

BILL NO. 1-10-2023(2)

ORDINANCE NO. 1357

**AN ORDINANCE OF THE CITY OF MOUND CITY, MISSOURI AMENDING THE CITY CODE REGARDING MARIJUANA.**

**WHEREAS**, Effective December 6th, 2018, the Missouri Constitution was amended by adding Article XIV, Section 1, pertaining to medical marijuana; and

**WHEREAS**, effective December 8th, 2022, the Missouri Constitution was further amended by adding Article XIV, Section 2, regarding recreational marijuana;

**WHEREAS**, it is necessary to amend the ordinances of this City to conform to the provisions of the Constitution;

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

**SECTION 1: Definitions**

1. 'Constitution' shall mean the Constitution of the State of Missouri.
2. 'Fine' when used herein shall mean a monetary fine imposed by the Municipal Court for this City.
3. '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' do 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.

**SECTION 2: Residential Consumption.**

- A. Persons may consume marijuana in their private residence, or in the residence of another with permission, but may not dispense or smoke marijuana in such a manner that the marijuana smoke or odor, exits the residence. If marijuana smoke or odor is capable of being detected by a person of ordinary senses (including but not limited to any police officer) beyond the property line of a single-family home or outside of the owned or leased premises of a duplex or multifamily unit there shall be a rebuttable presumption that this section has been violated. In a multifamily or similar dwelling, medical marijuana may not be dispensed or consumed in any common area.
- B. Violation of this provision shall be punishable by a fine not to exceed One Hundred Dollars (\$100.00).