrial hemp;

WHEREAS, the Agricultural Improvement Act of 2018 legalized industrial hemp and CBD derived from industrial hemp with a THC concentration of not greater than 0.3% on a dry weight basis;

WHEREAS, businesses and storefronts featuring CBD oil and products are appearing in neighboring town and areas;

WHEREAS, the Council finds that the over development of storefronts whose primary business is selling CBD products and vape products within the territorial confines of the Summerdale Town limits would be detrimental to the Town's development and effectively limit the ability of the Town to attract diverse types of businesses;

WHEREAS, the Town actively seeks positive change through the implementation of new zoning regulations that will ensure sustainable growth and development of Town businesses and neighborhoods and deflect negative change, rather than simply react to change after it has occurred;

WHEREAS, it is in the best interest of the overall economic development of the Town of Summerdale to provide for orderly growth and balance the development of these businesses in order to have a diverse and stable economy;

WHEREAS, the Council finds that it is necessary, proper, and in the best interest to reassess its present zoning ordinance, policies and procedures concerning the location of vape shops and shops whose primary sales are that of CBD oil and products ("CBD shops") for the purpose of determining the best possible approach for such regulation under the Constitution of the United States and the State of Alabama;

WHEREAS, a period of repose is necessary in order to establish zoning regulations made with reasonable consideration of, among other things, the character of the district and its particular suitability for particular uses, and with a view to conserving the value of land usage and encouraging the most appropriate use of land throughout the town;

WHEREAS, a temporary moratorium on the issuance of businesses licenses and other approvals for vape shops and such shops whose primary sales are that of CBD oil and products will create a stable environment so that revisions to the Town's zoning ordinances can be considered and adopted in an orderly and thorough process;

WHEREAS, the proposed moratorium will allow the Town to protect its communities while preserving the status quo; thereby allowing the Town the opportunity to perform a comprehensive analysis to determine the appropriate means to prevent the saturation of those vape shops and CBD shops and to enact appropriate licensing requirements and other appropriate regulations of such zones;

WHEREAS, the Town Council finds that it is necessary and proper for the promotion of the prosperity and welfare of the citizens and in the best interest of the Town, to declare a moratorium on the issuance of business licenses for vape shops and CBD shops while the Town researches, studies and develops an appropriate zoning plan;

NOW, THEREFORE, BE RESOLVED by the Town Council of the Town of Summerdale, in regular meeting, duly assembled, a quorum being present, as follows:

Section 1. ONE YEAR MORATORIUM ON CERTAIN BUSINESSES.

(a) There is hereby declared a moratorium on the issuance of business licenses under the Town of Summerdale's Business License Code for any enterprise whose primary business activity is the selling of cannabidiol and vape shop businesses for a period of one (1) year from the effective date of this ordinance. This moratorium shall go into effect immediately upon its passage and may be extended by the Town Council as deemed necessary and appropriate.

(b) For the purposes of this Ordinance, a "CBD shop" and a "business whose primary sales are intended for CBD" means businesses which project the sale of CBD products to exceed 10% of their gross revenue.

(c) For the purposes of this Ordinance, a "vape shop" and a "vape shop business" means businesses which project the sale of vape products to exceed 10% of their gross revenue. Vape or vaping products include, without limitation, vapes, vaporizers, vape pens, vapor cigarettes and alternative vapor transmission modalities and paraphernalia associated with any of the foregoing.

Section 2. APPLICABLE TO CURRENT AND NEW LICENSES; LIMITATIONS. During the period of the moratorium business license applications (other than for renewal) for businesses that are subject to this moratorium shall not be accepted and no new licenses for such businesses shall be issued. This moratorium is not intended to and shall not impact a business of the type described herein that is currently operating within the Town of Summerdale, unless such business:

(1) ceases operation for a period of sixty (60) days or more, and/or

(2) has an expired business license that was not timely renewed; in any of the foregoing events, the business shall then be subject to the moratorium imposed by this Ordinance.

BE IT FURTHER RESOLVED by the Summerdale Town Council of the Town of Summerdale does hereby ordain, resolve, and enact the foregoing Ordinance for the Town of Summerdale.

ADOPTED this 14th day of October, 2025.

Mayor David Wilson

Attested:

Tiffany Lynn, Town Clerk

CERTIFICATION

I, Tiffany Lynn, Town Clerk of the Town of Summerdale, do hereby certify that the foregoing is a true, correct, and exact copy of the Ordinance adopted at a regular Town Council meeting held on the 14th day of October 2025, the original of which is on file and of record in the Ordinance Book of the Town Council in my custody.

The foregoing Ordinance was published by posting copies thereof at four public places within the