

BILL NO. 1638

ORDINANCE NO. 1273-23-08

**AN ORDINANCE AMENDING ARTICLE XVII, MEDICAL MARIJUANA FACILITY, TO RECOGNIZE THE CHANGE IN STATE LAW EXTENDING THE SALE, USE AND POSSESSION OF MARIJUANA TO INCLUDE CERTAIN RECREATIONAL USES**

WHEREAS, by a vote of the people, the Missouri Constitution was amended to provide for the sale, use and possession of Marijuana for recreational use, pursuant to Article XIV, of the Missouri Constitution;

AND WHEREAS, as a result of the foregoing, the Council has determined that it is necessary to amend its existing ordinances to make provision for the legalization of such sale, use and possession, and to further amend its existing ordinances to clarify the fact that marijuana facilities may be both for medical and recreational purposes.

NOW THEREFORE, Be It Ordained by the City Council of the City of Palmyra:

**Section 1.** That Article XVII – Medical Marijuana Facility is hereby revoked, and a new ARTICLE XVII – Marijuana Facility is hereby enacted:

**ARTICLE XVII – MARIJUANA FACILITY**

**Section 400.560 Definitions.**

[Ord. No. 1224-19-15, 11-7-2019]

The following words shall have the meanings set forth below, unless the context clearly dictates otherwise, or unless contradicted by the definition provided by the State Statute or Missouri Constitution, Article XIV.

**CHILD DAY-CARE CENTER** Is a child-care program conducted in a location where care is provided for compensation for children not related to the child-care provider.

"**CHURCH**" means a permanent building primarily and regularly used as a place of religious worship.

"**COMPREHENSIVE FACILITY**" means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.

"**COMPREHENSIVE MARIJUANA CULTIVATION FACILITY**" means a facility licensed by the department 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 facility, comprehensive 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 prerolls, but shall not include the manufacture of marijuana-infused products.

" COMPREHENSIVE MARIJUANA DISPENSARY FACILITY " means a facility licensed by the department 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-INFUSED PRODUCTS MANUFACTURING FACILITY" means a facility licensed by the department to acquire, process, package, store, manufacture, transport to or from a medical facility, comprehensive facility, or marijuana testing facility, and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary facility, a marijuana testing facility, or another marijuana-infused products manufacturing facility. A comprehensive marijuana-infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

#### MARIJUANA OR MARIHUANA

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 the seed thereof and resin extracted from the plant and marijuana-infused products.

"MARIJUANA ACCESSORIES" means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.

"MARIJUANA FACILITY" means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing facility, microbusiness wholesale facility, microbusiness dispensary facility, or any other type of marijuana-related facility or business licensed or certified by the department pursuant to this section, but shall not include a medical

facility licensed under section 1 of this Article.

#### MARIJUANA-INFUSED PRODUCTS

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.

"MARIJUANA MICROBUSINESS FACILITY" means a facility licensed by the department as a microbusiness dispensary facility or microbusiness wholesale facility, as defined in this section.

#### MEDICAL MARIJUANA CULTIVATION FACILITY

A facility licensed by the State of Missouri 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 facility.

#### MEDICAL MARIJUANA DISPENSARY FACILITY

A facility licensed by the State of Missouri to acquire, store, sell, transport, and deliver marijuana, marijuana-infused products and drug paraphernalia used to administer or consume marijuana and 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 facility.

#### MEDICAL MARIJUANA FACILITY

A medical marijuana dispensary, medical marijuana cultivation facility, medical marijuana testing facility, and medical marijuana-infused products facility.

#### MEDICAL MARIJUANA TESTING FACILITY

A facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.

#### MEDICAL MARIJUANA-INFUSED PRODUCTS FACILITY

A facility licensed by the State of Missouri, to acquire, store, manufacture, transfer, 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.

"MICROBUSINESS DISPENSARY FACILITY" means a facility licensed by the department 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 consumer, qualifying patient, as that term is defined in section 1 of this Article, or primary caregiver, as that term is defined in section 1 of this Article, anywhere on the licensed property or to any address as directed by the consumer, qualifying patient, or primary caregiver and, consistent with the limitations of this Article and as otherwise allowed by law, a microbusiness wholesale facility, or a marijuana testing facility. Microbusiness 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 microbusiness dispensary facility's authority to process marijuana shall include the creation of prerolls.

"MICROBUSINESS WHOLESALE FACILITY" means a facility licensed by the department to acquire, cultivate, process, package, store on site or off site, manufacture, transport to or from, deliver, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), and marijuana-infused products to a microbusiness dispensary facility, other microbusiness wholesale facility, or marijuana testing facility. A microbusiness wholesale facility may cultivate up to 250 flowering marijuana plants at any given time. A microbusiness wholesale facility's authority to process marijuana shall include the creation of prerolls and infused prerolls.

"PREROLL" means a consumable or smokable marijuana product, generally consisting of: (1) a wrap or paper and (2) dried flower, buds, and/or plant material. Prerolls may or may not include a filter or crutch at the base of the product.

#### SCHOOL

Any building which is regularly used as a public, private or parochial elementary and/or secondary school or high school.

#### **Section 400.570 Zoning And Location Of Marijuana Facility.**

[Ord. No. 1224-19-15, 11-7-2019]

1. A marijuana facility, licensed by the State of Missouri may be located in the I-1 Industrial District.
2. A permitted use in the C-1 Commercial District shall include a medical marijuana dispensary facility, a comprehensive marijuana dispensary facility and/or a microbusiness dispensary facility.
3. No medical marijuana facility may be located closer than five hundred (500) feet to any other marijuana facility.
4. No marijuana facility may be located within eight hundred (800) feet of any school, child day-care center, or church.
5. No marijuana facility may be located with five hundred (500) feet of the R-1 single and two-family district, R-2 mobile home district, and R-3 multifamily district.
6. No marijuana facility shall be located within five hundred (500) feet of a public park.

#### **Section 400.580 Measurement Of Distance.**

[Ord. No. 1224-19-15, 11-7-2019]

1. In the case of a freestanding facility, the distance between the facility and the school, day care, or church shall be measured from the external wall of the facility structure closest in proximity to the school, day care, or church to the closest point of the property line of the school, day care, or church.
2. In the case of a facility that is part of a larger structure, such as an office building or strip



mall, the distance between the facility and the school, day care, or church shall be measured from the property line of the school, day care, or church to the facility's entrance or exit closest in proximity to the school, day care, or church.

3. Measurements shall be made along the shortest path between the demarcation points that can be traveled by foot.

**Section 400.590 Licenses.**

[Ord. No. 1224-19-15, 11-7-2019]

Any marijuana facility shall be required to have a City business license as provided by the City Code of the City of Palmyra, Missouri, but shall not be required to have any other City-issued license.

**Section 400.600 Marijuana Dispensaries.**

[Ord. No. 1224-19-15, 11-7-2019]

1. A medical marijuana dispensary facility and/or a microbusiness dispensary facility shall not be open to the public or make any sales of marijuana or marijuana-infused products between the hours of 10:00 P.M. and 8:00 A.M. the following day.
2. No marijuana of any type may be consumed or ingested or administered on the premises of a medical marijuana dispensary facility and/or a microbusiness dispensary facility, nor shall the licensee permit consumption, ingestion, or the administering of the same.
3. A medical marijuana dispensary shall require any customer to display the customer's qualifying patient identification card or a primary caregiver identification card, from the Department of Health and Senior Services at the time of each purchase.
4. No person under the age of eighteen (18) years old shall be allowed into a medical marijuana dispensary, except that a qualifying patient who is under the age of eighteen (18) years but who has been emancipated by a court order, and a qualifying patient under the age of eighteen (18) years when accompanied by the qualifying patient's parent, guardian, or primary caregiver.
5. No person under the age of twenty-one (21) years old shall be allowed into a comprehensive marijuana dispensary facility and/or a microbusiness dispensary facility unless they are a qualifying patient who displays a qualifying patient identification card or a primary caregiver identification card, from the Department of Health and Senior Services at the time of each purchase .
6. A medical marijuana dispensary and/or a microbusiness dispensary facility shall display its State-issued license, visible to the public, at all times.
7. No medical marijuana dispensary and/or a microbusiness dispensary facility shall emit any odor of marijuana which is capable of being smelled by a person of ordinary senses

outside of the boundary of the lot on which the facility is located.

**Section 400.610 Disposal Of Marijuana.**

[Ord. No. 1224-19-15, 11-7-2019]

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

**Section 400.620 Fixed Location.**

[Ord. No. 1224-19-15, 11-7-2019]

1. A medical marijuana dispensary shall be operated from a fixed and permanent location. No medical marijuana dispensary shall be permitted to operate from a movable, mobile, or transitory location. This Section shall not prevent the physical delivery of medical marijuana to a patient holding a qualified patient identification card for medical marijuana issued by the State of Missouri or another state, or to a person holding a valid primary caregiver identification card for medical marijuana issued by the State of Missouri or another state, if:
  - a. The marijuana was lawfully purchased by the patient or the patient's primary caregiver from the licensed medical marijuana dispensary;
  - b. The marijuana is delivered only to the patient or the patient's primary caregiver;
  - c. The marijuana is delivered only by the medical marijuana dispensary or an employee of the medical marijuana dispensary;
  - d. The marijuana is delivered only to a location within the City; and
  - e. The marijuana is delivered only by the use of a motor vehicle, bicycle, or other lawful means of transportation.
  - f. Medical marijuana may not be delivered by drone or any remotely operated vehicle, or by any self-navigating vehicle unless a human occupies such self-navigating vehicle.

**Section 400.630 Security.**

[Ord. No. 1224-19-15, 11-7-2019]

1. A. medical marijuana dispensary facility, a comprehensive marijuana dispensary facility and/or a microbusiness dispensary facility shall provide adequate security on the premises, including, but not limited to, the following:
  - a. Security surveillance cameras installed to monitor the main entrance and exit along with the interior and exterior of the premises to discourage and to facilitate the reporting of criminal acts and nuisance activities occurring at the premises. Security video shall be preserved for at least seventy-two (72) hours.
  - b. Robbery and burglary alarm systems which are professionally monitored and maintained in good working condition.

- c. A locking safe permanently affixed to the premises that is suitable for storage of all of the salable inventory of marijuana if marijuana is to be stored overnight on the premises.
- d. Exterior lighting that illuminates the exterior walls of the business.

**Section 2.** It hereby is declared to be the intention of the City Council that each and every part, portion and sub-portion of this Ordinance shall be separate and severable from each and every other part, portion or sub-portion hereof and that the City Council intends to adopt each said part, portion or sub-portion separately and independently of any other part, portion or sub-portion. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, portions and sub-portions shall be and remain in full force and effect.

**Section 3.** All ordinances and parts of ordinances in conflict with this ordinance, in so far as they conflict, are hereby repealed.

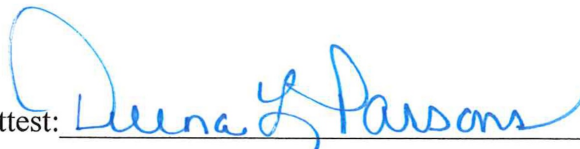
**Section 4.** That this Ordinance shall be in full force and effect from and after its passage and approval.

FIRST READING May 4, 2023

SECOND READING/APPROVED May 18, 2023



Alan R. Adrian, Mayor

Attest: 

Deena L. Parsons, City Clerk

Book \_\_\_\_\_ Page \_\_\_\_\_ of the City Records