

AN ORDINANCE PROVIDING FOR THE REASONABLE REGULATION OF MEDICAL MARIJUANA WITHIN THE CITY OF FORISTELL IN ORDER TO PROTECT THE PUBLIC HEALTH SAFETY AND WELFARE, AND MATTERS RELATING THERETO.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FORISTELL, MISSOURI, AS FOLLOWS:

Section 675.05: That the Board of Aldermen of Missouri Cities of the fourth class, Foristell being such, have the authority to enact ordinances providing for the reasonable regulation of businesses and activities within the City limits in order to protect the public health and safety and maintain the peace, good government and welfare of the City and its trade and commerce as set out in Section 79.450 RSMo.

Section 675.010: This Ordinance shall be known as “The Medical Marijuana Ordinance for the City of Foristell, Missouri.

Section 675.020: The provisions of this Ordinance shall apply within the municipal boundaries of the City of Foristell, Missouri.

Section 675.030 Purpose: It is the purpose of this Ordinance to regulate medical marijuana businesses and related activities to promote the health, safety and general welfare of the citizens of the City of Foristell and to establish reasonable and uniform regulations to prevent the possible deleterious operation, location and concentration of medical marijuana businesses within the City of Foristell. It is not the intent nor effect of this Ordinance to deny access by qualifying patients to medical marijuana as provided by Amendment 2 which is codified as Article XIV, Section 1 of the Missouri Constitution. It is neither the intent nor effect of this Ordinance to condone or legitimize the illicit possession, distribution or delivery of any controlled substance.

Section 675.040 Legislative Findings of Fact.

A. Based upon evidence concerning marijuana and secondary effects of medical marijuana facilities on the community including factual findings incorporated in the following documents listed below, the City Council finds that:

1. Since 1937, Federal law prohibits the cultivation, possession, sale and use of Marijuana without regard to a claimed medical need. See, Marijuana Tax Act of 1937. Pub.L. 75-238, repealed 1970, replaced by Comprehensive Drug Abuse Prevention and Control Act of 1970.

2. On August 23, 2013, the United States Department of Justice issued a memorandum entitled “Guidance for Marijuana Enforcement.” The memorandum established eight guidelines for states regarding federal priorities in determining whether federal enforcement of controlled substance laws should commence against persons involved in specific

eight guidelines for states regarding federal priorities in determining whether federal enforcement of controlled substance laws should commence against persons involved in specific activities related to marijuana cultivation and distribution. This Chapter places the highest priority on meeting the memorandum guidelines; particularly guidelines related to protecting the public health and safety, restrictions on the availability of marijuana to minors, and the prevention of the illegal trafficking and profiteering in marijuana.

3. In 2014, the United States Congress enacted the Rohrabacher-Farr Amendment which prohibits the United States Department of Justice from spending funds to interfere with the implementation of state medical marijuana laws.

4. In 1996, through Proposition 215, Medical Marijuana was introduced in California.

5. As of 2018, 29 states and the District of Columbia permit some form of medical marijuana.

6. As of November, 2018, 10 states and the District of Columbia have adopted laws legalizing marijuana for recreational use. See, Governing, (January 2019).

7. In November 2018, the voters of Missouri passed Amendment 2 to the Missouri Constitution legalizing the growing, manufacturing, transportation, and consumption of marijuana for medicinal purposes. Amendment 2 is codified as Article XIV, Section 1 of the Missouri Constitution and provides in Section 1.7(11) that:

Unless allowed by the local government, no new medical marijuana cultivation facility, medical marijuana testing facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility shall be initially sited within one thousand feet of any then-existing elementary or secondary school, child day-care center, or church. No local government shall prohibit medical marijuana cultivation facilities, medical marijuana testing facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities, or entities with a transportation certification either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome in the jurisdiction. However, local governments may enact ordinances or regulations not in conflict with this section, or with regulations enacted pursuant to this section, governing the time, place, and manner of operation of such facilities in the locality. A local government may establish civil penalties for violation of an ordinance or regulations governing the time, place, and manner of operation of a medical marijuana cultivation facility, medical marijuana testing facility, medical marijuana-infused products manufacturing facility, medical marijuana dispensary facility, or entity holding a transportation certification that may operate in such locality.

8. Do Medical Marijuana Centers Behave Like Locally Undesirable Land Use? Implications for the Geography of Health and Environmental Justice, Urban Geography (2013).

9. Medical Marijuana Meets Zoning: Can You Grow, Sell, and Smoke That Here? American Planning Association, Planning & Environmental Law, Vol. 62, No. 8, p.3 (Aug. 2010).
10. Analysis of the medical use of marijuana and its societal implications. J. Am. Pharm. Assoc. (Wash) (Mar-Apr 1998).
11. New Study Highlights the Social Impacts of Cannabis Legalization in California, Forbes, (May 17, 2018).
12. The Health and Social Effects of Nonmedical Cannabis Use, World Health Organization, (2016).
13. The average medicinal marijuana cardholder is a 32 year old white male with no history of chronic illness and a history of substance abuse. See, The Marijuana Experiment, Considerations of Legalization In Illinois, Illinois Association for Behavioral Health (power-point presentation).
14. Local Impacts of Commercial Cannabis, International City/County Management Association, (September 2018).
15. The outright prohibition of medical marijuana businesses is in contravention of Amendment 2; but reasonable time, place and manner regulation of such businesses so as to curtail and prevent pernicious secondary effects is both permissible and desirable. See, Section 7(11) of Amendment 2.
16. When marijuana plants begin to flower and for a period of up to two months or more during the growing season, produce a pungent and strong odor detectable beyond property boundaries and that can adversely impact the peace and enjoyment of persons on nearby properties.
17. The public health, safety, welfare and convenience of the residents of the City require that medical marijuana businesses and their locations be regulated in order to reduce the potential for harm and in order to preserve and protect the quality of life in the residential and business environs of the City.
18. It is the duty and responsibility of the Mayor and Board of Aldermen to protect and preserve the public health, safety and welfare of the City and its residents, the stability of the value and use of property within the City and the character of its neighborhoods and developments.
19. In order to preserve the public peace and good order and to safeguard and promote the health, safety and welfare of the City and its citizens, therefore, it is necessary and advisable to regulate and restrict the location and operation of medical marijuana businesses.

20. The general welfare, health, morals and safety of the citizens of this City will be promoted by enactment of this Ordinance.

21. The requirements of this Ordinance advance the public health, safety and welfare by providing regulations governing the location and operation of medical marijuana businesses within the municipal boundaries of the City.

Section 675.050. Definitions.

A. For the purposes of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AMENDMENT 2: A voter initiated amendment to the Missouri constitution adopted November 6, 2018, codified as Section 1 of Article XIV to the Missouri constitution.

DEPARTMENT: means the state of Missouri Department of Health and Senior Services, or its successor agency.

FACILITY: means a Medical Marijuana Cultivation Facility, Marijuana-Infused Products Manufacturing Facility, Medical Marijuana Testing Facility or Medical Marijuana Dispensary Facility, or any combination thereof, or any business related to the possession, sale, use, cultivation or manufacture of marijuana.

IDENTIFICATION CARD: means the card issued by the Missouri Department of Health and Senior Services that permits a qualified patient or primary caregiver to purchase medical marijuana.

LICENSEE: An entity issued a license or certification by the Department for the cultivation, manufacture, dispensing, sale, testing, tracking, and transportation of marijuana for medical use.

MARIJUANA: or “Marihuana” means *Cannabis indica*, *Cannabis sativa*, and *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 plant and marijuana-infused products. “Marijuana” or “Marihuana” does 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 products that are infused with marijuana or an extract thereof and are intended for use or consumption other than by smoking, including, but not limited to, edible products, ointments, tinctures and concentrates.

MEDICAL MARIJUANA CULTIVATION FACILITY: means a facility licensed by the Department to acquire, cultivate, process, store, transport, and sell marijuana to a Medical

Marijuana Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana-Infused Products Manufacturing Facility.

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 as provided for in this section to a Qualifying Patient, a Primary caregiver, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana-Infused Products Manufacturing Facility.

MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY: means a facility licensed by the Department to acquire, store, manufacture, transport, 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 TESTING FACILITY: means a facility certified by the Department to acquire, test, certify, and transport Marijuana.

PATIENT or QUALIFYING PATIENT: has the meaning provided in Amendment 2 and any other related regulations promulgated by the state of Missouri.

PRIMARY CAREGIVER: has the meaning provided in Amendment 2 and any other related regulations promulgated by the state of Missouri.

B. In addition to the definitions provided in subsection A of this section, the other defined terms in Amendment 2 are incorporated into this ordinance by reference.

ARTICLE II

Location, Building and Signage Regulations

Section 675.100 Limitation and Delivery.

Each Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility shall be operated from a permanent location. No Facility described in this section shall be permitted to deliver or operate from a movable, mobile or transitory location. No Medical Marijuana Dispensary Facility shall dispense marijuana via drive-thru window or lane.

Section 675.110 Prohibited Locations.

A. No Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility shall be located in any of the following zoning districts:

Residential or Commercial Districts.

B. No Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility shall be located at the following locations:

1. within one thousand feet (1,000') of a licensed childcare facility;
2. within one thousand feet (1,000') of any educational institution or school, college or university, either public or private;
3. within one thousand feet (1,000') of any public park, public pool or public or private recreational facility;
4. within one thousand feet (1,000') of any halfway house or correctional facility;
5. within one thousand feet (1,000') of any other Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility; or
6. within any building or structure that contains a residential unit.

C. The distances described in subsection B of this section shall be computed by direct measurement from the nearest building line of the land not used for the above purposes to the nearest portion of the building housing the Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary using a straight line.

D. It shall be unlawful for any person to use a residential property to sell, distribute, transmit, give, dispense or otherwise provide medical marijuana as a home occupation.

E. No Facility or the activities within the Facility shall emit an odor or in any way cause a nuisance as set forth in this code.

Section 675.120 Sign Requirements.

All signage for a Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility shall comply with the requirements of this code. Signage is to be discrete and not obtrusive or distracting.

Section 675.130 Required Warning to be Posted.

There shall be posted in a conspicuous location in each Facility a legible sign containing the following warnings:

- A. A warning that diversion of marijuana for nonmedical purposes is a violation of state law;
- B. a warning that the use of medical marijuana may impair a person's ability to drive a motor vehicle or operate machinery, and that it is illegal under state law to drive a motor vehicle while under the influence of or impaired by marijuana;
- C. a warning that loitering in or around a Facility is prohibited;
- D. a warning that possession and distribution of marijuana is a violation of state and federal law;
- E. a warning that no one under eighteen (18) years of age is permitted within the Facility; and
- F. a warning that no guns are allowed on premises except for police.

ARTICLE III

Limitation on Number, Size, Floor Plan, Hours of Operation, Sale of Alcohol, Age Restrictions

Section 675.140 There shall be no more than one of any of the following facilities: either a Medical Marijuana Dispensary Facility or a Cultivation Facility or Testing Facility or an Infused Products Manufacturing Facility, or any combination of the above; and such facility shall be single story and have no more than 2,000 square feet of floor plan and be a one story building.

Section 675.210 Hours of Operation.

A Medical Marijuana Dispensary Facility may open no earlier than nine o'clock (9:00) A.M. and shall close no later than seven o'clock (7:00) P.M. the same day. A Medical Marijuana Dispensary Facility may be open seven (7) days a week.

Section 675.220 Separation of Dispensing Area from Waiting Area.

The waiting area and the area of a Medical Marijuana Dispensary Facility where marijuana or marijuana-infused products are physically delivered to a qualifying patient or primary caregiver shall be separated by a solid wall and solid door so that persons in the waiting area are obstructed from observing the delivery of the marijuana-infused products to the qualifying patient or primary caregiver.

Section 675.230 Display of Marijuana

No marijuana or marijuana-infused product shall be displayed so as to be visible through glass, windows, or doors by a person of normal visual acuity standing at the outside perimeter of a Facility

Section 675.240 Sale of Alcohol Prohibited.

The sale or consumption of alcohol within a Facility is prohibited.

Section 675.250 Age Restrictions.

No person under the age of eighteen (18) years shall be allowed in any portion of a Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility, except that a qualifying patient who is under the age of eighteen years who has been emancipated a court order and a qualifying patient under the age of eighteen years when accompanied by the qualifying patient's parent or guardian. The entrance to a Facility shall be clearly and legibly posted with notice indicating that persons under the age of eighteen (18) are precluded from entering the premises.

Section 675.260 Requirement to Display Identification Card; Failure to Exhibit Identification Card; Possession or Production of Fraudulent Identification Card.

A. A Medical Marijuana Dispensary shall require every qualifying patient or primary caregiver to display the medical marijuana identification card or other proof of eligibility of purchase to enter the Medical Marijuana Dispensary and at the time of each purchase.

B. It shall be unlawful for a qualifying patient or primary caregiver when in the possession of marijuana to fail to exhibit on the demand of any peace officer a medical marijuana identification card.

C. It shall be unlawful for any person to possess, produce, manufacture, sell, or otherwise distribute a fraudulent document, photocopy, or image displayed on a mobile electronic device intended to serve as a medical marijuana identification card.

Section 675.270 Requirement to Display License.

Every Facility shall display its state issued license as well as City Business License in a location visible upon entry into the Facility.

ARTICLE IV

Packaging and Limitations on Quantity Dispensed

Section 675.300 Packaging and Limitations on Quantity Dispensed.

A Medical Marijuana Dispensary Facility shall not dispense more than four (4) ounces of a usable form of medical marijuana per patient in a thirty day period, except as otherwise allowed by law [Art, 2m sec 3(13)]. All marijuana sold or otherwise distributed shall be in a sealed container. Such packaging shall have a label that indicates the quantity and advises the purchaser that the marijuana is intended for use solely by the patient, and that any resale or redistribution to any third person is a criminal violation.

ARTICLE V

On Site Consumption or Cultivation, Sale of Paraphernalia; Disposal

Section 675.400 On Site or Public Consumption.

It shall be unlawful to consume, inhale or personally use marijuana or medical marijuana-infused products on or within the premises of a Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility, Medical Marijuana Dispensary Facility, or in a public place, except that a Medical Marijuana Testing Facility may consume marijuana during the testing process and only as the consumption relates to the testing process. A surveillance camera shall be operable at all times to insure compliance with this and other requirements of this Ordinance.

Section 675.410 On Site Cultivation.

The growing or cultivation of marijuana on the premises of a Medical Marijuana-Infused Products Manufacturing Facility, Medical Marijuana Testing Facility or Medical Marijuana Dispensary Facility is prohibited.

Section 675.420 Sale of Paraphernalia.

Paraphernalia as defined in section 195.010(17) (1)a through (1)f, excluding (1) of the Revised Statutes of Missouri, as may be amended, may lawfully be sold at a Medical Marijuana Dispensary Facility. Such items may not be publicly displayed and may be sold, displayed and provided only to patients or primary caregivers of patients.

Section 675.430 Disposal of Marijuana and Marijuana Infused Products.

No person shall dispose of marijuana or marijuana-infused products in an unsecured waste receptacle not in possession or control of a licensee and designed to prohibit unauthorized access.

ARTICLE VI

Security

A. A Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana-Infused Products Manufacturing Facility or Medical Marijuana Dispensary Facility shall provide adequate security on the premises including but not limited to the following:

1. Surveillance. Security surveillance cameras installed to monitor each entrance to the Facility along with the interior and exterior of the premises to discourage and to facilitate the reporting and investigation of criminal acts and nuisance activities occurring at the premises. Security video shall be preserved for at least ninety (90) days, and be made available to law enforcement officers upon demand and without a search warrant.

2. Inventory. All salable inventory of marijuana must be kept and stored in a secured, locked manner.

3. Safe. A locking safe or secure vault permanently affixed or built into the premises to store any currency on site. Marijuana, including plants, and marijuana-infused products shall be secured in a safe or vault permanently affixed or built into the premises. The building will be designed to prevent vehicle crash and grab thefts.

4. Lighting. Exterior lighting that illuminates the exterior walls of the Facility premises but is otherwise discrete and not obtrusive or distracting.

5. Alarm System. Professionally monitored robbery alarm and burglary alarm systems shall be installed and maintained in good working condition within the Facility at all times.

6. Emergency Contact. Each Facility shall provide the chief of police with the name, cellular telephone number, electronic mail address, and facsimile number of an on-site Facility employee to whom the City may provide notice of any operating problems associated with the Facility. It shall be the responsibility of the Licensee to keep up to date the contact information of the Facility employee.

7. Access. Only an employee, qualified patient or primary caregiver shall be permitted in a Medical Marijuana Dispensary Facility.

ARTICLE VII

Recordkeeping

Section 675.600 Ledger Required.

A. A Medical Marijuana Dispensary Facility shall keep a ledger, for three (3) years from the creation of the record, which shall record the following information, and which shall be made available to the city upon demand:

1. The quantities of medical marijuana dispensed in each transaction;
2. The type of medical marijuana dispensed;
3. The total amount paid by the patient or primary caregiver for the transaction for each of the goods and services provided, before relevant taxes;
4. The patient identifying information permitted by law;
5. Confirmation that the employee confirmed the identity of the patient or primary caregiver receiving the medical marijuana with a valid state issued identification; and
6. The date and time dispensed.

ARTICLE VIII

Operating Plans

Section 675.700 Operating Plans.

A. As a condition of processing of a business license application, a Facility operator shall provide at the time of filing of the business license application a detailed operations plan and, upon issuance of a license, shall operate the Facility in accordance with the plan. Such plan shall include:

1. **Floor Plan.** A plan showing the layout of the Facility and the principal uses of the floor area depicted. A Medical Marijuana Dispensary Facility shall have a lobby waiting area at the entrance to the center to receive clients, and a separate and secure designated area for dispensing medical marijuana to qualified patients or designated primary caregivers. The primary entrance of any stand-alone facility shall be located and maintained clear of barriers, landscaping and similar obstructions so that it is clearly visible from public streets, sidewalks or site driveways.

2. **Lighting Plan.** A Facility shall provide a lighting plan in accordance with this code. Such plan shall also include any illumination for the purposes of cultivation and any mitigation controls to lessen adverse impacts to the surrounding properties.

3. **Odor Controls.** A Facility shall provide a plan for the mitigation and control of odors and other environmental impacts which may emanate from a Facility. Such plan shall

describe the ventilation system for the premises. Appropriate ventilation systems to prevent any odor or marijuana of fumes leaving the premises of a Facility or other changes to a Facility may be required to abate a public nuisance. No Facility shall emit any odor of marijuana which is capable of being smelled by a person of ordinary senses outside the boundary of the lot on which the Facility is located.

4. Product and Service Description. A description of the products and services to be provided by the Facility.

5. Employee List. A list of all employees of the Facility.

ARTICLE IX

Licenses, Fees and Taxes

Section 675.800 Business License Required; Penalty for Noncompliance.

Each Facility shall at all times possess a current City business license. By obtaining a City business license, the Facility Licensee irrevocably consents to the immediate closure and cessation of operation of the Facility in addition to all other penalties or remedies available by law for the failure to process a current City business license.

Section 675.810 Fees and Taxes.

At all times, a Facility Licensee shall remain current and not delinquent on any real or personal property tax, sales tax or fee.

Section 675.820 Sales Taxes.

Each Medical Marijuana Dispensary Facility shall pay sales tax on all medical marijuana, and other tangible personal property sold at the Facility.

ARTICLE X

Administration, Enforcement, Violations and Penalties

Section 675.900 Administration and Enforcement.

The Foristell Chief of Police shall be responsible for administering and enforcement of this Ordinance. The Foristell Officers are authorized to inspect any Facility to determine compliance with this Ordinance.

Section 675.910 Penalty; Revocation of Business License.

A. It shall be unlawful for any person to violate any of the provisions of this Ordinance. Upon conviction thereof, such persona shall be fined up to the statutory maximum fine as provided by Missouri law for a municipal ordinance violation or be punished by imprisonment as provided by Missouri law for a municipal ordinance violation or be punished by both such fine and imprisonment. Each day's violation of or failure, refusal or neglect to comply with any provision of this Ordinance shall constitute a separate and distinct offense. The penalties provided in this Section are cumulative and in addition to and are separate from any civil action to enforce this Ordinance.

B. Violation of any provision of this ordinance by a Licensee shall result in forfeiture of the Licensee's City business license.

Section 675.920 Injunction.

With or without the initiation of criminal prosecution or any other legal proceedings, the City may apply to the appropriate court for injunctive relief, which would require the correction or abatement of any violation of this Ordinance. The initiation or exhaustion of one (1) of these enforcement proceedings shall not be a prerequisite to the initiation of any other of these enforcement proceedings. Different types of enforcement proceedings may be pursued concurrently.

Section 675.930 Conflicting Law.

All ordinances, codes, regulations and orders or parts thereof in conflict with the provisions of this Ordinance shall not apply.

Section 675.940 No Waiver Of Governmental Immunity.

In adopting this ordinance the Board of Aldermen is relying on and does not waive or intend to waive any of the monetary limitations or any other rights, immunities and protections provided by the Sections 537.600 and 537.610 RSMo., as from time to time amended, or any other limitation, right, immunity, or protection otherwise available to the City, its officers or its employees.

Section 675.950 No City Liability.

By accepting a business license, the Facility Licensee releases the City, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that may result from any arrest or prosecution of Facility owners, operator, employees, clients or customers for a violation of city, state or federal laws, rules or regulations. The City Clerk may require a Facility Licensee to execute a written instrument confirming the provisions of this Ordinance.

Section 675.960 Indemnification of City.

By accepting a business license, a Facility Licensee, jointly and severally, if more than one, agrees to indemnify and defend the city, its officers, elected officials, employees, attorneys, agents, and insurers against all liability, claims and demands, on account of injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever which arise out of or are in any manner connected with the operation of a Facility that is the subject of Amendment 2. The Facility Licensee further agrees to investigate, handle, respond to, and to provide defense for and defend against, any such liability, claims, or demands at its own expenses, and to bear all other costs and expenses related thereto, including court costs and attorney fees. The City Clerk may require a licensee to execute a written instrument confirming the provisions of this Ordinance.

Section 675.970 Other Laws Remain Applicable.

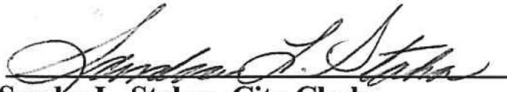
The provisions of this ordinance do not protect Facility Licensees, operators, employees, customers and clients of a Facility from prosecution pursuant to any laws that may prohibit cultivation, sales, use or possession of controlled substances. In addition, as of the date of the adoption of this chapter the cultivation, sale, possession, distribution and use of marijuana remain violations of federal and state law (except for conduct covered by Amendment 2), and this chapter affords no protection against prosecution under such federal and state laws. Licensees, operators, employees, customers and clients of a Facility assume any and all risk and any and all liability arising or resulting from the operation of a Facility under any city, state or federal law. Further, to the greatest extent permitted by law, any actions taken under the provisions of this chapter by any public officer or officers, elected or appointed officials, employees, attorneys and agents of the City shall not become a personal liability of such person of the City.


Section 675.980 Severability. It is hereby declared to be the intention of the Board of Aldermen that the sections, paragraphs, sentences, clauses and phrases of this chapter are severable, and if any phrase, clause, sentence, paragraph or section of this chapter shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the Board of Aldermen without the incorporation in this chapter of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 675.990 That this Ordinance shall be in full force and effect upon its enactment and approval.

READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMAN OF THE CITY OF FORISTELL, MISSOURI. THIS 6TH DAY OF MAY 2019 AT A REGULARLY SCHEDULED BOARD MEETING.


Attest:

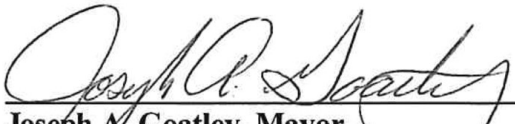

Sandra L. Stokes, City Clerk


Joseph A. Goatley, Mayor

APPROVED BY THE MAYOR OF THE CITY OF FORISTELL, MISSOURI, THIS 6TH MAY DAY 2019.

Attest:


Sandra L. Stokes, City Clerk


Joseph A. Goatley, Mayor