

AN ORDINANCE AMENDING PARKVILLE MUNICIPAL CODE SECTION 402.010, SECTION 405.020 AND SECTION 405.040 REGARDING MARIJUANA

WHEREAS, effective December 6, 2018, the Missouri Constitution was amended by adding Article XIV, Section 1, pertaining to medical marijuana; and

WHEREAS, effective December 8, 2022, the Missouri Constitution was further amended by adding Article XIV, Section 2, regarding recreational marijuana; and

WHEREAS, it is necessary to amend the ordinances of this City to conform to the provisions of the Constitution.

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

Section 1. Parkville Municipal Code Section 402.010 *Definitions* is hereby amended to delete the definitions of “medical marijuana cultivation facility”, “medical marijuana dispensary facility”, “medical marijuana testing facility”, “medical marijuana-infused products manufacturing facility”, “marijuana”, “marijuana-infused products”, and “transportation facility” and to add or replace the following definitions:

COMPREHENSIVE MARIJUANA CULTIVATION FACILITY

A facility licensed by the department to acquire, cultivate, process, package, store on-site or off-site, transport to or from, and sell marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones) to a marijuana dispensary, a marijuana testing facility, or a comprehensive marijuana-infused products manufacturing facility. A comprehensive marijuana cultivation facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana. A comprehensive marijuana cultivation facility's authority to process marijuana shall include the creation of prerolls, but shall not include the manufacture of marijuana-infused products.

COMPREHENSIVE MARIJUANA DISPENSARY FACILITY

A facility licensed by the department to acquire, process, package, store on-site or off-site, sell, transport to or from, and deliver marijuana, marijuana seeds, marijuana vegetative cuttings (also known as clones), marijuana-infused products, and drug paraphernalia used to administer marijuana to a qualifying patient or primary caregiver, as those terms are defined in Section 260.010 of the City Code, or to a consumer, anywhere on the licensed property or to any address as directed by the patient, primary caregiver, or consumer and consistent with the limitations of Chapter 260 of the City Code, and as otherwise allowed by law. Comprehensive marijuana dispensary facilities may receive transaction orders at the dispensary directly from the consumer in person, by phone, or via the internet including from a third party. A comprehensive marijuana dispensary facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana, but shall collect all appropriate tangible personal property sales tax for each sale and provided for by general or local law. A comprehensive marijuana dispensary facility's authority to process marijuana shall include the creation of prerolls.

COMPREHENSIVE MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY

A facility licensed by the department to acquire, process, package, store, manufacture, transport to or from a marijuana dispensary or a marijuana testing facility, and sell marijuana-infused products, prerolls, and infused prerolls to a marijuana dispensary, a marijuana testing facility, or another comprehensive marijuana-infused products manufacturing facility. A comprehensive marijuana-infused products manufacturing facility need not segregate or account for its marijuana products as either non-medical marijuana or medical marijuana.

CONSUMER

A person who is at least twenty-one years of age.

DEPARTMENT

Department of Health and Senior Services or its successor agency.

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 containing a crop-wide average tetrahydrocannabinol concentration that does not exceed three-tenths of one percent on a dry weight basis, or commodities or products manufactured from industrial hemp.

MARIJUANA DISPENSARY

A medical marijuana dispensary facility, a comprehensive marijuana dispensary facility, or a micro-business as those terms are defined herein or in Art. XIV of the constitution.

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.

MARIJUANA TESTING FACILITY

A facility certified by the State of Missouri to acquire, test, certify, and transport marijuana.

MARIJUANA TRANSPORTATION FACILITY

A facility certified by the state to transport marijuana to a qualifying patient or a primary caregiver, as those terms are defined in Section 260.010 of the City Code, or to a medical marijuana cultivation facility, a comprehensive marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a comprehensive marijuana-infused products manufacturing facility, a marijuana dispensary, a marijuana testing facility, or another marijuana transportation facility.

MEDICAL MARIJUANA CULTIVATION FACILITY

Medical Marijuana Cultivation Facility" means a facility licensed by the department, to acquire, cultivate, process, store, transport, and sell marijuana to a medical marijuana dispensary facility, marijuana testing facility, or to a medical marijuana-infused products manufacturing facility and shall also mean a comprehensive marijuana cultivation facility, as that term is defined in Article XIV of the Constitution.

MEDICAL MARIJUANA DISPENSARY FACILITY

A facility licensed by the department, to 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, as those terms are defined in Section 260.010 of the City Code, or another medical marijuana dispensary facility.

MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURING FACILITY

A facility licensed by the department, to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a marijuana testing facility, or another medical marijuana-infused products manufacturing facility.

Section 2. Parkville Municipal Code Section 405.020 *Districts and Uses* is hereby revised to amend Table 405-2 to delete the following uses: “medical marijuana – dispensary facility”, “medical marijuana – cultivation facility”, medical marijuana – infused products manufacturing facility”, medical marijuana – testing facility”, and “medical marijuana – transportation facility”.

Section 3. Parkville Municipal Code Section 405.020 *Districts and Uses* is hereby revised to amend Table 405-2 to authorize the following uses as permitted uses in the I-1, I-2, and I-3 zoning districts:

Comprehensive Marijuana Cultivation Facility.
Medical Marijuana Cultivation Facility.

Section 4. Parkville Municipal Code Section 405.020 *Districts and Uses* is hereby revised to amend Table 405-2 to authorize the following uses as permitted uses in the TND, B-2, B-4-P, BP, I-1, I-2, I-3 and U-1 zoning districts:

Comprehensive Marijuana-Infused Products Manufacturing Facility.
Marijuana Testing Facility.
Marijuana Transportation Facility.
Medical Marijuana-Infused Products Manufacturing Facility.

Section 5. Parkville Municipal Code Section 405.020 *Districts and Uses* is hereby revised to amend Table 405-2 to authorize the following uses as permitted uses in the OTD, TND, B-1, B-2, B-4-P, BP, I-1, I-2, and I-3 zoning districts:

Marijuana Dispensary

Section 6. The provisions of any ordinance or code section in conflict with any provision of this ordinance are hereby repealed to the extent of such conflict.

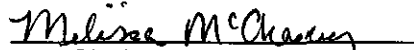
Section 7. This ordinance shall be in full force and effect from and after the date of its passage and approval.

Section 8. The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

PASSED and APPROVED this 7th day of March 2023.


Mayor Dean Katerndahl

ATTESTED:


City Clerk Melissa McChesney

