

**BILL #23-1249**  
**ORDINANCE #23-1249**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 215 OF THE CITY CODE OF THE CITY OF VANDALIA, MISSOURI REGARDING MARIJUANA, CONTROLLED SUBSTANCES, MARIJUANA CULTIVATION, AND DRUG PARAPHERNALIA, TO ADDRESS CONSTITUTIONAL CHANGES CONCERNING RECREATIONAL MARIJUANA.**

WHEREAS, Chapter 215 of the City Code establishes violations related to controlled substances, including marijuana; and

WHEREAS, the Missouri Constitution has been amended to permit use, possession, sale, transportation, manufacture and cultivation of recreational marijuana; 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**SECTION I. ORDINANCES REPEALED.**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 215.1800. POSSESSION OF MARIJUANA OR SYNTHETIC CANNABINOID. A person commits the offense of possession of marijuana or any synthetic cannabinoid, as both terms are defined in Section 195.010, RSMo., if he or she knowingly possesses marijuana or any synthetic cannabinoid, except and only to the extent as authorized by Chapter 579, RSMo., Chapter 195, RSMo., or Article XIV, Section 1 of the Missouri Constitution, including any and all rules and regulations promulgated by the Missouri Department of Health and Senior Services related to legalized medical marijuana.

Section 215.1810. POSSESSION OF A CONTROLLED SUBSTANCE. A person commits the offense of possession of a controlled substance, as defined in Section 195.010, RSMo., if he or she knowingly possesses a controlled substance, except and only to the extent as authorized by Chapter 579, RSMo., Chapter 195, RSMo., or Article XIV, Section 1 of the Missouri Constitution, including any and all rules and regulations promulgated by the Missouri Department of Health and Senior Services related to legalized medical marijuana.

Section 215.1830. UNLAWFUL POSSESSION OF DRUG PARAPHERNALIA. Except and only to the extent as authorized by Article XIV, Section 1 of the Missouri Constitution, including any and all rules and regulations promulgated by the Missouri Department on Health and Senior Services related to legalized medical marijuana, a person commits the offense of unlawful possession of drug paraphernalia if he or she knowingly uses, or possesses with intent

to use, drug paraphernalia, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body, a controlled substance or an imitation controlled substance in violation of Chapter 579, RSMo., or Chapter 195, RSMo.

Section 215.2170. SMOKING PROHIBITED IN CITY-OWNED OR OPERATED BUILDINGS.

- A. No person shall smoke or carry a lighted cigar, cigarette or pipe in any building owned or operated by the City of Vandalia, Missouri.
- B. Placards or signs reading "No Smoking" or "Smoking Prohibited" shall be posted in all City owned or operated buildings.
- C. Violation of this Section shall be deemed as an ordinance violation.

**SECTION II. ORDINANCES REPLACED**

Section 215.1810 POSSESSION OF A CONTROLLED SUBSTANCE

A. A person commits the offense of possession of a controlled substance if he or she knowingly possesses or delivers a controlled substance, except as allowed by Article XIV, Section 1 or Section 2 of the Missouri Constitution, or Chapter 195 or Chapter 579, RSMo. In any complaint, information, action or proceeding brought for the enforcement of this Section, it shall not be necessary to include any exception, excuse, proviso or exemption contained in this Code or Article XIV, Section 1 or Section 2 of the Missouri Constitution or Chapter 195 or Chapter 579, RSMo., and the burden of proof of any such exception, excuse, proviso or exemption shall be upon the defendant.

B. It is an offense to deliver or distribute marijuana or marijuana accessories, with or without consideration, to a person younger than twenty-one (21) years of age.

C. A person who possesses, produces, delivers without receiving consideration or remuneration to another person who is a least twenty-one (21) years of age, or possesses with intent to deliver, not more than twice the amount of marijuana allowed pursuant to Article XIV, Section 2, Subsection 10, of the Missouri Constitution, shall thereby commit a violation and be subject to civil penalty and forfeiture of the marijuana as provided in Article XIV, Section 2, Subsection 10(6), of the Missouri Constitution.

D. It is an offense for a person younger than twenty-one (21) years of age to purchase, possess, use, consume, transport marijuana or marijuana accessories. A person who is under twenty-one (21) years of age who possesses, uses, ingests, inhales, transports, delivers without

consideration or distributes without consideration three (3) ounces or less of marijuana, or possesses, delivers without consideration or distributes without consideration marijuana accessories in violation of Article XIV, Section 2, Subsection 10, of the Missouri Constitution shall be subject to a civil penalty not to exceed one hundred dollars (\$100.00) and forfeiture of the marijuana. Any such person shall be provided the option of attending up to four (4) hours of drug education or counseling in lieu of the civil penalty.

#### Section 215.1830 UNLAWFUL POSSESSION OF DRUG PARAPHERNALIA

A person commits the offense of unlawful possession of drug paraphernalia if he or she knowingly uses or possesses with intent to use drug paraphernalia as defined by Chapter 195, RSMo., to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or an imitation controlled substance as defined by Chapter 195, RSMo., in violation of Chapter 195 or Chapter 579, RSMo., except as allowed by Article XIV, Section 1 or Section 2, of the Missouri Constitution.

#### Section 215.2170. SMOKING PROHIBITED IN CITY-OWNED OR OPERATED BUILDINGS.

- A. Smoking is prohibited in any building owned or operated by the City of Vandalia, Missouri. "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, including marijuana/cannabis, whether natural or synthetic, in any manner or in any form. "Smoking" also includes the use of an electronic smoking device which creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Code.
- B. Placards or signs reading "No Smoking" or "Smoking Prohibited" shall be posted in all City owned or operated buildings.
- C. Violation of this Section shall be deemed as an ordinance violation.

### SECTION III. NEW SECTION

#### UNLAWFUL MARIJUANA CULTIVATION PRACTICES

A person who is not a Missouri licensed marijuana facility or medical facility commits the offense of unlawful marijuana cultivation practices if they cultivate marijuana plants in excess of the amount allowed by law or that are visible by normal, unaided vision from a public place

or that are not kept in a locked space, and such person shall be subject to a civil penalty not exceeding two hundred fifty dollars (\$250.00) and forfeiture of the marijuana.

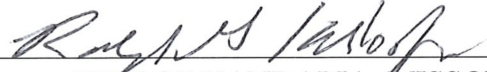
**SECTION IV. ORDINANCES IN CONFLICT**

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

**SECTION V. 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. 23-1249/**Ordinance No. 23-1249**

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