

AN ORDINANCE AMENDING THE CITY CODE RELATED TO MARIJUANA

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

SECTION 1 – ADOPTION OF AMENDMENT. Section 210.1800 of the City Code of the City of Riverside, Missouri, titled "Possession of Marijuana or Synthetic Cannabinoid," is hereby repealed and replaced by a new Section 210.1800, also titled "Marijuana, Generally," to read as follows:

~~Section 210.1800 — Possession of Marijuana or Synthetic Cannabinoid.~~

- ~~A. — 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 as authorized by Chapter 579 or Chapter 195, RSMo., and except as follows in accordance with Article XIV, Section 1, of the Missouri Constitution and regulations promulgated by the Missouri Department of Health and Senior Services related to legalized medical marijuana:~~
- ~~1. — A qualifying patient for the patient's own personal use or when delivering directly to his or her residence, in an amount no greater than the law allows; or~~
 - ~~2. — A primary caregiver of a qualifying patient but only when transporting the medical marijuana to a qualified patient or when in the presence of a qualifying patient; or~~
 - ~~3. — An owner or an employee of a medical marijuana facility within the licensed facility or, in the case of a transportation facility, only when transporting marijuana between facilities or from a facility to a qualified patient or caregiver.~~

Section 210.1800 Marijuana; Generally.

- A. **Distribution; With Consideration.** Except as authorized by Article XIV of the Missouri Constitution, it is unlawful for any person to distribute any amount of marijuana or its equivalent for consideration or remuneration.
- B. **Possession; Persons Twenty-One and Older.** Except as authorized by Article XIV of the Missouri Constitution, it is unlawful for a person at least twenty-one years of age to purchase, possess, consume, use, ingest, inhale, process, transport, deliver, or distribute with or without consideration, more than three ounces of marijuana or its equivalent.
- C. **Possession; Under Twenty-One; Certain Penalties for Three Ounces or Less.** Except as authorized by Article XIV of the Missouri Constitution, no person under twenty-one years of age may possess, use, ingest, inhale, transport, deliver, or distribute marijuana or marijuana accessories. For offenses involving three ounces or less of marijuana, and no monetary consideration, violation of this Section shall be punishable by a fine not to exceed

One Hundred Dollars (\$100.00) and any such person shall be provided the option of attending four hours of drug education or counseling in lieu of the fine.

- D. **Sale to Persons Under Twenty-One.** Except as Authorized by Article XIV of the Missouri Constitution, no person shall deliver to, transfer to, or sell to persons under twenty-one years of age marijuana or marijuana accessories. For purposes of this Chapter, “marijuana accessories” means any equipment, product, material, or combination of equipment, products, or materials, which is specifically designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling, or otherwise introducing marijuana into the human body.
- E. **Illegal Growing.** The following acts by a person are unlawful:
1. **Illegal Growing.** Possessing, transporting, planting, cultivating, harvesting, drying, processing, or manufacturing i) more than six (6) flowering marijuana plants, ii) more than six (6) nonflowering marijuana plants, iii) more than six (6) clones, or iv) any lesser number of such plants or clones if the person is not registered with the department of health and senior services for cultivation of marijuana plants pursuant to Article XIV, Section 2.4(24).
 2. **Illegal Growing; Registered Cultivator.** A person registered with the department of health and senior services pursuant to Article XIV, Section 2.4(24) for cultivation of marijuana plants within the limits of Article XIV, Section 2.10(1)(b) shall not keep the plants and any marijuana produced by the plants in excess of three ounces at more than one private residence, or in an unlocked space, or in a manner in which they are visible by normal, unaided vision from a public place; and further, shall not keep more than twice the number of allowable plants under Article XIV, Section 2.10(1)(b) in or on the grounds of a private residence at one time.
 3. **Illegal Growing; Visibility; Unregistered Cultivator.** A person who is not registered pursuant to Article XIV, Section 2.4(24) and who cultivates marijuana plants that are visible by normal, unaided vision from a public place.
 4. **Illegal Growing; Unsecured; Unregistered Cultivator.** A person who is not registered pursuant to Article XIV, Section 2.4(24) and who cultivates marijuana plants that are not kept in a locked space.

F. Possession; Certain Penalties for Less than Twice the Legal Limit.

1. A person who possesses not more than twice the amount of marijuana allowed pursuant to Mo. Const., Article XIV, produces not more than twice the amount of marijuana allowed pursuant to Mo. Const., Article XIV, delivers without receiving any consideration or remuneration to a person who is at least twenty-one years of age not more than twice the amount of marijuana allowed by Mo. Const., Article XIV, or possesses with intent to deliver not more than twice the amount of marijuana allowed by Mo. Const., Article XIV:
 - a. For a first violation, is subject to an ordinance violation punishable by a fine not exceeding two hundred and fifty dollars and forfeiture of the marijuana.
 - b. For a second violation and subsequent violations, is subject to an ordinance violation punishable by a fine not exceeding five hundred dollars and forfeiture of the marijuana.
 - c. In lieu of payment, penalties under this subsection may be satisfied by the performance of community service. The rate of pay-down associated with said service option will be the greater of \$15 or the minimum wage in effect at the time of judgment.
 - d. Except as provided in Mo. Const., Article XIV, § 2.10(5), a person under twenty-one years of age is subject to a fine not to exceed two hundred and fifty dollars. Any such person shall be provided the option of attending up to eight hours of drug education or counseling in lieu of the fine.
2. A person who cultivates marijuana plants that are visible by normal, unaided vision from a public place is subject to a civil penalty not exceeding two hundred and fifty dollars and forfeiture of the marijuana.
3. A person who cultivates marijuana plants that are not kept in a locked space is subject to a civil penalty not exceeding two hundred and fifty dollars and forfeiture of the marijuana.

SECTION 2 – ADOPTION OF AMENDMENT. Section 210.1802 of the City Code of the City of Riverside, Missouri, titled “Failure to Produce Medical Marijuana Identification Card,” is hereby repealed.

~~Section 210.1802 — Failure To Produce Medical Marijuana Identification Card.~~

~~Any person in possession of medical marijuana shall, immediately upon request of any Law Enforcement Officer, produce a valid qualifying patient identification card, a primary caregiver identification card, or a facility agent identification card issued by the State of Missouri authorizing him or her to access medical marijuana as provided by Missouri law.~~

SECTION 3 – ADOPTION OF AMENDMENT. Section 210.1804 of the City Code of the City of Riverside, Missouri, titled “Disposal Of Medical Marijuana,” is hereby repealed.

~~Section 210.1804 — Disposal Of Medical Marijuana.~~

~~No person shall dispose of marijuana or marijuana-infused products in an unsecured waste receptacle not in possession and control of the qualified patient or caregiver, as the case may be, and designed to prohibit unauthorized access.~~

SECTION 4 – ADOPTION OF AMENDMENT. Section 210.1806 of the City Code of the City of Riverside, Missouri, titled “Consumption of Medical Marijuana in Public,” is hereby amended to read as follows:

Section 210.1806 Smoking or Consumption of Medical Marijuana In Public and Other Places.

- A. No person shall smoke or consume marijuana for medical use or any other use in a public place. Violation of this subsection is subject to a civil penalty not exceeding one hundred dollars. For purposes of this section, a public place means any public or private property, or portion thereof, that is open to the public, including but not limited to streets, sidewalks, trails, parks, and businesses in which the public is invited or in which the public is permitted, but does not include any area licensed for such activity by the City.
- B. No person shall smoke marijuana in a location where smoking tobacco is prohibited.
- C. No person shall smoke marijuana in any building owned or leased by the City, or on any property owned or leased by the City.

SECTION 5 – ADOPTION OF AMENDMENT. Section 210.1808 of the City Code of the City of Riverside, Missouri, titled “Possession or consumption of Certain Property, Prohibited,” is hereby added to read as follows:

Section 210.1808 Possession or consumption on Certain Property; Prohibited.

No person shall possess or consume marijuana or possess marijuana accessories on the grounds of a public or private preschool, elementary or secondary school, institution of higher education, in a school bus, or on the grounds of any correctional facility.

SECTION 6 – ADOPTION OF AMENDMENT. Section 210.1810 of the City Code of the City of Riverside, Missouri, titled “Possession of a Controlled Substance,” is hereby amended to read as follows:

Section 210.1810 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 medical marijuana.~~

SECTION 7 – ADOPTION OF AMENDMENT. Section 210.1830 of the City Code of the City of Riverside, Missouri, titled “Unlawful Possession of Drug Paraphernalia,” is hereby amended to read as follows:

Section 210.1830 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 of 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, administer, 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 8 – ADOPTION OF AMENDMENT. Section 342.02 of the City Code of the City of Riverside, Missouri, titled “Transit Related Offenses Involving Marijuana,” is hereby added to read as follows:

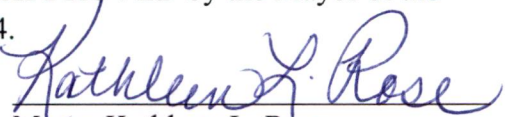
Section 342.022 Transit Related Offenses Involving Marijuana.

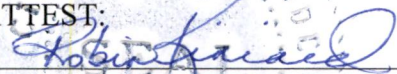
It shall be unlawful for any person to:

- (1) Operate or be in physical control of any motor vehicle, train, aircraft, motorboat, or other motorized form of transport while under the influence of marijuana. Notwithstanding the foregoing, a conviction of a person who is at least twenty-one years of age for any applicable offenses shall require evidence that the person was in fact under the influence of marijuana at the time the person was in physical control of the motorized form of transport and not solely on the presence of tetrahydrocannabinol (THC) or THC metabolites, or a combination thereof, in the person's system;
- (2) Consume marijuana while operating or being in physical control of a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated; or
- (3) Smoke marijuana within a motor vehicle, train, aircraft, motorboat, or other motorized form of transport while it is being operated.

SECTION 9 – EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of its passage and approval.

BE IT REMEMBERED that the above was read two times by heading only, **PASSED AND APPROVED** by a majority of the Board of Aldermen and **APPROVED** by the Mayor of the City of Riverside this 20th day of February, 2024.


Mayor Kathleen L. Rose

ATTEST:

Robin Kincaid, City Clerk

