

BILL NO. 2024-06

ORDINANCE NO. _____

INTRODUCED BY _____

AN ORDINANCE TO AMEND CHAPTER 420 OF THE HERMANN MUNICIPAL CODE TO ADDRESS ADULT USE MARIJUANA.

WHEREAS, a recent amendment to Article 14 of the Missouri Constitution authorized by the voters allows the City to revise its restrictions regarding marijuana to allow for the personal use of up to 3 ounces or less of dried, unprocessed, marijuana or its equivalent (“Adult Use Marijuana”); and

WHEREAS, by recent amendment, City Code Section 216.010 now provides that it is not unlawful for a person at least 21 years of age to purchase, possess, consume, use, ingest, inhale, process, transport or distribute without consideration Adult Use Marijuana; and

WHEREAS, The Board of Aldermen has determined that amending the Code to address Adult Use Marijuana serves a legitimate public purpose and is in the best interests of the citizens of the City of Hermann, Missouri.

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

SECTION ONE: **New definitions** for Adult Use Marijuana and Marijuana Dispensary are hereby added to Code Section 420.010 as follows:

ADULT USE MARIJUANA – Up to three (3) ounces of marijuana or its equivalent to be sold to consumers who have attained at least twenty-one (21) years of age.

MARIJUANA DISPENSARY – A facility licensed by the Missouri State Department of Health and Senior Services or its successor to acquire, process, package, store on site, sell, transport to or from and deliver Medical Use Marijuana or Adult Use Marijuana, consistent with the limitations imposed by this Code and/or Missouri law.

SECTION TWO: Code Section 420.010 is hereby amended to delete the definition for Medical Marijuana Dispensary Facility and Medical Marijuana Cultivation Identification Card.

SECTION THREE: Code Section 420.010 is hereby amended as follows: **[with the law change, there is no need to differentiate between “medical marijuana” facilities and “marijuana” facilities. So, we’re getting rid of references to “medical” in most places.]**

1. The term “Medical Marijuana Use” shall be changed to “Marijuana Use.” The word “medical” shall be deleted from items 1, 2, 3, 4, and 5 in the definition therefor.
2. The term “Medical Marijuana Cultivation” shall be changed to “Marijuana Cultivation.” The definition therefor shall remain the same.

3. The term “Medical Marijuana Cultivation Facility” shall be changed to “Marijuana Cultivation Facility.” The term “medical” shall be deleted wherever it appears in the definition therefor.
4. The term “Medical Marijuana Infused Products Manufacturing Facility” shall be changed to “Marijuana Infused Products Manufacturing Facility.” The term “medical” shall be deleted everywhere it appears in the definition therefor.
5. The term “Medical Marijuana Testing Facility” shall be changed to “Marijuana Testing Facility.” The definition therefor shall remain the same.
6. The term “Medical Marijuana Transportation Facility” shall be changed to “Marijuana Transportation Facility.” The definition therefor shall remain the same.
7. The term “Non Retail Medical Marijuana Facilities” shall be changed to “Non-Retail Marijuana Facilities.” The word “medical” shall be deleted from items 1, 2, 3, and 4 in the definition therefor.

SECTION FOUR: Code Section 420.040(B) is hereby amended to read as follows:
[replaced “medical marijuana dispensary” with “marijuana dispensary” everywhere.]

B. Spacing requirement for **Marijuana Dispensaries**. No **Marijuana Dispensary**, in any zoning district in the City of Hermann, shall be located within 300 feet of any then existing elementary school, secondary school, child day care facility or church. As used in the previous sentence, the term “then existing” shall mean any elementary school, secondary school, child day care center or church with a building permit from the City to be constructed, or under construction, or completed and in use at the time the **Marijuana Dispensary** applies for a business license. When measuring the spacing requirement, the following guidelines shall be followed:

1. In the case of a freestanding **Marijuana Dispensary**, the distance between the **Marijuana Dispensary** and the elementary school, secondary school, child day care facility or church shall be measured from the external wall of the **Marijuana Dispensary** closest in proximity to the elementary school, secondary school or church to the closest point of the property line of the elementary school, secondary school, child day care facility or church.

2. In the case of a **Marijuana Dispensary** that is part of a larger structure, such as an office building or strip mall, the distance between the **Marijuana Dispensary** and the elementary school, secondary school, child day care facility or church shall be measured from the property line of the elementary school, secondary school, child day care facility, or church to the **Marijuana Dispensary’s** entrance or exit that is closest in proximity to the elementary school, secondary school, child day care facility or church.

3. Measurements shall be made along the shortest path between the demarcation point that can be measured by ruler on a map (i.e. online version of Google Maps).

SECTION FIVE: Code Sections 420.130(B) and 420.140(B) are hereby amended to
add the following as a permitted use:

Marijuana Dispensary, which shall be subject to all C-1 Zoning District regulations and Section 420.040(B).

SECTION SIX: Code Sections 420.130(B) and 420.140(B) are hereby revised to delete “Medical marijuana dispensary facility” as a permitted use in the C-1 Commercial and C-2 Highway Commercial Districts, since a “Marijuana Dispensary,” the definition of which includes adult use and Medical marijuana dispensaries, is added as permitted uses in C-1 and C-2, as provided above: [We don’t need to mention medical marijuana dispensary facilities now since we are mentioning “Marijuana Dispensaries”, which include medical marijuana dispensaries, above as permitted uses.]

SECTION SEVEN: The references to “Non-Retail Medical Marijuana Facilities” in Code Sections 420.150 and 420.160 shall be changed to “Non Retail Marijuana Facilities.”

SECTION EIGHT: Code Section 420.210(A) is hereby amended to read as follows:

[replaced medical marijuana dispensary facility with Marijuana Dispensary everywhere.]

- A. **Marijuana Dispensaries** (C-1 and C-2 Districts only).
- B. State license required. All **Marijuana Dispensaries** must have the license and any other required authorization to operate the **Marijuana Dispensary** from the Missouri Department of Health and Senior Services to operate in the City. Applicants may seek zoning approval prior to being granted a state license, but no final approval shall be given until such state issued license has been obtained and satisfactory proof of such licensure has been provided to the City. Continued operation in the City shall always require such state licensure to remain valid.
- C. Outdoor operations and storage. No outdoor operations or storage shall be allowed.
- D. Odor control and nuisance. Every **Marijuana Dispensary** shall have and maintain an odor control system at least as stringent as that which is required by state regulations and shall at all times operate in such a way as to not create, engage in or maintain a nuisance as defined in the City Code and Missouri law.
- E. On-site usage prohibited. No marijuana may be smoked, ingested, consumed or otherwise administered on the premises of any **Marijuana Dispensary**.
- F. Hours of operation. All sales or distribution of products to the public through a **Marijuana Dispensary** shall take place between the hours of 9:00 AM and 10:00 PM Monday through Thursday and Sunday, and from 9:00 AM to 1:00 AM Friday and Saturday.
- G. Security. **Marijuana Dispensaries** shall be secured and closed to the public after the hours listed in this subsection and no persons not employed by the **Marijuana Dispensary** may be present in such facility at any time closed to the public. **Marijuana Dispensaries** shall have and maintain security systems, equipment, personnel and procedures at least as stringent as those which are required by state regulations and shall provide proof of such compliance during the site plan review process.
- H. Display of license required. The **Marijuana Dispensary** license issued by the State of Missouri and any and all licenses issued by the City of Hermann shall be displayed in a

in plain view near the front entrance of the **Marijuana Dispensary** as required by state regulations.

I. Additional requirements. All **Marijuana Dispensaries** shall comply with all applicable provisions of the Zoning Code of the City of Hermann, all other Code Sections of the City of Hermann, including, but not limited to the Building Code, the Licenses and Business Code, the Health and Sanitation Code and the Offenses Code and all provisions of Article XIV, Section 1 of the Missouri Constitution as well as any and all rules and regulations promulgated by the Missouri Department of Health and Senior Services including, but not limited to security requirements, lighting, parking, record maintenance and retention.

J. Transportation certification. Any **Marijuana Dispensary** that also holds and maintains certification from the Missouri Department of Health and Senior Services as a marijuana transportation facility may still relocate in the relevant “C” commercial district so long as the Marijuana Dispensary’s state license remains valid.

SECTION NINE: The publisher of the City of Hermann ordinances shall be permitted to re-designate the section or sub-section number of this revised code section to fit within an appropriate portion of the Hermann City Code, within the discretion of the publisher.

SECTION TEN: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION ELEVEN: This Ordinance shall be in full force and effect from and after its passage and adoption.

First Reading: January 22, 2024

Second Reading: _____

Vote and signatures on next page

VOTE:

Name	First Reading			Second Reading		
	Aye	Nay	Abs	Aye	Nay	Abs
Alderman Ash Geers						
Alderman Derek LeRoy						
Alderman Jim Schirmer						
Alderman Susan Lenger						

Passed and approved this _____ day of _____, 20__.

BRUCE COX, Mayor

COREY ORR, City Clerk