



CITY COUNCIL AGENDA SUBMISSION
January 10, 2023

BILL 2991 - AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 220 OF THE OLIVETTE CITY CODE PERTAINING TO SMOKING IN PUBLIC PLACES. First Reading

Description:

At the December 6, 2022, Council worksession, the Council discussed amending Chapter 220 Smoking in Public given the passage of Amendment 3 of the Missouri Constitution which allows for the smoking of marijuana in public spaces.

At the meeting the Council provided City Attorney Martin with direction on amendments to the smoking in public places ordinance. Bill 2991 is the result of that direction.

Recommended Actions:

First Reading

Attachment:

Bill 2991

Bill 2991 REDLINE

Submitted by:

Barbara Sondag
City Manager

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 220 OF THE OLIVETTE CITY CODE PERTAINING TO SMOKING IN PUBLIC PLACES.

WHEREAS, with the passage of Amendment 3 by the people of Missouri on November 8, 2022, the Olivette City Council desires to amend Article III of Chapter 220 of the Olivette City Code to regulate the smoking of marijuana in public places as provided herein;

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

Section One. Article III, Smoking in Public Places, of Chapter 220, Nuisances, of the Olivette City Code is hereby amended in the following respects (new language is *emphasized*):

- (1) Section 220.200, Definitions, is hereby amended by adding the following definition of “Marijuana”:

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 marijuana plant and marijuana-infused products. "Marijuana" does not include industrial hemp, as defined by Missouri statute, or commodities or products manufactured from industrial hemp.

- (2) Section 220.210, Smoking Prohibitions, is hereby amended by adding a new Paragraph E, to read as follows:

E. Marijuana.

- 1. No person shall engage in the smoking of marijuana: (i) in any public park, street, alley, right-of-way, sidewalk, or building; (ii) in any place in which the smoking is prohibited by this section; or (iii) on private property within 15 feet of any place prohibited by clause (i) of this paragraph.*
- 2. The smoking of marijuana, or the suspected smoking of marijuana, shall not, by itself, serve as the basis to detain, search, or arrest a perpetrator or suspect in a manner or for a length of time more than may be necessary to issue an ordinance violation citation as contemplated by Section 220.250.E hereof.*

- (3) Section 220.250, Enforcement and Penalty, is hereby amended by the repeal of Paragraph B and by the enactment of a new Paragraph B, to read as follows:

B. Any person violating the provisions of this Article, with the exception of Section 220.210.E hereof, may be punished upon conviction as provided in Section 100.180 of this Code. Any person violating the provisions of Section 220.210.E hereof may be punished upon conviction by a fine not to exceed \$100.00.

Section Two. This Ordinance shall be effective immediately after its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2023.

Maxine Weil, Mayor

ATTEST:

Denise Mandel, Acting City Clerk

BILL NO. _____
NO. _____

ORDINANCE

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