

**BILL #23-1250**  
**ORDINANCE #23-1250**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 601 OF THE  
CITY CODE OF THE CITY OF VANDALIA, MISSOURI REGARDING MARIJUANA  
FACILITIES**

**WHEREAS, Chapter 601 of the City Code sets forth regulations regarding medical marijuana facilities; and**

**WHEREAS, an amendment to the Missouri Constitution was approved by voters on November 8, 2022, which legalized recreational marijuana and such change in law is now effective and permits have issued by the state pursuant thereto; and**

**WHEREAS, all marijuana activities are subject to regulation by the State of Missouri; and**  
**WHEREAS, the City Code should be amended to conform to such constitutional change.**

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF VANDALIA, MISSOURI, AS FOLLOWS, TO-WIT:**

**SECTION I. ORDINANCES REPEALED.**

SECTION 601.010 DEFINITIONS. As used in this Chapter the following terms shall have the meanings indicated:

**DAY CARE**

A Missouri Department of Health and Senior Services licensed, regulated, or childcare subsidized facility where care is provided for children by a child-care provider for any part of the twenty-four (24) hour day.

**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 seed thereof and resin extracted from the plant and marijuana-infused products. Marijuana does not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent (3/10 of 1%) on a dry weight basis, or commodities or products manufactured from industrial hemp.

**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.

**MEDICAL MARIJUANA CULTIVATION FACILITY**

A facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a medical dispensary facility, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing 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 marijuana as 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 projects manufacturing facility.

## **MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY**

A facility licensed by the State of Missouri, to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana test facility, or to another medical marijuana-infused projects manufacturing facility.

## **MEDICAL MARIJUANA TESTING FACILITY**

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

## **MEDICAL MARIJUANA FACILITY**

A facility certified by the State of Missouri as a cultivation facility, dispensary facility, infused products manufacturing facility or testing facility.

### **Section 601.020**

#### **Medical Marijuana Facilities.**

A. Compliance With State Law. Uses shall remain in compliance with Section 1 of Article XVI of the Missouri Constitution.

B. Proximity Of Facilities To Certain Other Uses. Medical Marijuana facilities are prohibited within set distances listed below from any elementary or secondary school, day care, church, or other building regularly used as a place of religious worship, except when the aforementioned uses establish themselves within the prohibited distance, existing medical marijuana facilities may remain. The prohibited distance shall be measured in a straight line from the outer walls of the medical marijuana facility or the edge of the outdoor cultivation site to the outer walls of any elementary or secondary school, day care, church, or other building regularly used as a place of religious worship. The set distances medical marijuana facilities shall remain away from any elementary or secondary school, day care, church, or other building regularly used as a place of religious worship as follows:

1. Medical marijuana dispensary facility: Two hundred (200) feet.
2. Medical marijuana cultivation facility: Two hundred (200) feet.
3. Medical marijuana-infused products manufacturing facility: Two hundred (200) feet.
4. Medical marijuana testing facility: Two hundred (200) feet.
5. Any combination of the above listed facilities: Two hundred (200) feet.

C. Proximity Of Facilities To Other Medical Marijuana Facilities. No medical marijuana facility shall be allowed to operate within one thousand (1,000) feet of any other medical marijuana facility.



D. Signage. In addition to all other applicable City Code provisions, the following shall apply to signage for medical marijuana facilities:

1. Facilities shall not use signage or advertising with the word "marijuana" or "cannabis" or any other word, phrase or symbol commonly understood to refer to marijuana unless such word, phrase or symbol is immediately preceded by the word "medical" in type and font that is at least as readily discernible as all other words, phrases or symbols.
2. Facilities shall not advertise in a manner that is inconsistent with the medicinal use of medical marijuana or use advertisements that promote medical marijuana for recreational or any use other than for medicinal purposes.

## **SECTION II. ORDINANCES REPLACED**

SECTION 601.010 DEFINITIONS. As used in this Chapter the following terms shall have the meanings indicated:

### **COMPREHENSIVE MARIJUANA CULTIVATION FACILITY**

A facility licensed as such by the State of Missouri.

### **COMPREHENSIVE MARIJUANA DISPENSARY FACILITY**

A facility licensed as such by the State of Missouri.

### **COMPREHENSIVE MARIJUANA-INFUSED PRODUCT MANUFACTURING FACILITY**

A facility licensed as such by the State of Missouri.

### **DAY CARE**

A Missouri Department of Health and Senior Services licensed, regulated, or childcare subsidized facility where care is provided for children by a child-care provider for any part of the twenty-four (24) hour day.

### **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 seed thereof and resin extracted from the plant and marijuana-infused products. "Marijuana" or "Marihuana" do not include industrial hemp as defined by Missouri statute, or commodities or products manufactured from industrial hemp.

### **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 FACILITY**

A facility certified by the State of Missouri as a marijuana testing facility, medical marijuana cultivation facility, medical marijuana dispensary facility, medical marijuana-infused products

manufacturing facility, medical marijuana testing facility, medical marijuana facility, microbusiness marijuana testing facility, or microbusiness marijuana wholesale facility.

**MARIJUANA TESTING FACILITY**

A facility certified as such by the State of Missouri.

**MEDICAL MARIJUANA CULTIVATION FACILITY**

A facility licensed as such by the State of Missouri.

**MEDICAL MARIJUANA DISPENSARY FACILITY**

A facility licensed as such by the State of Missouri.

**MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY**

A facility licensed as such by the State of Missouri.

**MEDICAL MARIJUANA TESTING FACILITY**

A facility certified as such by the State of Missouri.

**MEDICAL MARIJUANA FACILITY**

A facility certified by the State of Missouri as a cultivation facility, dispensary facility, infused products manufacturing facility or testing facility.

**MICROBUSINESS MARIJUANA DISPENSARY FACILITY**

A facility certified as such by the State of Missouri.

**MICROBUSINESS MARIJUANA WHOLESALE FACILITY**

A facility licensed as such by the State of Missouri.

Section 601.020

**Marijuana Facilities.**

A. Compliance With State Law. Uses shall remain in compliance with Section 1 of Article XIV of the Missouri Constitution.

B. Proximity Of Facilities To Certain Other Uses. Marijuana facilities are prohibited within 200 feet from any elementary or secondary school, day care, church, or other building regularly used as a place of religious worship, except when the aforementioned uses establish themselves within the prohibited distance, existing marijuana facilities may remain.

C. The distance of 200 feet as set forth in paragraph B above shall be measured as set forth in Article XIV of the Missouri Constitution, which states that, 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.

D. Proximity Of Facilities To Other Marijuana Facilities. No medical marijuana facility shall be allowed to operate within one thousand (1,000) feet of any other marijuana facility, as measured in paragraph C above.

E. Signage. In addition to all other applicable City Code provisions, the following shall apply to signage for marijuana facilities:

1. Facilities shall not use signage or advertising with the word "marijuana" or "cannabis" or any other word, phrase or symbol commonly understood to refer to marijuana, nor shall any images of the marijuana plant be used in signage.


### SECTION III. ORDINANCES IN CONFLICT

All ordinances in conflict or to the same effect hereof, are hereby ordered repealed.

### SECTION IV. EFFECTIVE DATE

This ordinance shall be in full force and effect from and after its date of passage and approval.

**THIS ORDINANCE PASSED AND APPROVED THIS 10<sup>th</sup> DAY OF October, 2023.**

  
CITY OF VANDALIA, MISSOURI  
Ralph G. Kuda, Jr. Mayor

ATTEST:

  
Brandie J Gay City Clerk

Vote on final passage and approval of Bill No. 23-1250/**Ordinance No. 23-1250**

|                    |          |
|--------------------|----------|
| Alderman Weiser:   | “Aye”    |
| Alderman Wenzel:   | “Aye”    |
| Alderman Holt:     | “Absent” |
| Alderman Turner:   | “Aye”    |
| Alderman Lowrance: | “Aye”    |
| Alderman Shaw:     | “Aye”    |