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**AN ORDINANCE ADOPTING SECTION 205.440 UNLAWFUL POSSESSION OF MARIJUANA AND PROHIBITION OF PUBLIC USE OF MARIJUANA**

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**WHEREAS**, the City of Herculaneum's ordinances had prohibited the possession of marijuana, a controlled substance, by all persons; and

**WHEREAS**, the voters of the State of Missouri approved an amendment to the State Constitution legalizing certain possession, uses, production, distribution, sale and purchase of marijuana effective December 8, 2022; and

**WHEREAS**, the City desires to amend the existing Code of Ordinances regarding marijuana in accordance with the provisions of the State Constitution; and

**WHEREAS**, the City desires to protect the health and safety of the people of the City of Herculaneum by establishing reasonable regulations regarding marijuana consistent with the Missouri Constitution.

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED BY THE BOARD OF ALDERMEN OF THE CITY OF HERCULANEUM, MISSOURI, AS FOLLOWS:**

**SECTION 1.** Section 205.440 shall be enacted to read as follows:

Section 205.440 Unlawful Possession of Marijuana and Prohibition of Public Use of Marijuana

- A. It is unlawful for any person younger than twenty-one (21) years of age to possess, use, produce, distribute, sell or purchase marijuana, or marijuana accessories, as defined in Section 195.010, RSMo.
- B. It is unlawful for any person to deliver or distribute marijuana, or marijuana accessories, with or without consideration, to a person younger than twenty-one (21) years of age.
- C. It is unlawful for any person to consume marijuana while operating or being in physical control of a motor vehicle, watercraft or other motorized form of transport.
- D. It is unlawful for any person to smoke marijuana within a motor vehicle, train, watercraft or other motorized form of transport while it is being operated.
- E. It is unlawful to possess or consume marijuana, or marijuana accessories, on the grounds of a public or private preschool, elementary or secondary school,

institution of higher education, in a school bus or on the grounds of any correctional facility or jail.

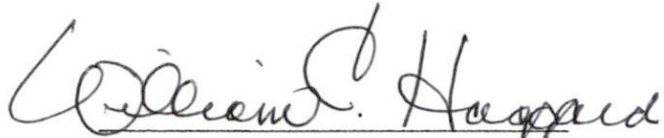
- F. It shall be unlawful to consume marijuana in a public place, other than an area licensed by the State of Missouri.
- G. The penalty for consuming marijuana in a location where it is prohibited shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00). All other violations of this ordinance shall be subject to the general penalty provisions set forth in Section 100.004 of the Ordinances of the City of Herculaneum.

**SECTION 2.** If any of the provisions of this ordinance, or the application thereof, to anyone or any circumstance is held invalid, the remainder of this ordinance and the application of such provisions to others or other circumstances shall not be affected thereby.

**SECTION 3.** This ordinance shall be in full force and effect from and after the date of its passage.

**SECTION 4.** This ordinance shall be codified.

READ (IN FULL TWO TIMES) (BY TITLE TWO TIMES, COPIES OF THE PROPOSED ORDINANCE HAVING BEEN MADE AVAILABLE FOR PUBLIC INSPECTION AT THE PLACE OF THE MEETING PRIOR TO THE TIME THE BILL WAS UNDER CONSIDERATION BY THE BOARD OF ALDERMEN) AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF HERCULANEUM, MISSOURI, THIS 3rd DAY OF April, 2023.

  
WILLIAM C. HAGGARD, Mayor  
City of Herculaneum

ATTEST:

  
LAURIE FERRETTI, City Clerk



Tabled March 20, 23

BILL NO. 2664

ORDINANCE NO. 10-2023

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WILLIAM C. HAGGARD, Mayor  
City of Herculaneum

ATTEST:

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LAURIE FERRETTI, City Clerk