

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 233 TO CONFORM WITH ARTICLE XIV OF  
THE MISSOURI CONSTITUTION.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Excelsior Springs, Missouri, as follows:

**Section 1.** Section 233.010 is hereby repealed.

~~Section 233.010~~

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~**QUALIFYING PATIENT**~~

~~A Missouri resident issued a valid identification card by the Missouri Department of Health and Senior Services.~~

~~**PRIMARY CAREGIVER**~~

~~An individual who has significant responsibility for managing the well-being of a Qualifying Patient and who possesses a Primary Caregiver Identification Card issued by the Missouri Department of Health and Senior Services.~~

**Section 2.** Section 233.020 is hereby amended to read as follows (additions shown in underline, deletions shown in ~~strikethrough~~):

Section 233.020

Medical marijuana and marijuana facilities ~~businesses~~ shall be required to have a City business license as required in Chapter 605, but shall not be required to have any other City-issued business license.

**Section 3.** Section 233.030 is hereby amended to read as follows (additions shown in underline, deletions shown in ~~strikethrough~~):

Section 233.030

A. No person shall cultivate marijuana without first obtaining a ~~Medical Marijuana Cultivation Facility~~ license issued by the Missouri Department of Health and Senior Services or, ~~in the case of non-commercial cultivation by Qualifying Patients or Primary Caregivers holding a Qualifying Patient Cultivation identification card, registering their cultivation location pursuant to the requirements of this Chapter. A separate registration shall be required for each and every Qualifying Patient or Primary Caregiver.~~

~~1. Qualifying Patient Cultivation registration forms shall be submitted to the Building Official on forms supplied by the Department.~~

~~2. Qualifying Patient Cultivation registration shall be valid for a period of one (1) year.~~

~~3. No registration shall be sold, transferred, or assigned by the permittee or by operation of law to any other person. Any such sale, transfer, or assignment, or attempt to do same, shall constitute a violation of this Chapter.~~

**Section 4.** Section 233.040 is hereby amended to read as follows (additions shown in underline, deletions shown in ~~striketrough~~):

Section 233.040

A. ~~Cultivation by Qualifying Patients and Primary Caregivers~~ shall be subject to the following requirements:

1. The primary use of residential property where marijuana is grown shall remain at all times a residence, with legal and functioning cooking, eating, sleeping and toilet facilities with proper ingress and egress. No room shall be used for cultivating marijuana where that activity will impair or prevent the primary uses of cooking, eating, sleeping, or toileting.

2. Access to the growing area shall be secured by lock and key or equivalent at all times except when the facility is being actively supervised in person by the permit holder.

3. State cultivation authorization shall be clearly displayed within the enclosed cultivation area in close proximity to the marijuana plants.

4. The growing area shall comply with all provisions of the Excelsior Springs Municipal Code, including International Building, Electrical, Gas, Plumbing, Fire and Property Maintenance Codes as adopted and amended by the City and shall be properly ventilated so as not to create excessive heat, humidity, mold, hazardous atmosphere, or other related conditions.

5. Lighting used in the growing area shall not exceed one thousand (1,000) watts per light. The use of compressed gas products, including but not limited to carbon dioxide and butane, solvents, or ozone generators in the growing area is prohibited.

**Section 5.** Section 233.050 is hereby amended to read as follows (additions shown in underline, deletions shown in ~~striketrough~~):

Section 233.050

~~A. No person shall consume marijuana for medical use in a public place, unless provided by law.~~

~~B.~~ No person shall extract resins from marijuana using dangerous materials or combustible gases without a Medical Marijuana-Infused Products Manufacturing Facility license issued by the Missouri Department of Health and Senior Services.

**Section 6.** Section 233.060 is hereby amended to read as follows (additions shown in underline, deletions shown in ~~strikethrough~~):

Section 233.060

A. It shall be unlawful ~~for any Qualifying Patient~~ to allow the smell or noxious odor emitted from smoking, consumption or possession of ~~medical~~ marijuana to intrude into any public or private property, including sidewalks, streets and parks, unless permitted by the person or entity with control of the property or provided by law.

B. It shall be unlawful for any person or entity to cultivate ~~medical~~ marijuana or operate a ~~medical~~ marijuana facility so as to emit an offensive, noxious, unhealthy or disagreeable odor, or release any substance emitting an offensive, noxious, unhealthy or disagreeable effluvium in the neighborhood where the facility exists.

C. It shall be unlawful for any person or entity to cultivate ~~medical~~ marijuana or operate a ~~medical~~ marijuana facility so as to produce light, glare, heat, noise, odor or vibration that is detrimental to public health, safety, or welfare, or interferes with the reasonable enjoyment of life and property.

D. The following acts by a person are unlawful:

1. **Illegal Growing.** Possessing, transporting, planting, cultivating, harvesting, drying, processing, or manufacturing i) more than six (6) flowering marijuana plants, ii) more than six (6) nonflowering marijuana plants, iii) more than six (6) clones, or iv) any lesser number of such plants or clones if the person is not registered with the department of health and senior services for cultivation of marijuana plants pursuant to Article XIV, Section 2.4(24).
2. **Illegal Growing; Registered Cultivator.** A person registered with the department of health and senior services pursuant to Article XIV, Section 2.4(24) for cultivation of marijuana plants within the limits of Article XIV, Section 2.10(1)(b) shall not keep the plants and any marijuana produced by the plants in excess of three ounces at more than one private residence, or in an unlocked space, or in a manner in which they are visible by normal, unaided vision from a public place; and further, shall not keep more than twice the number of allowable plants under Article XIV, Section 2.10(1)(b) in or on the grounds of a private residence at one time.
3. **Illegal Growing; Visibility; Unregistered Cultivator.** A person who is not registered pursuant to Article XIV, Section 2.4(24) and who cultivates marijuana plants that are visible by normal, unaided vision from a public place.
4. **Illegal Growing; Unsecured; Unregistered Cultivator.** A person who is not registered pursuant to Article XIV, Section 2.4(24) and who cultivates marijuana plants that are not kept in a locked space.
5. **Penalties.**

- a. A person who cultivates marijuana plants that are visible by normal, unaided vision from a public place is subject to a civil penalty not exceeding two hundred and fifty dollars and forfeiture of the marijuana.
- b. A person who cultivates marijuana plants that are not kept in a locked space is subject to a civil penalty not exceeding two hundred and fifty dollars and forfeiture of the marijuana.

**Section 7.** This Ordinance shall be in full force and effect from and after the date of its passage.

**INTRODUCED IN WRITING**, read by title two times, passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mark D. Spohn, Mayor

ATTEST:

\_\_\_\_\_  
Shannon Stroud, City Clerk

REVIEWED BY:

\_\_\_\_\_  
Molly McGovern, City Manager