



CITY COUNCIL AGENDA SUBMISSION
March 14, 2023

BILL #2999 - AN ORDINANCE AMENDING CERTAIN BILL CERTAIN SECTIONS OF ARTICLE XI OF CHAPTER 215 OF THE OLIVETTE CITY CODE PERTAINING TO THE POSSESSION, SALE, DISTRIBUTION, AND CULTIVATION OF MARIJUANA AND TO DRUG PARAPHERNALIA. First and Second Reading

Description:

Missouri State Constitution Amendment 3 requires the City to amend certain laws regarding the possession, purchase and cultivation of marijuana. Amendment 3 allows persons at least 21 years of age to purchase and possess up to three ounces of marijuana. Cultivation of marijuana is also allowed with certain restrictions as outlined in Amendment 3. And finally, Amendment 3 establishes fines for certain violations.

The Council is asked to hold a first and second reading of this bill, as all changes to the ordinance are dictated by the State Constitution – greatly limiting discussion and discretion.

Recommended Actions:

First Reading

Set Aside Regular Rules

Second Reading

Bill #2999 - An Ordinance Amending Certain Sections of Article XI of Chapter 215 of the Olivette City Code Pertaining to the Possession, Sale, Distribution, and Cultivation of Marijuana and to Drug Paraphernalia.

Attachment:

Bill 2999

Submitted by:

Barbara Sondag
City Manager

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ARTICLE XI OF CHAPTER 215 OF THE OLIVETTE CITY CODE PERTAINING TO THE POSSESSION, SALE, DISTRIBUTION, AND CULTIVATION OF MARIJUANA AND TO DRUG PARAPHERNALIA.

WHEREAS, with the passage of Amendment 3 by the people of Missouri on November 8, 2022, the Olivette City Council desires to amend Article XI of Chapter 215 of the Olivette City Code to regulate the possession of marijuana and drug paraphernalia as allowed by Missouri law and provided herein;

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

Section One. Section 215.1800, Possession of Marijuana or Synthetic Canniboid, of Article XI, Offenses Concerning Drugs, of Chapter 215, Offenses, of the Olivette City Code is hereby repealed, and a new Section 215.1800 is enacted in lieu thereof, to read as follows:

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| Chapter 215 | Offenses |
| Article XI | Offenses Concerning Drugs |
| Section 215.1800 | Possession, Sale, Etc., of Marijuana or Synthetic Canniboid |

- A. Definition. Marijuana, as used herein, means 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. It does not include industrial hemp, as defined by Missouri statute, or commodities or products manufactured from industrial hemp.
- B. Superior Laws. The ordinance violations established in this Section 215.1800 are subject to and may be excepted by Chapters 195 or 579 of the Revised Statutes of Missouri, by Article XIV of the Missouri Constitution, or by related state laws or regulations.
- C. Under-Age Possession, Etc. A person under the age of 21 years is prohibited from possessing, purchasing, consuming, selling, or distributing marijuana. Upon conviction, such person shall be subject to forfeiture of the marijuana and a fine not to exceed \$100.00. Any such person shall be provided the option of attending up to four hours of drug education or counseling in lieu of the fine.
- D. Under-Age Sales or Distribution. A person at least 21 years of age is prohibited from selling or distributing marijuana to a person under the age of 21 years. Upon conviction thereof such person shall be subject to

a fine and/or imprisonment as provided in Section 100.180 of the Olivette City Code.

E. Maximum Product Quantities. A person is prohibited from possessing, purchasing, producing, selling, or delivering more than three ounces of dried, unprocessed marijuana or its equivalent.

1. If the excessive product amount is not more than six ounces, then upon conviction the perpetrator shall be subject to forfeiture of the marijuana and: (a) for a first offense, a fine not to exceed \$250.00; (b) for a second offense, a fine not to exceed \$500.00; and (c) for a third offense, a fine not to exceed \$1,000.00;
2. If the excessive product amount is more than six ounces, then upon conviction the perpetrator shall be subject to a fine and/or imprisonment as provided in Section 100.180 of the Olivette City Code, or the matter may be referred to the St. Louis County Prosecuting Attorney for prosecution under the applicable Missouri statute.

F. Cultivation Restrictions.

1. It is unlawful for a person to transport, plant, cultivate, harvest, dry, process, or manufacture more than six of each of the following: (a) flowering marijuana plants, (b) non-flowering marijuana plants (at least 14 inches tall), or (c) clones (less than 14 inches tall). Upon conviction, such person shall be subject to shall be subject to a fine and/or imprisonment as provided in Section 100.180 of the Olivette City Code, or the matter may be referred to the St. Louis County Prosecuting Attorney for prosecution under the applicable Missouri statute.
2. It is unlawful for a person to keep the aforementioned plants, and any marijuana in excess of three ounces produced by the plants, at a private residence in an unlocked space or in a manner that is visible by normal, unaided vision from a public place. Upon conviction, such person shall be subject to forfeiture of the marijuana and a fine of \$250.00.
3. It is unlawful for a property owner or occupant to permit the keeping of more than 12 of each of the plants described in paragraph 1 of this subsection in or on the grounds of a private residence at one time. shall be subject to a fine and/or imprisonment as provided in Section 100.180 of the Olivette City Code, or the matter may be referred to the St. Louis County Prosecuting Attorney for prosecution under the applicable Missouri statute.

G. Synthetic Canniboid. A person commits the offense of possession of a synthetic cannabinoid, as defined in Section 195.010, RSMo., if he or she possesses any synthetic cannabinoid.

Section Two. Section 215.1830, Possession of Drug Paraphernalia, of Article XI, Offenses Concerning Drugs, of Chapter 215, Offenses, of the Olivette City Code is hereby amended by the repeal of Subsection B thereof and by the enactment of a new

Subsection B, to read as follows:

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| Chapter 215 | Offenses |
| Article XI | Offenses Concerning Drugs |
| Section 215.1830 | Possession of Drug Paraphernalia |

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B. This Section shall not apply to the possession, use, or distribution of any drug paraphernalia by any person or entity licensed or authorized for such possession, use, or distribution pursuant to Article XIV of the Missouri Constitution or any related state law or regulation.

Section Three.

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

PASSED AND ADOPTED THIS 14th DAY OF MARCH, 2023.

Maxine Weil, Mayor

ATTEST:

Denise Mandel, Acting City Clerk