

AN ORDINANCE TO AMEND SECTION APPENDIX 1 MARIJUANA DISPENSARY FACILITY CONDITIONAL USE OF THE CODE OF THE CITY OF HOLLISTER, MISSOURI.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HOLLISTER, MISSOURI AS FOLLOWS:

**APPENDIX 1
Marijuana Dispensary Facility Conditional Use**

- A. In addition to the current requirements of the "C-R" Commercial Retail Zoning District, the following conditions shall apply:
1. Locations allowed: "C-R" Commercial Retail; includes all "C-R" located east side of U.S. Highway 65 only.
- B. Definitions. As used in this Chapter, the following terms shall have the meanings indicated:

CHURCH — A permanent building primarily and regularly used as a place of religious worship.

COMPREHENSIVE DISPENSARY LICENSEE – An entity licensed by the Department and holding a valid City of Hollister Business License, to engage in the process of dispensing marijuana product for medical or adult use at a comprehensive marijuana dispensary facility.

COMPREHENSIVE FACILITY – A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.

COMPREHENSIVE MARIJUANA DISPENSARY FACILITY - A facility licensed by the Department and holding a valid City of Hollister Business License, where marijuana product is dispensed for medical or adult use.

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

DAY CARE — A child-care facility, as defined by Section 210.201, RSMo., or its successor provisions, that is licensed by the State of Missouri.

DELIVERY – The movement of marijuana from a dispensary facility to a consumer, qualifying patient, or primary caregiver.

DEPARTMENT – The Department of Health and Senior Services, or its successor agency.

DISPENSARY FACILITY – A medical marijuana dispensary facility, a comprehensive marijuana dispensary facility, or a microbusiness dispensary facility.

ELEMENTARY OR SECONDARY SCHOOL — Any public school as defined in Section 160.011, RSMo., or any private school giving instruction in a grade or grades not higher than the 12th grade, including any property owned by the public or private school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.

ENTITY – A natural person, corporation, professional corporation, non-profit corporation, cooperative corporation, unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other legal entity.

FACILITY – The physical structure(s), including strip malls, and the premises on which the physical structures are located which are used by a licensed or certified entity to perform its licensed or certified functions, whether the entity is licensed or certified as a medical facility or a marijuana facility.

INFUSED PREROLL – A consumable or smokable marijuana product, generally consisting of:

1. Wrap or paper;
2. Dried flower, buds, and/or plant material;
3. A concentrate, oil, or other type of marijuana extract, either within or on

the surface of the product:

Infused prerolls may or may not include a filter or crutch at the base of the product.

MARIJUANA-INFUSED PRODUCTS – Products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof, including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.

LICENSEE – An entity licensed or issued a certificate by the Department to operate a medical or marijuana facility under Article XIV of the Missouri Constitution.

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 resin extracted from the marijuana plant. Marijuana or marihuana does not include industrial hemp, as defined by Missouri statute, or commodities or products manufactured from industrial hemp.

MARIJUANA FACILITY – A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, comprehensive marijuana-infused products manufacturing facility, marijuana testing facility, transportation 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 Article XIV, Section 2 of the Missouri Constitution, but shall not include a medical facility or marijuana research facility.

MARIJUANA MICROBUSINESS FACILITY – A facility licensed by the Department and holding a valid City of Hollister Business License, as a microbusiness dispensary facility or microbusiness wholesale facility.

MARIJUANA PRODUCT – Marijuana, marijuana-infused products, or other products made using marijuana, including prerolls, as those terms are defined herein, unless otherwise provided for in

these rules.

MEDICAL FACILITY – Any medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana infused-products manufacturing facility

MEDICAL MARIJUANA DISPENSARY FACILITY — A facility licensed by the Department and City of Hollister, to where marijuana is dispensed only for medical use.

MEDICAL MARIJUANA DISPENSARY LICENSEE – An entity licensed by the Department and holding a valid City of Hollister Business License, to engage in the process of dispensing marijuana for only medical use at a medical marijuana dispensary facility.

MEDICAL USE — The production, possession, delivery, distribution, transportation, or administration of marijuana or a marijuana-infused product, or drug paraphernalia used to administer marijuana or a marijuana-infused product, for the benefit of a qualifying patient to mitigate the symptoms or effects of the patient’s qualifying medical condition.

MICROBUSINESS DISPENSARY FACILITY – A microbusiness facility licensed by the Department and holding a valid City of Hollister Business License, where marijuana is dispensed for medical or adult use.

PREROLL – A consumable or smokable marijuana product, generally consisting of:

1. A wrap or paper;
2. and dried flowers, buds, and/ plant material.

Prerolls may or may not include a filter or crutch at the base of the product.

C. Facility Operation, Policies, and Procedures.

1. No infused-product manufacturing or dispensary facility shall be sited, at the time of application for license or for local zoning approval, whichever is earlier, within five hundred (500) feet of any then-existing elementary or secondary school, day care, or church.
 - a. 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. If the school, day care, 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, day care, or church closest in proximity to the facility.
 - b. 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. If the school, day care, 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, day care, or church closest in proximity to the facility.

- c. A marijuana dispensary facility shall maintain a buffer of five hundred (500) feet between facilities and shall be subject to approval by the City of Hollister in the "C-R" Commercial Retail Zoning District.
 2. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.
 3. Licensees shall not distribute free marijuana products to consumers for promotional purposes.
 4. No on-site consumption of marijuana, marijuana-infused products or smoking on the licensed premises.
 5. Dispensary facility shall not operate other than between the hours of 8:00 A.M. to 10:00 P.M.
- D. Construction or remodel at a site location requires the following:
1. The facility granted license with the following:
 - a. Descriptions, schematics, or blueprints for the building.
 - b. An attestation that the proposed location for the building complies with the facility location requirements of 19 CSR 100-1.060 ~~of this chapter~~ and any location requirements of the City of Hollister that would apply to the facility for which the building is being constructed;
 - c. The City of Hollister has enacted zoning restrictions applicable to the facility for which the building is being constructed, the text of the restrictions and a description of how the building will comply with those restrictions.
 - d. An attestation that the building will comply with all other rules applicable to the facility for which the building is being constructed.
 - e. Drive-through lanes, pickup windows and/or delivery shall comply with all rules applicable to 19 CSR 100-1.180 by the Department and City of Hollister code, if any.
 - f. Any excess or unusable marijuana or marijuana byproduct of a dispensary facility shall be disposed of in the following manner, as applicable:
 - (1) Solid and liquid wastes generated during marijuana dispensing must be stored, managed, and disposed of in accordance with applicable state, tribal, local, and municipal laws and regulations. Licensees must keep records of the final disposal destinations of all such wastes for at least five (5) years or longer if required by federal, state, tribal, local law.
 - (2) Wastewater generated during ~~medical~~ marijuana production and processing must be disposed of in compliance with applicable State, tribal, local, and municipal laws and regulations;
 - (3) Wastes from the dispensing of ~~medical~~ marijuana must be evaluate against

State hazardous waste regulations to determine if those wastes qualify as hazardous waste. It is the responsibility of each waste Licensees to properly evaluate their waste to determine if it is a hazardous waste per 40 CFR 262.11. If a Licensee's waste does qualify as a hazardous waste, then that waste is subject to the applicable hazardous waste management standards.

2. Licensees that sell ingestible ~~medical~~ marijuana-infused products shall comply with the applicable food safety standards set forth in 19 CSR 20.
 3. Licensees shall store all ~~medical~~ marijuana at an approved zoning location and shall meet all requirements set forth in 19 CSR 30-95.
 4. All facility waste of any type must be stored securely before final disposition, which can be done within the facility in areas designated for disposal activities or, if necessary, outside the facility in a locked, tamper-resistant receptacle.
 5. All dispensary Licensees shall establish and follow procedures to ensure marijuana remains free from contaminants. The procedures must address, at a minimum:
 - a. The flow through a facility of any equipment or supplies that will come in contact with marijuana, including receipt and storage.
 - b. Employee health and sanitation.
 - c. Environmental factors, such as:
 - (1) Floors, walls and ceilings made of smooth, hard surfaces that are easily cleaned.
 - (2) Temperature and humidity controls.
 - (3) A system for monitoring environmental conditions.
 - (4) A system for cleaning and sanitizing rooms and equipment.
 - (5) A system for maintaining any equipment used to control sanitary conditions.
- E. Parking requirements: Section 400.160.
- F. Sign requirements: Section 525.040.

READ THIS FIRST AND SECOND TIME AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF HOLLISTER, MISSOURI THIS 7th DAY OF SEPTEMBER, 2023.

Lamar Patton, Mayor

ATTEST:

Bridget Epps, City Clerk

STAFF REPORT FOR PLANNING COMMISSION

Prepared by Kathy Knight

TO: Rick Ziegenfuss, City Administrator

DATE: August 8, 2023

SUBJECT: Amending Chapter 400, Appendix 1 Medical Marijuana Dispensary Facility Conditional Use

Information: The staff recommends amending Appendix 1 Medical Marijuana Dispensary Facility to include Comprehensive Marijuana and Marijuana Microbusiness Dispensaries facilities definitions. The staff is updating our current ordinance to include the legalized marijuana facilities.

Deleted wording is shown in ~~strike through~~-print and added wording is in **bold underlined** print.

Staff recommends approval of this change.

Planning Commission has recommended this forward.

400 Attachment 16

City of Hollister

APPENDIX 1

Medical Marijuana Dispensary Facility Conditional Use [Added Ord. No. 19-60, 9-19-2019]

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- B. Definitions. As used in this Chapter, the following terms shall have the meanings indicated:

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COMPREHENSIVE FACILITY – A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.

COMPREHENSIVE MARIJUANA DISPENSARY FACILITY - A facility licensed by the Department and holding a valid City of Hollister Business License, where marijuana product is dispensed for medical or adult use.

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

DAY CARE — A child-care facility, as defined by Section 210.201, RSMo., or its successor provisions, that is licensed by the State of Missouri.

DELIVERY – The movement of marijuana from a dispensary facility to a consumer, qualifying patient, or primary caregiver.

DEPARTMENT – The Department of Health and Senior Services, or its successor agency.

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ENTITY – A natural person, corporation, professional corporation, non-profit corporation, cooperative corporation, unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other legal entity.

FACILITY – The physical structure(s), including strip malls, and the premises on which the physical structures are located which are used by a licensed or certified entity to perform its licensed or certified functions, whether the entity is licensed or certified as a medical facility or a marijuana facility.

INFUSED PREROLL – A consumable or smokable marijuana product, generally consisting of:

1. Wrap or paper;

2. Dried flower, buds, and/or plant material;

3. A concentrate, oil, or other type of marijuana extract, either within or on the surface of the product;

Infused prerolls may or may not include a filter or crutch at the base of the product.

MARIJUANA-INFUSED PRODUCTS – Products that are infused, dipped, coated, sprayed, or mixed with marijuana or an extract thereof, including, but not limited to, products that are able to be vaporized or smoked, edible products, ingestible products, topical products, suppositories, and infused prerolls.

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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 resin extracted from the **marijuana** plant ~~and marijuana-infused products~~. Marijuana or marihuana does not include industrial hemp containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three tenths of one percent (0.3%) on a dry weight basis, **as defined by Missouri statute**, or commodities or products manufactured from industrial hemp.

MARIJUANA FACILITY – A comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, comprehensive marijuana-infused products manufacturing facility, marijuana testing facility, transportation 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 Article XIV, Section 2 of the Missouri Constitution, but shall not include a medical facility or marijuana research facility.

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MEDICAL FACILITY – Any medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana infused-products manufacturing facility

MEDICAL MARIJUANA DISPENSARY FACILITY — A facility licensed by the ~~Missouri Department of Health and Senior Services~~ **Department** and City of Hollister, to **where marijuana is dispensed only for medical use.**

~~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 products manufacturing facility.~~

MEDICAL MARIJUANA DISPENSARY LICENSEE – An entity licensed by the Department and holding a valid City of Hollister Business License, to engage in the process of dispensing marijuana for only medical use at a medical marijuana dispensary facility.

MEDICAL USE — The production, possession, delivery, distribution, transportation, or administration of marijuana or a marijuana-infused product, or drug paraphernalia used to administer marijuana or a marijuana-infused product, for the benefit of a qualifying patient to mitigate the symptoms or effects of the patient’s qualifying medical condition.

MICROBUSINESS DISPENSARY FACILITY – A microbusiness facility licensed by the Department and holding a valid City of Hollister Business License, where marijuana is dispensed for medical or adult use.

PREROLL – A consumable or smokable marijuana product, generally consisting of:

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 - b. 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. If the school, day care, 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, day care, or church closest in proximity to the facility.
 - c. A ~~medical~~ marijuana dispensary facility shall maintain a buffer of five hundred (500) feet between facilities and shall be subject to approval by the City of Hollister in the "C-R" Commercial Retail Zoning District.
2. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.
3. ~~Facilities~~ **Licensees** shall not ~~distribute~~ ~~disburse~~ ~~medical~~ **free** marijuana **products to consumers** as part of a **for** promotional event **purposes**.
4. No on-site consumption of ~~medical~~ marijuana, ~~medical~~ marijuana-infused products or

smoking on the licensed premises.

5. Dispensary facility **shall not operate other than between the** hours of operation are 8:00 A.M. to 9 **10:00** P.M.

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D. Construction or remodel at a site location requires the following:

1. The facility granted license with the following:

- a. Descriptions, schematics, or blueprints for the building.

- b. An attestation that the proposed location for the building complies with the facility location requirements of ~~Subsection (4)(B) of this rule or 19 CSR 30-95.100(2)(C)~~ **19 CSR 100-1.060 of this chapter** and any location requirements of the City of Hollister that would apply to the facility for which the building is being constructed;

- c. The City of Hollister has enacted zoning restrictions applicable to the facility for which the building is being constructed, the text of the restrictions and a description of how the building will comply with those restrictions.

- d. An attestation that the building will comply with all other rules applicable to the facility for which the building is being constructed.

- e. **Drive-through lanes, pickup windows and/or delivery shall comply with all rules applicable to 19 CSR 100-1.180 by the Department and City of Hollister code, if any.**

e. ~~f.~~ Any excess or unusable ~~medical~~ marijuana or ~~medical~~ marijuana byproduct of a dispensary facility shall be disposed of in the following manner, as applicable:

- (1) Solid and liquid wastes generated during ~~medical~~ marijuana dispensing must be stored, managed, and disposed of in accordance with applicable state, **tribal, local,** and municipal laws and regulations. ~~Facilities~~ **Licensees** must keep records of the final disposal destinations of all such wastes for at least five (5) years **or longer if required by federal, state, tribal, local law.**

- (2) Wastewater generated during ~~medical~~ marijuana production, **and** processing ~~and/or dispensing~~ must be disposed of in compliance with applicable State, tribal, local, and municipal laws and regulations;

- (3) Wastes from the dispensing of ~~medical~~ marijuana must be evaluated against State hazardous waste regulations to determine if those wastes qualify as hazardous waste. It is the responsibility of each waste ~~generator~~ **Licensees** to properly evaluate their waste to determine if it is a hazardous waste per 40 CFR 262.11. If a ~~generator's~~ **Licensee's** waste does qualify as a hazardous waste, then that waste is subject to the applicable hazardous waste management standards.

2. ~~Facilities~~ **Licensees** that sell ingestible ~~medical~~ marijuana-infused products shall comply with the applicable food safety standards set forth in 19 CSR 20-1.025.

3. ~~Facilities~~ **Licensees** shall store all ~~medical~~ marijuana at an approved zoning location and shall meet all requirements set forth in 19 CSR 30-95.
 4. All facility waste of any type must be stored securely before final disposition, which can be done within the facility in areas designated for disposal activities or, if necessary, outside the facility in a locked, tamper-resistant receptacle.
 5. All dispensary ~~facilities~~ **Licensees** shall establish and follow procedures to ensure ~~medical~~ marijuana remains free from contaminants. The procedures must address, at a minimum:
 - a. The flow through a facility of any equipment or supplies that will come in contact with ~~medical~~ marijuana, including receipt and storage.
 - b. Employee health and sanitation.
 - c. Environmental factors, such as:
 - (1) Floors, walls and ceilings made of smooth, hard surfaces that are easily cleaned.
 - (2) Temperature and humidity controls.
 - (3) A system for monitoring environmental conditions.
 - (4) A system for cleaning and sanitizing rooms and equipment.
 - (5) A system for maintaining any equipment used to control sanitary conditions.
- E. Parking requirements: Section 400.160.
- F. Sign requirements: Section 525.040.