



INTRODUCED BY  
ALDERMEN UTT, FINLEY, STALLMANN, ROACH, FLEMING, LEAHY, SIEGEL, BULLINGTON

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**AN ORDINANCE RESTRICTING PUBLIC SMOKING AND CONSUMPTION OF MARIJUANA.**

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**WHEREAS**, Section 17-65 of the City Code regulates public smoking; 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 needs to be amended to address public health concerns related to such constitutional change.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF BALLWIN, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. A new Section 17-66 Restrictions On Smoking or Consumption of Marijuana is hereby enacted as follows:

Section 17-66 Restrictions On Smoking or Consumption of Marijuana.

1. Marijuana shall not be smoked in any public area in the City, including but not limited to outdoor areas, places of employment, public meeting, and public places. A person who violates this prohibition shall be subject to a civil penalty not exceeding \$100.
2. Marijuana-infused products shall not be consumed in any public area in the City, except for culinary dishes or beverages prepared by a restaurant in the City for on-site consumption on the same day such dishes or beverages are prepared.
3. Marijuana shall not be consumed by any person operating or in physical control of any motor vehicle or other motorized form of transportation in the City. No person shall smoke marijuana within a motor vehicle or other motorized form of transportation while it is being operated within the City.
4. Marijuana-infused products shall not be consumed by any person operating or in physical control of any motor vehicle or other motorized form of transportation in the City.
5. The following definitions shall be utilized when interpreting and enforcing this Section 17-66:

MARIJUANA OR MARIHUANA – *Cannabis indica*, *Cannabis sativa*, *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, but not industrial hemp as defined by Missouri statute, or commodities or products manufactured from industrial hemp.



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.

Section 2. This Ordinance shall take effect and be in full force from and after its passage and approval.

PASSED this \_\_\_\_\_ day of \_\_\_\_\_, 2023. \_\_\_\_\_  
*TIM POGUE, MAYOR*

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023. \_\_\_\_\_  
*TIM POGUE, MAYOR*

ATTEST: \_\_\_\_\_  
*ERIC STERMAN, CITY ADMINISTRATOR*