

BILL NO. 04-10-2023(B)

ORDINANCE NO. 706

“AN ORDINANCE ESTABLISHING REASONABLE ZONING REGULATIONS ON MARIJUANA RELATED BUSINESSES AND QUALIFYING CUSTOMER CULTIVATION REGARDING NOISE, AIR QUALITY, NEIGHBORHOOD SAFETY, SECURITY, OTHER HEALTH AND SAFETY CONCERNS, AND TIME, PLACE AND MANNER RESTRICTIONS ON MARIJUANA FACILITY OPERATIONS”

A. Prohibited Facilities

The following facilities shall not be located within the City Limits of the City of Lincoln:

1. Marijuana cultivation facilities;
2. Marijuana Infused Products Manufacturing Facility;
3. Marijuana Testing Facility;

The foregoing facilities are prohibited within the City of Lincoln due specifically to the lack of spacing requirements necessary to operate a facility of this type.

B. Marijuana Dispensary Facility.

1. Marijuana dispensary facilities shall be allowed within the City of Lincoln in the C-3 Zoning District Only.
2. Marijuana dispensary facilities shall not be located within one thousand (1,000) feet of any school, child day-care center, church, public library or long-term care nursing facility.
3. No marijuana dispensary facility shall take place within five hundred (500) feet of any residential zoning district or public park.

C. Conformance with Regulations. All marijuana related uses shall conform to and meet all regulations established by the State and the City.

D. Drive-through, take-out or drive-in service shall be allowed at any marijuana dispensary facility so long as all municipal, state and federal regulations are followed.

E. All marijuana dispensing operations shall be conducted within a completely enclosed building.

- F. Age and Access. It shall be unlawful for any marijuana dispensary facility to allow any person who is not at least 21 years of age on the premises. Individuals must be at least 21 years of age to purchase marijuana products from a marijuana dispensary facility.
- G. Odor Control And Ventilation.
1. Dispensaries shall not emit any odor of marijuana which is capable of being smelled by a person of ordinary sense outside of the boundary of the building in which the facility is located.
- H. Security Of Facilities. All facilities shall be secured per current State of Missouri regulations but in no case shall these security measures negate any emergency egress requirements per the City's current adopted Editions of the International Building Code and International Fire Code.
- I. Residential Use Of Medical Marijuana.
1. The smell or odor of marijuana being smoked, vaped or grown within the primary dwelling unit shall not be capable of being detected by a person of normal senses from any adjoining dwelling unit, adjoining lot, parcel or tract of land not owned or rented by the primary residence, or from any adjoining right-of-way.
 2. Personal marijuana cultivation is allowed either inside or outside the home owner or home occupant's property so long as the cultivation remains located on the home owner or occupant's property and all municipal, state and federal regulations are followed.
 3. The room, secondary or accessory structure, or outside parcel of property used to grow, cultivate or process marijuana shall be secured at all times and shall remain accessible only to the owner of the cultivated marijuana. The owner shall take all steps necessary to prevent access to the cultivated marijuana by any individual under the age of 21.
 4. No chemical or gas shall be used to extract or enhance tetrahydrocannabinol (THC) from the marijuana that is grown.
 5. The room, secondary or accessory structure used to grow, cultivate or process marijuana shall meet all applicable requirements of the City of Lincoln currently adopted building codes.
 6. Any outside cultivation of marijuana within the City shall abide by all municipal, state and federal regulations, and shall be minimally intrusive to all adjoining neighbors or landowners.

J. Violations. Violations of this Section are punishable under the Codes of the City of Lincoln, with a maximum fine of five hundred dollars (\$500.00) and up to ninety (90) days in jail.

This Ordinance shall be in full force and effect from and after the date of its final passage by the Board of Aldermen and approval of the Mayor.

First Reading: 5-8-23

Second Reading: 5-8-23

Passed this 8th day of May, 2023

Glen Nelson
Glen Nelson, Mayor

Attest:

Sabrina Brown
Sabrina Brown, City Clerk

