

BILL NO. 2024-001

ORDINANCE NO. 2024-001

**ORDINANCE ADDING AND ENACTING NEW SUBSECTIONS TO SECTIONS 405.240 AND 405.260, AND SHOULD BE MODIFYING SECTION 405.010 TO ADD NEW DEFINITIONS AND TO REPEAL SECTION 405.265**

WHEREAS, the City Attorney has shown to the Board of Alderman the following:

Article XIV, Sections 1 and 2 of the Missouri Constitution is to enable certain specified persons and legal entities who comply with the provisions of the Constitutional Amendment as well as all rules and regulations promulgated by the Department of Health and Senior Services of the State of Missouri to legally obtain, possess, cultivate, process, grow, use and distribute marijuana for medicinal purposes to the extent allowed by applicable law and authorizes the recreational use, sale and production of marijuana under guidelines set forth in the Constitution and guidelines set forth by the City.

WHEREAS, no section of the Northmoor Zoning Code makes specific provision for Marijuana Facilities of any nature (Medical Marijuana Facilities notwithstanding) and there needs to be a specific reference in the zoning code.

WHEREAS the Board asked the Planning and Zoning Commission to review the matter by Resolution passed on 11<sup>th</sup> day of 01, 2024.

WHEREAS, the Planning and Zoning Commission held a public hearing on January 11, 2024 and approved/did not approve the proposed changes or made other recommendations

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

Effective immediately, Section 405.240(A) is modified to add subsection 39 which is hereby enacted; and further that Section 405.260(A) is modified to add subsection 28 which is hereby enacted; and further that Section 405.010 is modified to add the definitions set forth below in addition to the other definitions which are hereby enacted which shall read as follows; and further that Section 405.265 is repealed.

1. The following is added to Section 405.240 (A):

**Subsection 39. Comprehensive marijuana dispensary facility**

2. The following is added to Section 405.260 (A):

**Subsection 28. Any Comprehensive marijuana facility, which would include any testing, manufacturing and/or cultivation.**



3. The following definitions from Article XIV, Section 2 of the Missouri Constitution are hereby added to Section 405.010 of the City Code, in addition to all existing definitions:

*Comprehensive marijuana cultivation facility. A facility licensed by the Department of Health and Senior Services to acquire, cultivate, process, package, store on site or off site, transport to or from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones) to a medical marijuana facility, comprehensive marijuana facility, or marijuana testing facility. A comprehensive marijuana cultivation facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana. A comprehensive marijuana cultivation facility's authority to process marijuana shall include the creation of pre-rolls, but shall not include the manufacture of marijuana-infused products.*

*Comprehensive marijuana dispensary facility. A facility licensed by the Department Of Health And Senior Services to acquire, process, package, store on site or off site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana as provided for in this section to a qualifying patient or primary caregiver, as those terms are defined in section 1 of this Article, or to a consumer, anywhere on the licensed property or to any address as directed by the patient, primary caregiver, or consumer and consistent with the limitations of this Article and as otherwise allowed by law, to a comprehensive facility, a marijuana testing facility, or a medical facility. Comprehensive dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet, including from a third party. A comprehensive marijuana dispensary facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana, but shall collect all appropriate tangible personal property sales tax for each sale, as set forth in this Article and provided for by general or local law. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.*

*Comprehensive marijuana facility. A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused product manufacturing facility.*

*Comprehensive marijuana-infused products manufacturing facility. A facility licensed by the DHSS to acquire, process, package, store, manufacture, transport to or from a medical marijuana facility, comprehensive marijuana facility, or marijuana testing facility, and sell marijuana-infused products, pre-rolls, and infused pre-rolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. A comprehensive marijuana-infused product*

*manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.*

*Consumer. A person who is at least twenty-one (21) years of age.*

*Department of health and senior services ("DHSS"). The Missouri Department of Health and Senior Services ("DHSS"), or its successor agency.*

*Marijuana activities. The cultivation, manufacturing, dispensing, selling, or testing of marijuana.*

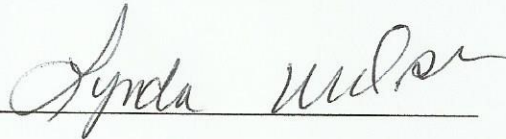
*Marijuana facility. Any comprehensive marijuana facility, medical marijuana facility or marijuana testing facility.*

*Marijuana testing facility. A facility certified by the DHSS to acquire, test, certify, and transport marijuana.*

*Medical marijuana facility. Any facility that engages in marijuana activities relating to medical marijuana*

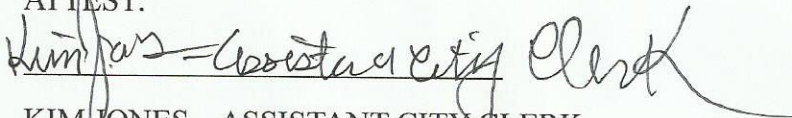
3. Section 405.265 is repealed.

PASSED THIS 11th DAY OF JANUARY, 2024.



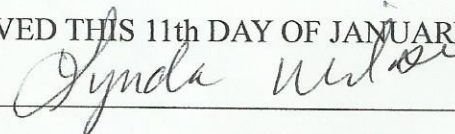
LYNDA WILSON, MAYOR

ATTEST:



KIM JONES - ASSISTANT CITY CLERK

APPROVED THIS 11th DAY OF JANUARY, 2024.



LYNDA WILSON, MAYOR

