

IN THE CITY OF HOLTS SUMMIT, MISSOURI

BILL NO. 2019-31

ORDINANCE NO. 2729

**AN ORDINANCE OF THE CITY OF HOLTS SUMMIT AMENDING THE MUNICIPAL CODE BY
ADOPTING ONE NEW CHAPTER REGARDING MEDICAL MARIJUANA**

WHEREAS, the voters of Missouri have amended our State Constitution by adding Article XVI pertaining to medical marijuana; and

WHEREAS, the Board of Aldermen of the City of Holts Summit, Missouri is concerned with the health, safety, and general welfare of the people who live and work in the City of Holts Summit (herein the "City"); and

WHEREAS, the Planning and Zoning Commission has recommended rules and regulations within the City to establish certain zoning districts; and

WHEREAS, the Board of Aldermen of the City of Holts Summit wishes to take proactive approach to this new business/industry by allowing dispensaries, cultivation, infused products and testing facilities to be established in certain zoning districts within the City.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HOLTS SUMMIT, MISSOURI, AS FOLLOWS:

Section 1: The code of the City of Holts Summit is hereby amended by adding one new chapter as follows:

Chapter 50 Medical Marijuana

50.010 Definitions

Administrator – Means the direct application of marijuana to a Qualifying Patient by way of any of the following methods;

Ingestion of capsules, teas, oils, and other marijuana-infused products;
Vaporization or smoking of dried flowers, buds, plant material, extracts, or oils;
Application of ointments or balms;
Transdermal patched and suppositories;
Consuming marijuana-infused food products; or;
Any other method recommended by a Qualifying Patient's Physician.

City- Means the City of Holts Summit

Church – Means a building for public and especially Christian worship

Day Care/ Childcare Facility - Means the supervision of and care for children or physically or mentally disabled adults that is provided during the day by a person or organization — often used before another noun

Department – Means the Department of Health and Senior Services, or its successor agency.

Directly – For the purpose of this chapter the term “directly” shall mean the shortest possible practicable route from the Medical Marijuana Facility to the permitted destination or destinations, without any voluntary detours or additional stops.

Marijuana or Marihuana – Means Cannabis Indica, Cannabis sativa, and Cannabis ruderalis, hybrids of such species, and other strains commonly understood within scientific community to constitute marijuana, as well as resin extracted from the plant and marijuana-infused products. “Marijuana” or “Marihuana” do not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

Marijuana-Infused Products – Means a Facility licensed to acquire, store, manufacturer, and sell marijuana infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana infused products manufacturing facility.

Medical Marijuana – Means marijuana for certified use as set forth in Article XIV of the Missouri Constitution.

Medical Marijuana Cultivation Facility Means a facility licensed by the Department, to acquire, cultivate, process, store, transport and sell marijuana to other medical marijuana facilities. Three types of facilities: (1) Indoor facility – maximum of thirty thousand square feet of flowering plant canopy space; (2) Outdoor facility – maximum of two thousand eight hundred flowering plants; and (3) Greenhouse facility – may choose to be limited by either of the above maximums.

Medical Marijuana Dispensary Facility Means a facility licensed by the Department, to acquire, store, sell, transport and deliver marijuana, marijuana infused products, and drug paraphernalia used to administer marijuana, which holds a permit issued by the Department of Health and Senior Services to dispense medical marijuana.

Medical Marijuana-Infused Products Manufacturing Facility – Means a facility licensed by the Department, to acquire, store, manufacture, transport, and sell marijuana-infused products to Medical Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or to another Medical Marijuana-Infused Products Manufacturing Facility.

Primary caregiver – Means a person designated as such by the Department.

Permit – Means an authorization issued by the Department of Health and Senior Services to a medical marijuana organization to conduct activities under Article XIV of the Missouri Constitution.

School – Means an organization that provides instruction, such as an institution for the teaching of children.

Testing Facility – Means a facility certified by the Department of Health and Senior Services to acquire, test, certify, and transport marijuana. May not be owned by an entity that owns another type of medical marijuana facility.

Qualifying Patient – Means a person designated as such by the Department.

Then existing – Shall mean any school, child day-care center, or church with a written permit from the City of Holts Summit to be constructed, or under construction, or completed and in use at the time of a business regulated under this Chapter first applies for either zoning of a building permit, whichever comes first.

50.020 No additional licenses. Medical Marijuana Businesses shall be required to have a City Business License as required in Chapter 12 but shall not be required to have any other City issued license.

50.030 Possession and Transportation. No person shall possess marijuana with the City, except;

1. A Qualified Patient for the patient's own personal use, in an amount no larger than the law allows, or
2. A Caretaker of a Qualified Patient(s), but only when transporting the Medical Marijuana to a Qualified Patient or when accompanying a Qualified Patient(s) or when keeping for a Qualified Patient while with the Qualified Patient or at the Primary Caretaker's residence, or
3. An owner or an employee of a Medical Marijuana Facility or Medical Marijuana Transportation Facility when in compliance with the rules of the Department.

50.040 Standards for Medical Marijuana Dispensaries

1. Medical Marijuana Dispensaries may be open twenty-four (24) hours each day/
2. No Medical Marijuana, of any type, may be consumed on the premises of a Medical Marijuana Dispensary, nor shall the license permit such consumption.
3. Any Medical Marijuana Dispensary shall require any customer to display the customers permit card from the Department or other proof of eligibility at the time of each purchase.
4. No person under the age of eighteen years old shall be allowed into a Medical Marijuana Dispensary; except that a Qualified Patient who is under the age of eighteen years when accompanied by the Qualified Patient's parent or guardian.
5. A Medical Marijuana Dispensary shall have displayed its state issued license, visible to the public, at all times.

6. No Medical Marijuana Dispensary shall emit any odor of Marijuana which is capable of being smelled by a person of ordinary sense outside the boundary of the lot on which the facility is located.
7. Each medical marijuana dispensary shall be operated from a permanent and fixed location. No medical marijuana dispensary shall be permitted to operate from a moveable, mobile, or transitory location. This subsection shall not prevent the physical delivery of medical marijuana to a patient or the patient's primary caregiver at a location off the premises of the permittee's medical marijuana dispensary if done in compliance with the Department's rule pertaining to transportation of marijuana.
8. Devices, contrivances, instruments, and paraphernalia of inhaling or otherwise consuming marijuana including, but not limited to, rolling paper and related tools, water pipes, and vaporizers may lawfully be sold a medical marijuana dispensary.
9. A Dispensary shall provide adequate security on the premises of a medical marijuana dispensary including, but not limited to, the following;
 - a. Security surveillance cameras installed to monitor the main entrance along with the interior and exterior of the premises to discourage and to facilitate the reporting of criminal acts and nuisance activities occurring on the premises. Security video shall be preserved for at least 72 hours by the permittee;
 - b. Robbery and burglary alarms systems which are professionally monitored and maintained in good working conditions;
 - c. A locking safe permanently affixed to the premises that is suitable for the storage of all the saleable inventory marijuana if marijuana is to be stored overnight on the premises; and
 - d. Exterior lighting that illuminated the exterior walls of the business and is compliant with the City Code.
10. A Dispensary may not be located 1000 feet of a then existing elementary or secondary school, state licensed child day-care center or church. Measurement shall be consistent with the City's existing liquor license standard. The City Board of Alderman may reduce this distance by resolution if an applicant shows good cause for the same. The determination of what constitutes good cause shall be in the sole discretion of the Board of Alderman.

50.050 Standards for Medical Marijuana-Infused Products Manufacturing Facility

1. No building shall be constructed, altered or used for Medical Marijuana-Infused Products Manufacturing Facility without complying with regulations in this Chapter.
2. Distance Requirement. No Medical Marijuana-Infused Products Manufacturing Facility using any combustible gases or CO2 in extraction process shall be located within 1000 feet of a then existing elementary or secondary school, state licensed child day-care center or church. Any other Medical Marijuana-Infused Products Manufacturing Facility may be located in any other location where a Medical Marijuana Dispensary may be located as detailed above. Measurement shall be consistent with the City's existing liquor license standard. The City Board of Alderman may reduce this distance by resolution if an applicant shows good cause for the same. The determination of what constitutes good cause shall be in the sole discretion of the Board of Alderman.
3. Outdoor Operations or Storage. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on

the property in an area enclosed by a fence with a razor wire at least ten (10) feet in height, not including the razor wire or such other alternative security measures approved by the Board of Alderman.

4. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of any Medical Marijuana-Infused Products Manufacturing Facility at any time.
5. Hours of Operation. No person not employed by the business shall be on the premises at any time without being approved entry and logged in by the building security personnel and are required to obtain a visitor pass.
6. Display of License Required. The Medical Marijuana-Infused Products Manufacturing Facility license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front desk of the facility.

50.060 Standards for Medical Marijuana Cultivation Facilities

1. No building shall be constructed, altered or used for Medical Marijuana-Infused Products Manufacturing Facility without complying with regulations in this Chapter.
2. Distance Requirement. No Medical Marijuana Cultivation Facility shall be located 1000 feet of a then existing elementary or secondary school, state licensed child day-care center or church. Measurement shall be consistent with the City's existing liquor license standard. The City Board of Alderman may reduce this distance by resolution if an applicant shows good cause for the same. The determination of what constitutes good cause shall be in the sole discretion of the Board of Alderman.
3. Outdoor Operations or Storage. All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a fence with a razor wire at least ten (10) feet in height, not including the razor wire or such other alternative security measures approved by the Board of Alderman.
4. Onsite Usage Prohibited. No marijuana may be smoked, ingested, or otherwise consumed on the premises of any Medical Marijuana Cultivation Facility at any time.
5. Hours of Operation. No person not employed by the business shall be on the premises at any time without being approved entry and logged in by the building security personnel and are required to obtain a visitor pass.
6. Display of License Required. The Medical Marijuana Cultivation Facility license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front desk of the facility.

50.070 Disposal of Medical Marijuana

No person shall dispose of Marijuana or Marijuana-Infused products in an unsecured waste receptacle not in possession and control of the Licensee and designed to prohibit unauthorized access.

50.080 Residential Cultivation

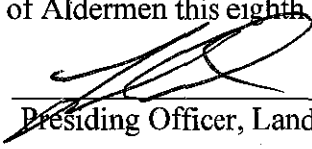
To the extent allowed by State Law, marijuana of medical purposes may be cultivated in a residential structure, provided;

1. The structure is the primary residence of a Primary Caregiver or Qualifying Patient and the Marijuana is grown solely for the use of the Qualifying Patient who resides there or who is under the care of the Primary Caretaker.
2. The residence has operating systems to assure that the emission of fumes or vapors connected with the cultivation are not allowed out of the building, or if the residence is in a multifamily building, that such fumes and vapors are not allowed into any other residence
3. The cultivation musty comply with the security and other requirements of state law and the rules of the Division of Health and Senior Services.
4. The resident has notified the City Clerk, including providing proof of eligibility, on a form provided by the City Clerk, so that law enforcement and code officials will be aware that the cultivation is lawfully taking place.

50.090 Residential Consumption. Qualified Patients may dispense medical marijuana in their private residence, or in the residence of another with permission, but may not dispense or smoke marijuana in such a manner that the marijuana smoke or odor, exits the residence. In a multifamily or similar dwelling, medical marijuana may not be dispensed or consumed in any common area.

FIRST READING HELD ON THIS EIGHTH day of OCTOBER 2019.

SECOND READING AND PASSED by the Board of Aldermen this eighth day of October 2019.



Presiding Officer, Landon Oxley

ATTEST:



City Clerk, Rachel Anderson

This ordinance approved by the Mayor this eighth day of October 2019.



Mayor, Landon Oxley

ATTEST:



City Clerk, Rachel Anderson

