

## ORDINANCE 70982

**BOARD BILL NO. 2 INTRODUCED BY ALDERMAN JACK COATAR/PRES.  
LEWIS E. REED/ALDERMAN BRANDON BOSLEY/ALDERWOMAN TAMMIKA  
HUBBARD/ALDERWOMAN CAROL HOWARD/ALDERWOMAN BETH  
MURPHY/ALDERWOMAN MARLENE DAVIS/ALDERWOMAN CARA  
SPENCER/ALDERMAN JOE VACCARO/ALDERMAN SHANE  
COHN/ALDERWOMAN SHAMEEM CLARK-HUBBARD/ALDERWOMAN PAM  
BOYD/ALDERWOMAN HEATHER NAVARRO/ALDERWOMAN ANNIE  
RICE/ALDERMEN DAN GUENTHER/ALDERMAN TOM  
OLDENBURG/ALDERWOMAN CHRISTINE INGRASSIA**

1           An Ordinance recommended by the Planning Commission pertaining to the Zoning  
2 Code, Title 26; amending Chapter 26.08 of the Revised Code by adding a cross-reference in  
3 the definition section for marijuana related uses; adding a new Chapter to the Zoning Code,  
4 Title 26, pertaining to the regulation of medical marijuana facilities and including sections on  
5 the purpose, definitions, use regulations and site requirements for Medical Marijuana  
6 Facilities, to be codified as Chapter 26.70 of the Revised Code of the City of St. Louis  
7 (“Revised Code”); and containing a severability and an emergency clause.

8   **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

9           **SECTION ONE.** The following definition is hereby added to Chapter 26.08 of the  
10 Revised Code:

11   **26.08.321     Marijuana, Marijuana-Infused Products, Medical Marijuana Cultivation**  
12   **Facility, Medical Marijuana Dispensary Facility, Medical Marijuana Facility, Medical**  
13   **Marijuana-Infused Products Manufacturing Facility, Medical Marijuana Testing**  
14   **Facility, and Medical Marijuana Use.**

15           See Chapter 26.70 for definitions.

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1           **SECTION TWO.** The following new Chapter, pertaining to Medical Marijuana  
2 Uses, to be codified as Chapter 26.70 of the Revised Code, is hereby added to Title 26 of the  
3 Zoning Code:

4       **Chapter 26.70           Medical Marijuana Uses.**

5       **26.70.010       Purpose.**

6           The purpose and intent of this chapter is to regulate the location, establishment and  
7 operation of all medical marijuana facilities in order to ensure the health, safety and general  
8 welfare of the residents of the City of St. Louis. This is a unique land use with ramifications  
9 not addressed by more traditional zoning district regulations. Additional regulations in this  
10 section are intended to provide reasonable restrictions within districts so that these uses do  
11 not compromise the health, safety and general welfare of persons in the district, or other uses  
12 allowed in each district. The regulations in this chapter do not address a patient's right to use  
13 medical marijuana as authorized under State Law; nor do they criminalize the possession or  
14 cultivation of medical marijuana by specifically defined classifications of persons, as  
15 authorized under State Law; nor do they regulate or govern residential cultivation, as  
16 authorized by State law, for a qualifying patient who uses medical marijuana for medicinal

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1 purposes. Nothing in this Chapter purports to permit activities that are otherwise illegal  
2 under state or local law.

3 Under State Law, only qualifying patients and primary caregivers, with State issued  
4 identification cards may possess or cultivate medical marijuana unless the marijuana is  
5 cultivated or possessed by a State licensed medical marijuana facility as defined below.  
6 Medical Marijuana Facilities shall comply with all local and state laws.

### 7 **26.70.020 Definitions.**

8 A. Marijuana or Marihuana. "Marijuana" or "Marihuana" means *Cannabis*  
9 *indica*, *Cannabis sativa*, and *Cannabis ruderalis*, hybrids of such species, and any other  
10 strains commonly understood within the scientific community to constitute marijuana, as  
11 well as resin extracted from the plant and marijuana-infused products. "Marijuana" or  
12 "Marihuana" do not include industrial hemp containing a crop-wide average  
13 tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry  
14 weight basis, or commodities or products manufactured from industrial hemp.

15 B. Marijuana-Infused Products. "Marijuana-Infused Products" means products  
16 that are infused with marijuana or an extract thereof and are intended for use or consumption

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1 other than by smoking, including, but not limited to, edible products, ointments, tinctures and  
2 concentrates.

3 C. Medical Marijuana Cultivation Facility. “Medical Marijuana Cultivation  
4 Facility” means a facility licensed by the Missouri Department of Health and Senior  
5 Services, to acquire, cultivate, process, store, transport, and sell marijuana to a Medical  
6 Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical  
7 Marijuana-Infused Products Manufacturing Facility.

8 D. Medical Marijuana Dispensary Facility. “Medical Marijuana Dispensary  
9 Facility” means a facility licensed by the Missouri Department of Health and Senior  
10 Services, to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products,  
11 and drug paraphernalia used to administer marijuana as provided for in this section to a  
12 Qualifying Patient, a Primary caregiver, another Medical Marijuana Dispensary Facility, a  
13 Medical Marijuana Testing Facility, or a Medical Marijuana-Infused Products Manufacturing  
14 Facility.

15 E. Medical Marijuana Facility. “Medical Marijuana Facility” means any facility  
16 that is regulated by the State of Missouri to acquire, certify, cultivate, deliver, dispense,  
17 manufacture, process, sell, store, test, transport or warehouse medical marijuana including a

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1 Medical Marijuana Cultivation Facility, a Medical Marijuana Dispensary Facility, a Medical  
2 Marijuana-Infused Product Manufacturing Facility, and a Medical Marijuana Testing  
3 Facility.

4 F. Medical Marijuana-Infused Products Manufacturing Facility. “Medical  
5 Marijuana-Infused Products Manufacturing Facility” means a facility licensed by the  
6 Missouri Department of Health and Senior Services, to acquire, store, manufacture, transport,  
7 and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical  
8 Marijuana Testing Facility, or to another Medical Marijuana-Infused Products Manufacturing  
9 Facility.

10 G. Medical Marijuana Testing Facility. “Medical Marijuana Testing Facility”  
11 means a facility certified by the Missouri Department of Health and Senior Services, to  
12 acquire, test, certify, and transport marijuana.

13 H. Medical Marijuana Use. “Medical Marijuana use” means the production,  
14 possession, delivery, distribution, transportation, or administration of marijuana or a  
15 marijuana-infused product, or drug paraphernalia used to administer marijuana or a  
16 marijuana-infused product, for the benefit of a Qualifying Patient, as defined under the

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regulations of the Missouri Department of Health and Senior Services, to mitigate the symptoms or effects of the patient's qualifying medical condition.

### **26.70.030 Use Regulations for Medical Marijuana Facilities.**

The following Use Table lists how Medical Marijuana Facilities are regulated in the various zoning districts. Within the table, the user can identify the type of Medical Marijuana Facility and how the facility is regulated under each zone – thus identifying whether the use is permitted (P), whether it requires a conditional use permit (C), or whether it is prohibited (NA).

Use	A	B	C	D	E	F	G	H	I	J	K	L
Medical Marijuana Cultivation Facility	NA	NA	NA	NA	NA	NA	NA	C	P	P	P	P
Medical Marijuana-Infused Products Manufacturing Facility	NA	NA	NA	NA	NA	NA	NA	C	P	P	P	P
Medical Marijuana Testing Facility	NA	NA	NA	NA	NA	NA	NA	NA	P	P	P	P
Medical Marijuana Dispensary Facility	NA	NA	NA	NA	NA	C	P	P	P	P	P	P
Other Medical Marijuana Related Facility (a facility not specifically listed above, but engaging in one or more of the activities of a Medical Marijuana Facility).	NA	NA	NA	NA	NA	C	C	C	C	C	C	C

### **26.70.040 Site Requirements for Medical Marijuana Facilities.**

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1           A.     All Medical Marijuana Facilities shall comply with the following site  
2 requirements:

3                   1.     The facility shall comply with all regulations issued by the Missouri  
4 Department of Health and Senior Services for Medical Marijuana Facilities. If the  
5 State's requirement is more restrictive than the City's requirement, then the more  
6 restrictive requirement applies.

7                   2.     The facility shall be monitored at all times by an Internet-based closed  
8 circuit television for security purposes. The camera and recording system shall be of  
9 adequate quality, color rendition and resolution to allow the ready identification of  
10 any individual committing a crime anywhere on or adjacent to the facility. The  
11 recordings shall be maintained for a period of not less than ninety (90) days and shall  
12 be made available to law enforcement authorities upon request.

13                  3.     The facility shall have a fireproof vault or safe that is incorporated into  
14 and securely attached to the building structure for the purpose of securely storing cash  
15 and any processed marijuana.

16                  4.     The facility shall have a centrally monitored fire and burglar alarm  
17 system.

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1                   5.       The exterior building lighting and parking area of the facility, if any,  
2                   shall be equipped with lighting fixtures of sufficient intensity to illuminate all interior  
3                   areas of the lot with an illumination of not less than 1.5 foot-candles evenly  
4                   distributed as measured at floor level. These light fixtures shall be turned on from  
5                   dusk to dawn.

6                   6.       The facility shall not use any equipment or process that creates noise,  
7                   dust, vibration, glare, fumes, odors or electrical interference detectable to the normal  
8                   senses beyond the property boundary.

9                   7.       No person or facility shall dispose of Marijuana or Marijuana-Infused  
10                  Products in an unsecured waste receptacle not in possession and control of the  
11                  licensee and designed to prohibit unauthorized access.

12                  8.       The facility, except for a Medical Marijuana Dispensary or a Medical  
13                  Marijuana Testing Facility, shall have an odor mitigation system that uses activated  
14                  carbon filters, an ozone generator, UV light exposure, UV-C air disinfection, or  
15                  other similar odor mitigation technology.

16                  9.       All facilities, except a Medical Marijuana Dispensary, shall have an  
17                  armed security guard on the premises at all times.



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1                   10.     The facility shall display its state issued license on the interior of the  
2                   facility, visible to the public, at all times.

3                   11.     The facility shall not allow on-site consumption of marijuana or  
4                   marijuana-infused products on the premises at any given time.

5                   12.     The facility shall not have a sign unless it is a Medical Marijuana  
6                   Dispensary.

7                   13.     At the facility, any and all cultivation, processing, storage, display,  
8                   sales or other distribution of marijuana shall occur within an enclosed building and  
9                   shall not be visible from the exterior of the building.

10                B.     A Medical Marijuana Dispensary Facility shall comply with the following  
11                additional site requirements:

12                   1.     The facility shall be located and operated from a permanent and fixed  
13                   structure and may not be located in a trailer, cargo container or motor vehicle and the  
14                   structure shall not be mobile or operate from a transitory location.

15                   2.     The facility shall not provide delivery services for any of its products  
16                   unless otherwise allowed by State law.

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1                   3.       The facility shall be allowed to sell to a qualifying patient or primary  
2                   caregiver, as defined by Missouri law, devices, contrivances, instruments, and  
3                   paraphernalia for inhaling or otherwise consuming marijuana including, but not  
4                   limited to rolling papers, and related tools, water pipes, and vaporizers.

5                   4.       The facility shall display a sign on the interior of the facility indicating  
6                   that a patient identification card or primary caregiver identification card, issued from  
7                   the Missouri Department of Health and Senior Services, is required and must be  
8                   presented to purchase Medical Marijuana and Marijuana Infused Products.

9                   5.       The facility shall not sell to customers who are in cars or who consume  
10                  the sold products in cars parked on the facility, nor shall it sell products through a  
11                  sales window, to customers who are in cars, for the immediate consumption by the  
12                  customer either on or off the premises.

13                  6.       The facility's hours of operation shall be limited to 8:00 a.m. to 8:00  
14                  p.m., Sunday through Saturday.

15                  7.       The facility shall not erect or use any freestanding signage and shall  
16                  not have any temporary signage. All signs shall have appropriate permits prior to  
17                  installation.

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1                   8.       The facility shall only be allowed wall signs and no signs shall extend  
2                   above the roof of the building or extend more than 15 feet in height above grade. The  
3                   provisions of Chapter 26.68 shall determine the total square footage of all signs  
4                   attached to the building.

5                   9.       The windows and doors of the facility shall not be covered by boards,  
6                   mesh, grates, materials or coverings of any kind, except proper blinds and curtains.

7                   10.      The facility shall not have cord or rope type LED lighting surrounding  
8                   or framing its windows or doors.

9                   C.       No Spacing Requirements. No Medical Marijuana Facility shall be required  
10                  to be a prescribed distance between an existing elementary or secondary school, a  
11                  daycare, or church.

12                **SECTION THREE. Severability Clause.** If any section, subsection, sentence,  
13                clause, phrase or portion of the Ordinance is held invalid or unconstitutional by any court of  
14                competent jurisdiction, such portion shall be deemed a separate, distinct and independent  
15                provisions, and such holding shall not affect the validity of the remaining portions thereof.

16                **SECTION FOUR. Emergency Clause.** The passage of this ordinance being deemed  
17                necessary for immediate preservation of the public peace, health and safety, an emergency is

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- 1 hereby declared to exist within the meaning of Section 20 of Article IV of the Charter, and
- 2 this ordinance shall be in full force and effect immediately upon its passage and approval by
- 3 the Mayor.