

INTRODUCED BY: ALDERMAN BOHL

AN ORDINANCE AMENDING CHAPTER 400 OF THE CITY OF OWENSVILLE, MISSOURI MUNICIPAL CODE PERTAINING TO ZONING SPECIFICALLY MARIJUANA RELATED USES.

WHEREAS, an amendment to Missouri's Constitution was approved by voters on November 8, 2022 which legalized the recreational use of marijuana; and

WHEREAS, all marijuana activities are subject to regulation by the State of Missouri; and

WHEREAS, the Planning and Zoning Commission, after review on May 22, 2023 recommended approval of amendments regarding the regulation of marijuana; and

WHEREAS, the Board of Aldermen has considered the recommendation of the Planning and Zoning Commission and held a public hearing on June 19, 2023 after giving due and proper notice of said meeting in the Gasconade County Republican, a newspaper of general circulation in the City of Owensville, Missouri.

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

SECTION ONE: Article X – Marijuana Related Uses of Chapter 400, Zoning Regulations, of the City of Owensville Municipal Code, is hereby amended to read as follows:

CHAPTER 400: ZONING REGULATIONS

ARTICLE X: MARIJUANA RELATED USES

SECTION 400.820: PURPOSE

The purpose of this section is to provide for the regulation of the time, place and manner of the operation of marijuana related uses to serve the citizens and businesses of Owensville in compliance with Missouri State Law.

SECTION 400.830: DEFINITIONS

As used in this Section, the following terms shall have the meanings and usages indicated:

COMPREHENSIVE MARIJUANA CULTIVATION FACILITY: A facility licenses as such by the State of Missouri.

COMPREHENSIVE MARIJUANA DISPENSARY FACILITY: A facility licenses as such by the State of Missouri.

COMPREHENSIVE MARIJUANA-INFUSED PRODUCT MANUFACTURING FACILITY: A facility licensed as such by the State of Missouri.

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 plant and marijuana-infused products. "Marijuana" or "marihuana" do not include industrial hemp as defined by Missouri Law 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 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.

MARIJUANA TESTING FACILITY: a facility licensed as such by the State of Missouri-

SECTION 400.840: GENERAL REQUIREMENTS

In addition to all other pertinent and applicable laws and regulations, the following special conditions shall apply to all businesses and establishments selling, growing, acquiring, transporting, delivering, cultivating, harvestings, processing, testing, manufacturing, extracting and/or certifying marijuana and/or marijuana-infused products, including, but not limited to, Medical or Comprehensive Marijuana Cultivation Facilities, Medical or Comprehensive Marijuana Dispensary Facilities, Medical or Comprehensive Marijuana-Infused Products Manufacturing Facilities, and Marijuana Testing Facilities (Marijuana Related Uses"):

- A. **Location Restrictions.** No Medical or Comprehensive Marijuana Dispensary Facilities shall be operated or maintained within seven hundred fifty (750) feet of the property line of a then existing elementary or secondary school, child day-care center, or church. No Medical or Comprehensive Marijuana Cultivation Facilities, Medical or Comprehensive Marijuana-Infused Products Manufacturing Facilities, or Marijuana Testing Facilities shall be operated or maintained within one thousand (1000) feet of the property line of a then existing elementary or secondary school, child day-care center, or church. "Then existing" shall mean any elementary or secondary school, child day-care center, or church with a written building permit

from the City to be constructed, or completed and in use at the time the Marijuana Related Use first applies for either zoning or a building permit, whichever comes first.

- B. Operations and Storage. Marijuana cultivation and processing activities shall only occur within an enclosed building. All operations shall be within a fully secured area inside the building. All storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a fence or wall.
- C. Onsite Usage Prohibited. No marijuana or marijuana-infused product may be smoked, ingested, or otherwise consumed on premises of a property upon which a Marijuana Related Use is conducted.
- D. Display of License Required. The license issued by the State of Missouri to conduct the Marijuana Related Use shall be displayed prominently in a location visible from the front entrance to the facility.
- E. Hours of Operation. All sales or distribution of Marijuana and any other products sold to the public through a Medical or Comprehensive Marijuana Dispensary shall take place between the hours of 8:00 AM and 6:00 PM, Monday-Sunday.
 - 1. Medical and Comprehensive Marijuana Dispensary Facilities shall be secured and closed to the public after hours and no persons not employed by the Medical and Comprehensive Marijuana Dispensary Facility may be present in such a facility at any time it is closed to the public.
 - 2. All Marijuana Related Uses other than Medical and Comprehensive Marijuana Dispensary Facilities. No persons not employed by the business shall be on the premises at any time without being approved entry, obtaining a visitor pass, and logged in by building security personnel.
- F. Waste Disposal. Any excess or unusable marijuana or marijuana byproduct of Marijuana Related Use shall be stored securely before final disposition, which may be done within the facility in areas designated for disposal activities or, if necessary, outside the facility in a locked, tamper-resistant receptacle.
- G. No marijuana-related use or facility shall emit an odor or in any way cause a public nuisance. The applicant shall demonstrate that the appropriate systems will be provided to prevent any odor or marijuana or fumes from leaving the facility.
- H. Medical and Comprehensive Marijuana Facility Site Requirements.

All Medical and Comprehensive Marijuana Facilities must:

- 1. be monitored by high resolution, color, internet-based security cameras,

which must be made available to law enforcement upon request;

2. contain a fireproof safe or vault attached to the building's structure to secure cash and any processed marijuana;
3. have a centrally monitored fire and burglar alarm system;
4. equip building exteriors and parking areas with light fixtures that are sufficient to provide illumination of at least 1.5 foot-candles and that must be on from dusk to dawn;
5. not produce noise, dust, vibration, glare, fumes, odors, or electrical interference that can be readily noticed outside the property's boundary;
6. secure marijuana waste disposal receptacles and ensure they remain in the possession and under the control of the licensee;
7. require any and all marijuana cultivation, processing, storage, display, and sales to be conducted within an enclosed building not visible from the building's exterior.

SECTION 400.850: PERMITTED USE, WHERE

Medical and Comprehensive Marijuana Cultivation Facilities, Medical and Comprehensive Marijuana Dispensary Facilities, Medical and Comprehensive Marijuana-Infused Products Manufacturing Facilities, and Marijuana Testing Facilities shall be a permitted use in certain zoning districts, as follows:

- A. Medical and Comprehensive Marijuana Cultivation Facilities, Medical and Comprehensive Marijuana-Infused Products Manufacturing Facilities, and Marijuana Testing Facilities shall be a permitted use in "M-1" Light Industrial District and "M-2" Industrial District only, and shall be prohibited in all other districts.
- B. Medical and Comprehensive Marijuana Dispensary Facilities shall be a permitted use in "OTC" Old Town Commercial District, "C-1" Commercial District, and "C-2" Highway Commercial District only, and shall be prohibited in all other districts.
- C. Attachment 1 (Land Use Table) to the City of Owensville Zoning Regulations shall be amended to reflect subsections A and B above.

SECTION 400.860: PENALTY

Any person violating this provision shall be subject to a fine of not more than five hundred dollars (\$500.00). Each day the violation continues shall constitute a separate offense.

SECTION 400.870: SEVERABILITY

If any Section, Subsection, sentence, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION TWO. It is hereby declared to be the intention of the Board of Aldermen that each and every part, section and subsection of this Ordinance shall be separate and severable from each and every other part, section and subsection hereof and that the Board of Aldermen intends to adopt each said part, section and subsection separately and independently of any other part, section and subsection. In the event that any part of this Ordinance shall be determined to be or to have been unlawful or unconstitutional, the remaining parts, sections and subsections shall be and remain in full force and effect.

SECTION THREE. The Chapter, Article, Division and/or Section assignments designated in this Ordinance may be revised and altered by the codification company servicing the Municipal Code of the City of Owensville upon supplementation of such code if, in the discretion of the editor, an alternative designation would be more reasonable. In adjusting such designations, the editor may also change other designations and numerical assignment of code sections to accommodate such changes.

SECTION FOUR. This Ordinance shall be in full force and effect from and after its passage and approval as provided by law.

READ two (2) times and passed as read this 19th day of June 2023.

VOTES CAST:


YES: ALDERMEN KRAMME, BOHL, MCFADDEN & LAHMEYER

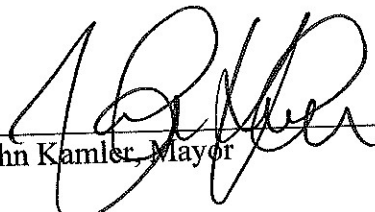
NO:

ABSENT:

APPROVED this 19th day of June 2023.

ATTEST:


Peggy Farrell, City Clerk


John Kamler, Mayor