

AN ORDINANCE OF THE CITY COUNCIL AMENDING THE MUNICIPAL CODE OF THE CITY OF REPUBLIC, MISSOURI BY AMENDING TITLE VI “BUSINESS AND OCCUPATION”, CHAPTER 635 “MEDICAL MARIJUANA FACILITIES”, SECTIONS 635.010 “DEFINITIONS”, 635.020 “COMPLIANCE WITH LAW”, 635.030 “LICENSING”, 635.040 “DISTANCE REQUIREMENTS FROM SCHOOLS”, 635.050 “DISTANCE REQUIREMENTS FROM CHURCHES”, 635.060 “DISTANCE REQUIREMENTS FROM DAYCARES”, 635.070 “MEASUREMENTS”, 635.080 “HOURS OF OPERATION”, AND 635.090 “MEDICAL MARIJUANA FACILITY REQUIREMENTS”

WHEREAS, the City of Republic, Missouri, (“City” or “Republic”) is a municipal corporation and Charter City located in Greene County, Missouri, being duly created, organized, and existing under the laws of the State of Missouri; and

WHEREAS, the City routinely reviews its Municipal Code to ensure conformity with governing state and federal law, enhance clarity, and eliminate ambiguity, as well as to the further promote the City’s mission, vision and values in the best interests of the City and its citizenship body as a whole; and

WHEREAS, the voters of the State of Missouri recently approved an amendment to the Missouri Constitution legalizing certain possession, consumption, distribution, production, purchase and sale of marijuana for ‘adult use’ (herein, “Amendment 3”), effective as of December 8, 2022; and

WHEREAS, the City has identified a need to amend the existing City Municipal Code provisions on business licensing to ensure conformity with the provisions and purpose(s) of Amendment 3.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF REPUBLIC, MISSOURI, AS FOLLOWS:

Section 1: Title VI “Business and Occupation”, Chapter 635 “Medical Marijuana Facilities”, is hereby amended by amending Sections 635.010 “Definitions”, 635.020 “Compliance with Law”, 635.030 “Licensing”, 635.040 “Distance Requirements from Schools”, 635.050 “Distance Requirements from Churches”, 635.060 “Distance Requirements from Daycares”, 635.070 “Measurements”, 635.080 “Hours of Operation”, and 635.090 “Medical Marijuana Facility Requirements”, to read as follows:

Chapter 635 ~~Medical~~ Marijuana Facilities and Medical Facilities Licensed Under as Defined in MO. Const. Article XIV, Sections 1 and 2

635.010 Definitions

The term “Comprehensive Facility” means a comprehensive marijuana cultivation facility, comprehensive marijuana dispensary facility, or a comprehensive marijuana-infused products manufacturing facility.

The term “Marijuana Facility” means a comprehensive marijuana cultivation facility comprehensive marijuana dispensary facility, marijuana testing facility, comprehensive marijuana-infused products manufacturing 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 this

section, but shall not include a medical facility authorized to operate under Article XIV, Section 1 of the Missouri Constitution.

The term "Medical Facility" means any medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility, as defined in Article XIV, Section 1 of the Missouri Constitution.

The terms "church," "co-location," "day care," "day care center," "marijuana," "marijuana-infused products," "marijuana microbusiness facility", "marijuana testing facility," "microbusiness dispensary facility," "microbusiness wholesale facility" and all other related terms not specifically defined in this Chapter shall have the definitions set forth in ~~Unless specifically defined in this Chapter, definitions shall be in accordance with the~~ Article XIV, Sections 1 and 2 of the Missouri Constitution and the Missouri Department of Health and Senior Services (or its successor) and in City Code Section 405.020, ~~regulations governing medical marijuana facilities, which are currently in 19 CSR 30-95.~~

635.020 Compliance With Law

~~All~~ Each ~~medical marijuana facilities~~ facility, comprehensive facility, and marijuana facility shall always ~~comply~~ maintain compliance with all applicable state laws ~~and regulations,~~ regulations issued by the Missouri Department of Health and Senior Services (or its successor), ~~and the Municipal City Code, related to medical marijuana facilities.~~ If the State's laws and regulations are more restrictive than the City's laws and regulations, than the more restrictive requirement applies.

635.030 Licensing

No ~~medical marijuana~~ facility, comprehensive facility or marijuana facility shall be operated without a valid business license, ~~an~~ valid occupancy permit, and ~~a~~ valid license issued by the Missouri Department of Health and Senior Services (or its successor).

635.040 Distance Requirements From Schools

- A. After December 8, 2022, No medical facility, ~~marijuana dispensary facilities~~ formed after December 8, 2022, licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section 1 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing elementary or secondary school or property owned by a school district, as elementary and secondary schools are defined by State laws and regulations governing medical ~~marijuana~~ facilities.
- ~~B. No medical marijuana dispensary facilities licensed by the Missouri Department of Health and Senior Services (or its successor) and authorized to operate under Article XIV, Sections 1 or 2 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing elementary or secondary school or property owned by a school district, as elementary and secondary schools are defined by State laws and regulations governing medical marijuana facilities.~~

- ~~C.~~ **B. After December 8, 2022, No comprehensive facility formed after December 8, 2022,** medical marijuana cultivation facilities licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section ~~21~~ **21** of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing elementary or secondary school or property owned by a school district, as elementary and secondary schools are defined by State laws and regulations governing medical-marijuana facilities.
- C. After December 8, 2022, No marijuana facility, formed after December 8, 2022,** medical marijuana-infused products manufacturing facilities licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section ~~1 2~~ **2** of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing elementary or secondary school or property owned by a school district, as elementary and secondary schools are defined by State laws and regulations governing medical marijuana facilities.
- ~~D. No medical marijuana testing facilities licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section 1 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing elementary or secondary school or property owned by a school district, as elementary and secondary schools are defined by State laws and regulations governing medical marijuana facilities.~~

635.050 Distance Requirements From Churches

- A. **After December 8, 2022, No medical facility,** marijuana dispensary facilities ~~formed after December 8, 2022,~~ licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section 1 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing church, as church is defined by State laws and regulations governing medical marijuana facilities.
- ~~B. No medical marijuana dispensary facilities licensed by the Missouri Department of Health and Senior Services (or its successor) and authorized to operate under Article XIV, Sections 1 or 2 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing church as church is defined by State laws and regulations governing medical marijuana facilities.~~
- ~~C.~~ **B. After December 8, 2022, No comprehensive facility, formed after December 8, 2022,** medical marijuana cultivation facilities licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section ~~21~~ **21** of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing church, as church is defined by State laws and regulations governing medical-marijuana facilities.
- C. After December 8, 2022, No marijuana facility, formed after December 8, 2022,** medical marijuana-infused products manufacturing facilities licensed by the Missouri Department of

Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section ~~1~~ 2 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing church, as church is defined by State laws and regulations governing medical marijuana facilities.

~~D. No medical marijuana testing facilities licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section 1 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing church as church is defined by State laws and regulations governing medical marijuana facilities.~~

635.060 Distance Requirements From Daycares

A. ~~After December 8, 2022, No medical facility,~~ marijuana dispensary facilities ~~formed after December 8, 2022,~~ licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section 1 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing daycare center, as daycare center is defined by State laws and regulations governing medical marijuana facilities.

~~B. No medical marijuana dispensary facilities licensed by the Missouri Department of Health and Senior Services (or its successor) and authorized to operate under Article XIV, Sections 1 or 2 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing daycare center as daycare center is defined by State laws and regulations governing medical marijuana facilities.~~

~~C. B. After December 8, 2022, No comprehensive facility, formed after December 8, 2022,~~ medical marijuana cultivation facilities licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section ~~2~~ 1 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing daycare center, as daycare center is defined by State laws and regulations governing medical marijuana facilities.

C. ~~After December 8, 2022, No marijuana facility, formed after December 8, 2022,~~ medical marijuana-infused products manufacturing facilities licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section ~~1~~ 2 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing daycare center, as daycare center is defined by State laws and regulations governing medical marijuana facilities.

~~D. No medical marijuana testing facilities licensed by the Missouri Department of Health and Senior Services (or its successor), and authorized to operate under Article XIV, Section 1 of the Missouri Constitution, including one co-located, shall be initially sited or expanded, at the time of application for license or for zoning approval, within one thousand (1,000) feet of any then-existing daycare center as daycare center is defined by State laws and regulations governing medical marijuana facilities.~~

635.070 Measurements

Measurements shall be made in accordance with State laws and the Missouri Department of Health and Senior Services (or its successor) regulations governing medical marijuana facilities. In the case of a freestanding facility, the distance between the facility and the school, daycare, or church shall be measured from the external wall of the facility structure closest in proximity to the school, daycare, or church to the closest point of the property line of the school, daycare, or church. If the school, daycare, 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, daycare, or church closest in proximity to the facility. 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, daycare, or church shall be measured from the property line of the school, daycare, or church to the facility's entrance or exit closest in proximity to the school, daycare, or church. If the school, daycare, 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, daycare, or church closest in proximity to the facility. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

635.080 Hours Of Operation

The medical marijuana dispensary facility's hours of operation for any medical marijuana dispensary facility, comprehensive marijuana dispensary facility, or microbusiness dispensary facility shall be limited to 8:00 a.m. to 8:00 p.m., central standard time, Sunday through Saturday. No sales or distribution of medical marijuana or any other products marijuana-infused products sold to the public shall take place outside of the hours of operation. No persons not employed by the facility shall be on the premises without being approved by the facilities' security personnel and shall be required to obtain and display an after-hours pass.

635.090 ~~Medical Marijuana Facility~~ Requirements for Marijuana Facilities and Medical Facilities Licensed Under as Defined in MO. Const. Article XIV, Sections 1 and 2

- A. **Medical Facilities.** ~~Medical marijuana facilities~~ A medical facility shall only sell medical marijuana or medical marijuana-infused products to a qualifying ~~qualified~~ patient in possession of a valid qualified patient identification card or a caretaker of a qualifying ~~qualified~~ patient, or patients, in possession of a valid qualified caretaker card issued from the Missouri Department of Health and Senior Services or its successor.
- B. **Outdoor Operations or Storage Prohibited.** ~~All The medical marijuana facility facilities,~~ marijuana facilities and comprehensive facilities shall be located within and operated from a ~~permanent and~~ fully affixed, enclosed structure and may not be located in a trailer, cargo container, or motor vehicle, and the structure shall not be or other mobile or operate from a transitory location. No marijuana or marijuana-infused products may be displayed so as to be visible by a person of normal visual acuity standing outside the boundary of the parcel on which the facility is located. ~~Any and all~~ The cultivation, processing, storage, display, sales or other distribution of marijuana, marijuana-infused products or marijuana accessories shall may not be visible from a public place outside of the medical facility, comprehensive facility, or marijuana facility without the use of binoculars, aircraft, or other optical aids. ~~occur within the enclosed structure and shall not be visible from the exterior of the building.~~ All marijuana, marijuana-infused products, and marijuana accessories sold or delivered pursuant to the provisions of this

Chapter shall be sold or delivered in opaque packaging so as to prevent the sale and delivery from being visible from a public place outside of the marijuana facility without the use of binoculars, aircraft, or other optical aids.

- ~~C.~~ The medical marijuana facility shall not sell to customers who are in cars or who consume the sold products in cars parked on the facility, nor shall it sell products through a sales window, to customers who are in cars, for the immediate consumption by the customer either on or off the premises.
- ~~D.~~ The medical marijuana facility shall not provide delivery services for any of its products unless otherwise allowed by State law.
- ~~E.~~ **C. Ventilation Required.** Each All-medical facilitymarijuana facilities, marijuana facility, and comprehensive facility shall have installed and operational at all times a ventilation system or odor mitigation system to prevent any-odor of marijuana from leaving the structure building or individual unit where in which the facility operates, from so that no odor of marijuana shall be detectable by a person with normal sense of smell beyond the boundary of the parcel on which the facility is located. building or unit where the facility operates. The facility shall not use any equipment or process that creates noise, dust, vibration, glare, fumes, odors or electrical interference detectable to the normal senses beyond the building or unit where the facility operates.
- ~~F.~~ **D. Nuisances Prohibited.** No medical marijuana facility, marijuana facility, or comprehensive facility shall create or cause any public nuisance.
- ~~G.~~ If a medical marijuana facility elects to sell devices, contrivances, instruments, and paraphernalia for inhaling or otherwise consuming marijuana, including, but not limited to, rolling papers, and related tools, water pipes, and vaporizers, said items shall only be sold to an individual who is a qualified patient in possession of a valid qualified patient identification card or a caretaker of a qualified patient, or patients, in possession of a valid qualified caretaker card.
- ~~H.~~ No medical marijuana facility shall display signage or advertisements with the "marijuana" or "cannabis," or any other word, phrase, or symbol commonly understood to refer to marijuana unless the word or phrase is immediately preceded by the word "medical" in the same type and font as all other words and symbols.
- ~~I.~~ No medical marijuana facility shall advertise or promote the recreational or other use of medical marijuana that is inconsistent with the medical use of medical marijuana.
- ~~J.~~ E. No medical marijuana facility shall allow marijuana to be consumed on the premises or within the parking lot used by the facility. **Onsite Usage Prohibited. No medical facility, comprehensive facility, or marijuana microbusiness facility shall allow marijuana to be consumed on the premises or within the parking lot used by the facility unless otherwise authorized by Article XIV Sections 1 or 2 or the Missouri Constitution or other state law.**
- ~~K.~~ **F. Display of Licenses Required.** No medical marijuana facility, comprehensive facility, or marijuana facility shall operate unless the its license(s) issued by the Missouri Department of Health and Senior Services (or its successor), is displayed in an openly and conspicuously placed at the entrance to the facility. on the premises.
- ~~L.~~ **G. Minimum Age Required.** No person under the age of twenty-one (21) years may enter any area of a marijuana facility beyond the marijuana facility's public access point area, unless such person is (1) a qualifying patient, or (2) accompanying a parent or guardian who is a qualifying

patient, primary caregiver, or consumer at least twenty-one (21) years of age or older. No person under the age of eighteen (18) ~~years~~, except a qualifying patient when accompanied by a parent or legal guardian, shall be allowed on the ~~premises~~ premised of the ~~a~~ medical marijuana facility, ~~comprehensive facility, or marijuana facility.~~

~~M.~~ **H. Security Measures Required.** No medical ~~marijuana~~ facility, comprehensive facility, or marijuana facility shall operate unless all the safety and security requirements as required under state law or mandated by the Missouri Department of Health and Senior Services (or its successor) are in place and fully functional at all times. All security records shall be maintained by the facility and made available to law enforcement upon request.

~~E.~~ The medical marijuana facility shall display a sign on the interior of the facility indicating that a patient identification card or primary caregiver identification card, issued from the Missouri Department of Health and Senior Services (or its successor), is required and must be presented to purchase medical marijuana and marijuana-infused products.

~~F.~~ Within thirty (30) days of ceasing operations, all medical marijuana related products, supplies, and equipment, including signage, shall be removed from the facility.

~~G.~~ It shall be unlawful for any person to distribute, transmit, give, dispense, or otherwise provide medical ~~retail~~ marijuana as a home occupation.

~~H.~~ The regulations contained in this Chapter shall be in addition to any and all regulations contained elsewhere in the Municipal Code or Zoning Ordinance.

EXPLANATION(S) - Matter in **bold underlined** type in the above is added language. Matter in ~~strikethrough~~ in the above is deleted.

Section 2: All other Sections of the Municipal Code of the City of Republic, Missouri, not specifically referenced in this Ordinance shall remain unmodified and in full force and effect.

Section 3: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 4: The City Administrator or his/her designee, on behalf of the City, is authorized to take the necessary steps to execute this Ordinance.

Section 5: The WHEREAS clauses above are specifically incorporated herein by reference.

Section 6: The provisions of this Ordinance are severable, and if any provisions hereof are declared invalid, unconstitutional, or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

Section 7: This Ordinance shall take effect and be in force from and after its passage as provided by law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Republic, Missouri, this _____ day of _____, 2023.

Attest:

Matt Russell, Mayor

Laura Burbridge, City Clerk

Approved as to Form:



A handwritten signature in blue ink, appearing to read 'Megan McCullough', is written over a horizontal line.

Megan McCullough, City Attorney