

AN ORDINANCE ADDING SECTION 615 MEDICAL MARIJUANA OF THE CITY OF ROGERSVILLE MISSOURI MUNICIPAL CODE

WHEREAS, the City of Rogersville, Missouri is a municipal corporation of the fourth class, duly organized and existing under the laws of the State of Missouri; and

WHEREAS, after the Board of Alderman reviewed it has been determined that adding Section 615 to the City Of Rogersville Municipal Code would be in the best interest of the city

WHEREAS, the Board of Aldermen agree that the listed municipal code changes will enhance the City of Rogersville’s growth and development in a more orderly fashion,

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

615.010 Commercial zoning

1. Comprehensive marijuana dispensary facility as defined in Article XIV Section 2 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances.

1. Medical marijuana dispensary facility as defined in Article XIV Section 1 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances.

615.020 Industrial

1. Medical marijuana-infused products manufacturing facility as defined in Article XIV Section 1 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances.

2. Marijuana testing facility as defined in Article XIV Section 1 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor)

3

and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances.

3. Comprehensive marijuana-infused products manufacturing facility as defined in Article XIV Section 2 of the Missouri Constitution and by the Missouri Department of Health and Senior Services (or its successor) with a valid license issued by the Missouri Department of Health and Senior Services (or its successor) and complying with the rules and regulations of the Missouri Department of Health and Senior Services and City ordinances.

615.030 Administration Of Medical Marijuana In Public

1. No person shall administer medical marijuana in a public place unless provided by law.
2. No person shall administer medical marijuana on the premises of a residence unless the person in custody and control of the premises consents to the administration of the medical marijuana by an individual in possession of a valid qualified patient identification card.

615.040 Disposal of Medical Marijuana

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

615.050 Marijuana Cultivation.

- A. It shall be unlawful for any person under twenty-one (21) years of age to cultivate marijuana.
- B. It shall be unlawful for any person at least twenty-one (21) years of age or older to cultivate marijuana if:
 1. Such person does not have a valid registration card for cultivation issued by the Missouri Department of Health and Senior Services (or its successor); or
 2. Such marijuana is visible by normal, unaided vision from a public place; or
 3. Such marijuana is not kept at one (1) private residence in a locked space; or
 4. Such marijuana exceeds the maximum allowable amounts set forth in Article XIV Section 2 of the Missouri Constitution for flowering marijuana plants, non-flowering marijuana plants (over fourteen inches tall), and clones (under fourteen inches tall).

Chapter	Medical Marijuana Facilities			
615.060				Definitions
615.070	Compliance		With	Law
615.080				Licensing
615.090	Distance	Requirements	From	Schools
615.100	Distance	Requirements	From	Churches
615.110	Distance	Requirements	From	Daycares
615.120				Measurements
615.130	Hours		Of	Operation
615.140	Requirements For Marijuana Facilities And Medical Facilities As Defined In MO Const			
Article	XIV,	Sections	1	And 2

615.060 Definitions

Unless specifically defined in this Chapter, definitions shall be in accordance with the Article XIV, Section 1 of the Missouri Constitution and the Missouri Department of Health and Senior Services (or its successor) regulations governing medical marijuana facilities, which are currently in 19 CSR 30-95.

615.070 Compliance With Law

All medical marijuana facilities shall always comply with all laws and regulations issued by the Missouri Department of Health and Senior Services (or its successor) and the Municipal Code related to medical marijuana facilities. If the State's laws and regulations are more restrictive than the City's, than the more restrictive requirement applies.

615.080 Licensing

No medical marijuana facility shall be operated without a valid business license, an occupancy permit, and a valid license issued by the Missouri Department of Health and Senior Services (or its successor).

615.090 Distance Requirements From Schools

1. No medical marijuana dispensary facilities licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section 1 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing elementary or secondary school or property owned by a school district, as elementary and secondary schools are defined by State laws and regulations governing medical marijuana facilities.
2. No medical marijuana cultivation facilities licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section 1 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing elementary or secondary school or property owned by a school district,

as elementary and secondary schools are defined by State laws and regulations governing medical marijuana facilities.

3. No medical marijuana-infused products manufacturing facilities licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section 1 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing elementary or secondary school or property owned by a school district, as elementary and secondary schools are defined by State laws and regulations governing medical marijuana facilities.
4. No medical marijuana testing facilities licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section 1 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing elementary or secondary school or property owned by a school district, as elementary and secondary schools are defined by State laws and regulations governing medical marijuana facilities.

615.100 Distance Requirements From Churches

1. No medical marijuana dispensary facilities licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section 1 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing church as church is defined by State laws and regulations governing medical marijuana facilities.
2. No medical marijuana cultivation facilities licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section 1 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing church as church is defined by State laws and regulations governing medical marijuana facilities.
3. No medical marijuana-infused products manufacturing facilities licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section 1 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing church as church is defined by State laws and regulations governing medical marijuana facilities.
4. No medical marijuana testing facilities licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section 1 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of

any then-existing church as church is defined by State laws and regulations governing medical marijuana facilities.

615.110 Distance Requirements From Daycares

1. After December 8, 2022, no medical facility licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section 1 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing daycare center, as daycare is defined by State laws and regulations governing medical facilities.
2. After December 8, 2022, no comprehensive facility, licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section 2 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing daycare center, as daycare is defined by State laws and regulations governing marijuana facilities.
3. After December 8, 2022, no marijuana facility, licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section 2 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing daycare center, as daycare is defined by State laws and regulations governing marijuana facilities.

615.120 Measurements

In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. 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, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, or church is part of a larger structure, such as an office building or strip mall, the distance shall be measured to the entrance or exit of the school, daycare, or church closest in proximity to the facility. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by _____ foot.

615.130 Hours Of Operation

The hours of operation for any medical marijuana dispensary facility, comprehensive marijuana dispensary facility, or microbusiness dispensary facility shall be limited to 8:00 a.m. to 8:00 p.m., central standard time, Sunday through Saturday. No sales or distribution of marijuana or marijuana-infused products to the public shall take place outside of the hours of operation.

615.140 Requirements For Marijuana Facilities And Medical Facilities As Defined In MO Const Article XIV, Sections 1 And 2

1. Medical marijuana facilities shall only sell medical marijuana or medical marijuana-infused products to a qualified patient in possession of a valid qualified patient identification card or a caretaker of a qualified patient, or patients, in possession of a valid qualified caretaker card issued from the Missouri Department of Health and Senior Services or its successor.
2. The medical marijuana facility shall be located and operated from a permanent and fixed enclosed structure and may not be located in a trailer, cargo container, or motor vehicle, and the structure shall not be mobile or operate from a transitory location. Any and all cultivation, processing, storage, display, sales or other distribution of marijuana shall occur within the enclosed structure and shall not be visible from the exterior of the building.
3. The medical marijuana facility shall not sell to customers who are in cars or who consume the sold products in cars parked on the facility, nor shall it sell products through a sales window, to customers who are in cars, for the immediate consumption by the customer either on or off the premises.
4. The medical marijuana facility shall not provide delivery services for any of its products unless otherwise allowed by State law.
5. All medical marijuana facilities shall have installed and operational at all times a ventilation system or odor mitigation system to prevent any odor of marijuana from leaving the building or individual unit where the facility operates from so that no odor of marijuana shall be detectable by a person with normal sense of smell beyond the building or unit where the facility operates. The facility shall not use any equipment or process that creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the building or unit where the facility operates.
6. No medical marijuana facility shall create or cause any public nuisance.
7. If a medical marijuana facility elects to sell devices, contrivances, instruments, and paraphernalia for inhaling or otherwise consuming marijuana, including, but not limited to, rolling papers, and related tools, water pipes, and vaporizers, said items shall only be sold to an individual who is a qualified patient in possession of a valid qualified patient identification card or a caretaker of a qualified patient, or patients, in possession of a valid qualified caretaker card.
8. No medical marijuana facility shall display signage or advertisements with the "marijuana" or "cannabis," or any other word, phrase, or symbol commonly understood to refer to marijuana unless the word or phrase is immediately preceded by the word "medical" in the same type and font as all other words and symbols.
9. No medical marijuana facility shall advertise or promote the recreational or other use of medical marijuana that is inconsistent with the medical use of medical marijuana.

10. No medical marijuana facility shall allow marijuana to be consumed on the premises or within the parking lot used by the facility.
11. No medical marijuana facility shall operate unless the license issued by the Missouri Department of Health and Senior Services (or its successor), is openly and conspicuously placed at the entrance to the facility.
12. No person under the age of eighteen (18), except a patient when accompanied by a parent or legal guardian, shall be allowed on the premises of the medical marijuana facility.
13. No medical marijuana facility shall operate unless all the safety and security requirements as required by the Missouri Department of Health and Senior Services (or its successor) are in place and fully functional at all times. All security records shall be available to law enforcement upon request.
14. The medical marijuana facility shall display a sign on the interior of the facility indicating that a patient identification card or primary caregiver identification card, issued from the Missouri Department of Health and Senior Services (or its successor), is required and must be presented to purchase medical marijuana and marijuana-infused products.
15. Within thirty (30) days of ceasing operations, all medical marijuana-related products, supplies, and equipment, including signage, shall be removed from the facility.
16. It shall be unlawful for any person to distribute, transmit, give, dispense, or otherwise provide medical marijuana as a home occupation.
17. The regulations contained in this Chapter shall be in addition to any and all regulations contained elsewhere in the Municipal Code or Zoning Ordinance.

PASSED by the Board of Aldermen of the City of Rogersville this February 05, 2024, after its second reading.

APPROVED by the Mayor of the City of Rogersville this February 05, 2024.

THIS ORDINANCE WILL BE IN FULL EFFECT February 5, 2024.

BE IT REMEMBERED THAT THE ABOVE ORDINANCE WAS ADOPTED BY THE FOLLOWING VOTE:

Aldermen	Vote (Aye or Nay)
Jeff Lee	<u> Aye </u>
Janie Pyle	<u> Aye </u>
Kory Stucki	<u> Aye </u>
Tim Clarkson	<u> Aye </u>

Attest: Glenda Stegner
Glenda Stegner, City Clerk

Jack Cole
Jack Cole, Mayor of the City of Rogersville