

CITY OF FARMINGTON

BILL 45092023

ORDINANCE 4-55

AN ORDINANCE OF THE CITY OF FARMINGTON, MISSOURI APPROVING AN AMENDMENT TO THE MUNICIPAL CODE OF THE CITY OF FARMINGTON, TITLE II. PUBLIC HEALTH, SAFETY AND WELFARE, CHAPTER 237: SMOKING REGULATIONS, BY ADDING SECTION 237.090: PUBLIC SMOKING OR CONSUMPTION OF MARIJUANA PROHIBITED.

WHEREAS, Chapter 237 of Title II of the Farmington City Code regulates public smoking; and

WHEREAS, the Missouri Constitution has been amended to permit use, possession, sale, transportation, manufacture and cultivation of recreational marijuana; and

WHEREAS, the Farmington City Code needs to be amended to address public health concerns related to such constitutional change; now therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMINGTON, MISSOURI, AS FOLLOWS:

SECTION 1. That the Municipal Code of the City of Farmington Title II. Public Health, Safety and Welfare, Chapter 237: Smoking Regulations, is hereby amended by adding the following new Section 237.090: Public Smoking or Consumption of Marijuana Prohibited.

Section 237.090: Public Smoking or Consumption of Marijuana Prohibited

A. Definitions. For purposes of this section only, the following terms shall be defined as follows:

MARIJUANA OR MARIHUANA - *Cannabis indica*, *Cannabis sativa*, *Cannabis ruderalis*, hybrids of such species, and any other strains commonly understood within the scientific community to constitute marijuana, as well as resin extracted from the marijuana plant and marijuana-infused products, but not industrial hemp as defined by Missouri statute, or commodities or products manufactured from industrial hemp.

MARIJUANA-INFUSED PRODUCTS – Products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof, including but not limited to products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.

1. Marijuana shall not be smoked in any public area in the City, including but not limited to outdoor areas, places of employment, public meetings, and public places. A person who violates this prohibition shall be subject to a civil penalty not exceeding \$100.

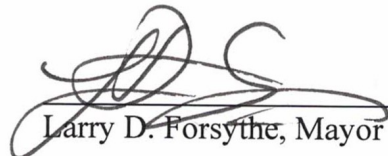
2. Marijuana-infused products shall not be consumed in any public area in the City, except for culinary dishes or beverages prepared by a restaurant in the City for on-site consumption on the same day such dishes or beverages are prepared.
3. Marijuana shall not be consumed by any person operating or in physical control of any motor vehicle or other motorized form of transportation in the City. No person shall smoke marijuana within a motor vehicle or other motorized form of transportation while it is being operated within the City.
4. Marijuana-infused products shall not be consumed by any person operating or in physical control of any motor vehicle or other motorized form of transportation in the City.

SECTION 2. The officers, agents and employees of the City are hereby authorized and directed to execute all documents and take such necessary steps as they deem necessary and advisable in order to carry out and perform the purpose of this Ordinance.

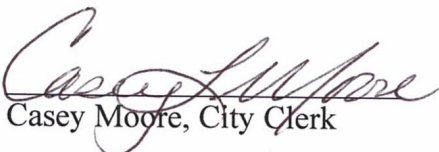
SECTION 3. The sections of this Ordinance shall be severable. If any section of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining sections shall remain valid, unless the court finds that: (a) the valid sections are so essential to and inseparably connected with and dependent upon the void section that it cannot be presumed that the City Council has or would have enacted the valid sections without the void ones; and (b) the valid sections, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

SECTION 4. This Ordinance shall be in full force and effect from and after the date of its passage.


DULY READ AND PASSED THIS 12TH DAY OF OCTOBER, 2023.


Larry D. Forsythe, Mayor

ATTEST:


Casey Moore, City Clerk

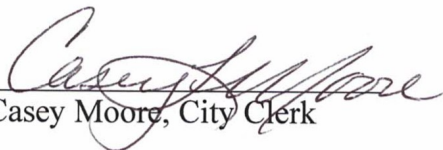
Approved this 12 day of October, 2023



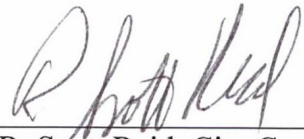
Larry D. Forsythe, Mayor

ATTEST:

APPROVED AS TO FORM:



Casey Moore, City Clerk



R. Scott Reid, City Counselor

