

TENTATIVE AGENDAREGULAR CITY COUNCIL MEETING
SIKESTON CITY HALLMonday, July 29, 2019
7:30 A.M.

- I. CALL TO ORDER
- II. RECORD OF ATTENDANCE
- III. OPENING PRAYER
- IV. PLEDGE OF ALLEGIANCE
- V. ITEMS OF BUSINESS
 - A. 1st & 2nd Reading & Consideration, Emergency Bill #6145, Parking Prohibited At All Times On Certain Streets – Defined
 - B. 1st & 2nd Reading & Consideration, Emergency Bill #6146, No Stopping, Standing or Parking – Ables from Illinois to Ashley Dr.; Brunt Blvd. from S. Main to Gen. George E. Day; Gen. George E. Day from S. Main to Curve at S. Ingram
 - C. 1st & 2nd Reading & Consideration, Emergency Bill #6147, Four-Way Stop Sign at George E. Day & Brunt Blvd.
 - D. 1st & 2nd Reading & Consideration, Emergency Bill #6148, No Left Turn on Brunt at Wing Elementary
 - E. 1st & 2nd Reading & Consideration, Emergency Bill #6149, School Zone Designation for Wing Elementary
 - F. 1st Reading, Bill #6155, Yield Sign to Replace Stop Sign at Linn & Selma
 - G. 1st Reading, Bill #6156, Four-Way Stop Sign at N. Ranney & Lake St.
 - H. 1st Reading, Bill #6152, Update to Rental Property Minimum Housing Quality Standards
 - I. 1st Reading, Bill #6157, Dissolving the Rental Ordinance Review Board
 - J. 1st & 2nd Reading & Consideration, Emergency Bill #6158, Medical Marijuana Dispensary Regulations
 - K. 1st Reading, Bill #6161, Authorization to Replat 305 & 307 N. Ingram Road
 - L. Approval of Assignment of Contract
 - M. Other Items As May Be Determined During the Course of the Meeting
- VI. ADJOURNMENT INTO EXECUTIVE SESSION

Property (RSMo 610.021(2))

VII. ADJOURNMENTDated this 24th day of July 2019Rhonda Council

Rhonda Council, Deputy City Clerk

Council Letter

Date of Meeting: 19-07-29

Originating Department: Public Works Department / Street Division

To the Mayor and City Council:

Subject: 1st & 2nd Reading, Bill #6145, Parking Prohibited at all Times on Certain Streets – Definition Amended

Attachment(s):

1. Bill #6145

Action Options:

1. Approve Bill #6145, Parking Prohibited at all Times on Certain Streets – Definition Amended
2. Other action Council may deem appropriate

Background:

The Traffic Committee did meet on June 20, 2019 and voted favorably to recommend the request to amend the uniform traffic code definition of “Parking Prohibited at all Times on Certain Streets” by prohibiting a person to **stop, stand** or park a vehicle at any time upon any of the streets described by ordinance.

Council’s approval of this bill is requested. If approved, this bill would go into effect immediately.

THIS BILL AS APPROVED SHALL BECOME EMERGENCY ORDINANCE NUMBER 6145 AND SHALL AMEND TITLE III, CHAPTER 365 OF THE UNIFORM TRAFFIC CODE ESTABLISHING ADDITIONAL TRAFFIC CONTROL MEASURES WITHIN THE CITY OF SIKESTON, MISSOURI.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIKESTON, MISSOURI AS FOLLOWS:

SECTION I: This Ordinance shall be codified in the City Municipal Code.

SECTION II: The Traffic Committee did meet on June 20, 2019 and voted favorably to recommend the request to amend the uniform traffic code's definition of "Parking Prohibited at all Times on Certain Streets" by prohibiting a person to stop, stand or park a vehicle at any time upon any of the streets described by ordinance.

SECTION III: Title III - Chapter 365 – Section 365.030 definition shall be amended to read as follows:

Section 365.030 – Parking Prohibited At All Times On Certain Streets

"When signs are erected giving notice thereof, no person shall **stop, stand or park** a vehicle at any time upon any of the streets described by ordinance."

SECTION IV: General Repealer Section: Any ordinance or parts thereof inconsistent herewith are hereby repealed.

SECTION V: Severability: Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, then the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION VI: Emergency Clause. This ordinance is adopted as an emergency measure so that the effective date would be in place when school starts in August.

SECTION VII: Record of Passage:

A. Bill Number 6145 was introduced and read the first time this 29th day of July, 2019.

B. Bill Number 6145 was read the second time and discussed this 29th day of July, 2019, and voted as follows:

Williams, _____, Evans, _____, Self, _____,
Meredith, _____, Settles, _____, Sparks, _____,
Burch, _____, thereby being
_____,
becoming ordinance 6145.

C. Ordinance 6145 shall be in full force and effect immediately upon passage.

Steven Burch, Mayor

Approved as to form
Tabatha Thurman, City Counselor

Seal / Attest:

Carroll Couch, City Clerk

Council Letter

Date of Meeting: 19-07-29

Originating Department: Public Works Department / Street Division

To the Mayor and City Council:

Subject: 1st & 2nd Reading, Bill #6146, No Stopping, Standing or Parking on Certain Streets

Attachment(s):

1. Bill #6146

Action Options:

1. Approval of Bill #6146, No Stopping, Standing or Parking on Certain Streets
2. Other action Council may deem appropriate

Background:

The Traffic Committee did meet on June 20, 2019 and voted favorably to amend the uniform traffic code by placing no stopping/standing/parking signs on Ables Road from Illinois to Ashley Drive; on Brunt Blvd. from S. Main to Gen. George E. Day; and on Gen. George E. Day from S. Main to curve at S. Ingram Road, on both sides of the street.

Currently, student pickup line for parents at Southeast Elementary School extends out of the driveway and continues west along the south curb line of Ables Road to almost Illinois Ave. During this period of time the vehicles block private driveways and park close to intersecting streets, Glenn Dr. and Cottonwood Dr. One of the biggest complaints are from drivers coming to the stop sign on Glenn at Ables Rd. not being able to see east bound traffic when trying to pull out.

With the addition of Wing Elementary School, it is anticipated that a large number of people will pick up their children from school, thus creating a similar issue.

Staff seeks Council's approval of this bill. If approved, this bill will go into effect immediately.

THIS BILL AS APPROVED SHALL BECOME EMERGENCY ORDINANCE NUMBER 6146 AND SHALL AMEND TITLE III, CHAPTER 365 OF THE UNIFORM TRAFFIC CODE ESTABLISHING ADDITIONAL TRAFFIC CONTROL MEASURES WITHIN THE CITY OF SIKESTON, MISSOURI.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIKESTON, MISSOURI AS FOLLOWS:

SECTION I: This Ordinance shall be codified in the City Municipal Code.

SECTION II: The Traffic Committee did meet on June 20, 2019 and voted favorably to amend the uniform traffic code by placing no stopping/standing/parking signs on Ables Road from Illinois to Ashley Drive; on Brunt Blvd. from S. Main to Gen. George E. Day; and on Gen. George E. Day from S. Main to curve at S. Ingram Road, on both sides of the street.

SECTION III: Title III – Chapter 355 – Section 355.010 – Stopping, Standing or Parking Prohibited; Schedule IV, shall be amended by including the following:

<u>Name of Street</u>	<u>From</u>	<u>To</u>	<u>Side of Street</u>
Ables Road	Illinois Ave.	Ashley Drive	Both
Brunt Blvd.	S. Main	General George E. Day	Both
Gen. George E. Day	S. Main	Curve at S. Ingram Road	Both

SECTION IV: General Repealer Section: Any ordinance or parts thereof inconsistent herewith are hereby repealed.

SECTION V: Severability: Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, then the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION VI: Emergency Clause. This ordinance is adopted as an emergency measure so that it would be in effect when school starts in August.

SECTION VII: Record of Passage:

- A. Bill Number 6146 was introduced and read the first time this 29th day of July, 2019.
- B. Bill Number 6146 was read the second time and discussed this 29th day of July, 2019, and voted as follows:

Self, _____, Settles, _____, Sparks, _____,
Merideth, _____, Evans, _____, Williams, _____,
Burch, _____, thereby being

_____,

becoming ordinance 6146.

- C. Ordinance 6146 shall be in full force and effect immediately upon passage.

Steven Burch, Mayor

Approved as to form
Tabatha Thurman, City Counselor

Seal / Attest:

Carroll Couch, City Clerk

Council Letter

Date of Meeting: 19-07-29

Originating Department: Public Works Department / Street Division

To the Mayor and City Council:

Subject: 1st & 2nd Reading, Bill #6147, Four-Way Stop Sign at George E. Day & Brunt Blvd.

Attachment(s):

1. Bill #6147

Action Options:

1. Approve Bill #6147, Four-Way Stop Sign at George E. Day & Brunt Blvd.
2. Other action Council may deem appropriate

Background:

The Traffic Committee did meet on June 20, 2019 and voted favorably to amend the uniform traffic code by placing 4-way stop signs at the following location:

<u>Stop Sign</u>	<u>Sign Location</u>	<u>Controlled Traffic Movement</u>
Gen. George E. Day at Pine Gen. George E. Day at Brunt	NE Corner SW Corner	West East

Council's approval of this bill is requested. If approved, this bill would go into effect immediately.

BILL NUMBER 6147

ORDINANCE NUMBER 6147

THIS BILL AS APPROVED SHALL BECOME EMERGENCY ORDINANCE NUMBER 6147 AND SHALL AMEND TITLE III, CHAPTER 300, SCHEDULE III, TABLE III-A OF THE UNIFORM TRAFFIC CODE ESTABLISHING ADDITIONAL TRAFFIC CONTROL MEASURES WITHIN THE CITY OF SIKESTON, MISSOURI.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIKESTON, MISSOURI AS FOLLOWS:

SECTION I: This ordinance shall be codified in the City Municipal Code.

SECTION II: The Traffic Committee did meet on June 20, 2019, and voted unanimously for the installation of stop signs at the intersection of Gen. George E. Day at Brunt Blvd. and Gen. George E. Day at Pine to create a four-way stop.

SECTION III: Title III, Chapter 300, Schedule III, Table III-A-Stop Locations; shall be amended to include as follows:

<u>Stop Sign</u>	<u>Sign Location</u>	<u>Controlled Traffic Movement</u>
Gen. George E. Day at Pine	NE Corner	West
Gen. George E. Day at Brunt	SW Corner	East

SECTION IV: General Repealer Section. Any ordinance or parts thereof inconsistent herewith are hereby repealed.

SECTION V: Severability. Should any part or parts of this Ordinance be found or held to be invalid by any court of competent jurisdiction, then the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION VI: Emergency Clause. This ordinance is adopted as an emergency measure so that it would be in effect when school starts in August.

SECTION VII: Record of Passage:

- A. Bill Number 6147 was introduced and read the first time this 1st day of July, 2019.
- B. Bill Number 6147 was read the second time and discussed on this 29th day of July, 2019, and was voted as follows:

Self _____, Settles _____, Evans _____, Sparks _____,
Williams _____, Merideth _____, and Burch_____,
thereby being _____,

- C. Ordinance 6147 shall be in full force and effect immediately upon passage.

STEVEN BURCH, Mayor

Approved as to Form:

TABATHA THURMAN, City Counselor

SEAL/ATTEST:

CARROLL COUCH, City Clerk

Council Letter

Date of Meeting: 19-07-29

Originating Department: Public Works Department / Street Division

To the Mayor and City Council:

Subject: 1st & 2nd Reading, Bill #6148, No Left Turn on Brunt Blvd. at Wing Elementary

Attachment(s):

1. Bill #6148

Action Options:

1. Approve Bill #6148, No Left Turn on Brunt Blvd. at Wing Elementary
2. Disapprove Bill #6148, No Left Turn on Brunt Blvd. at Wing Elementary
3. Other action Council may deem appropriate

Background:

The Traffic Committee did meet on June 20, 2019 and did pass a favorable recommendation for approval for the designation of no left turn in the southwest bound direction on Brunt Blvd. for the entrance to Wing Elementary School.

Location

**Brunt Blvd., Southwest Bound
Entrance to Wing Elementary School**

Signage

No Left Turn

Based on recent changes to the school's traffic plan, Staff recommends denial of this bill. If approved, this bill will go into effect immediately.

THIS BILL AS APPROVED SHALL BECOME EMERGENCY ORDINANCE NUMBER 6148 AND SHALL AMEND TITLE III, CHAPTER 325 OF THE UNIFORM TRAFFIC CODE ESTABLISHING ADDITIONAL TRAFFIC CONTROL MEASURES WITHIN THE CITY OF SIKESTON, MISSOURI.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SIKESTON, MISSOURI, AS FOLLOWS:

SECTION I: This ordinance shall be codified in the City Municipal Code.

Section II: The Traffic Committee did meet on June 20, 2019 and did pass a favorable recommendation for approval for the designation of no left turn in the southwest bound direction on Brunt Blvd. for the entrance to Wing Elementary School.

SECTION III: Title III – Schedule VI – Restricted Turn Signals shall be amended by including the following traffic course markers or signs:

<u>Location</u>	<u>Signage</u>
Brunt Blvd., Southwest Bound Entrance to Wing Elementary School	No Left Turn

SECTION IV: General Repealer Section. Any other ordinance or parts thereof inconsistent herewith, are hereby repealed.

SECTION V: Severability. Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION VI: Emergency Clause. This ordinance is adopted as an emergency measure so that it would be in effect when school starts in August.

SECTION VII: Record of Passage

- A. Bill Number 6148 was introduced and read the first time this 29th day of July, 2019.
- B. Bill Number 6148 was read the second time and discussed this 29th day of July, 2019, and voted as follows:

Self, _____, Settles, _____, Sparks, _____,
Merideth, _____, Evans, _____,Williams, _____,
Burch, _____, thereby being
_____, and
becoming ordinance 6148.
- C. Ordinance 6148 shall be in full force and effect immediately upon passage.

Steven Burch, Mayor

Approved as to form
Tabatha Thurman, City Counselor

Seal/Attest

Carroll Couch, City Clerk

Council Letter

Date of Meeting: 19-07-29

Originating Department: Public Works Department / Street Division

To the Mayor and City Council:

Subject: 1st & 2nd Reading, Bill #6149, School Zone Designation for Wing Elementary

Attachment(s):

1. Bill #6149

Action Options:

1. Approve Bill #6149, School Zone Designation for Wing Elementary
2. Other action Council may deem appropriate

Background:

The Traffic Committee met on June 20, 2019 and did favorably pass this agenda item to amend the uniform traffic code by adding another designated school zone at the following location:

Location	Speed Limit
Gen. George E. Day from Tulip Trace to Curve at S. Ingram Rd.	20
Gen. George E. Day from Pine St. to 200' North on Pine St.	20
Brunt Blvd. from Gen. George E. Day to Arches	20

Staff will ask for Council's approval to adopt this bill at the July 29th Council meeting. If approved, this bill will go into effect immediately.

THIS BILL AS APPROVED SHALL BECOME EMERGENCY ORDINANCE NUMBER 6149 AND SHALL AMEND TITLE III, CHAPTER 320.050 SCHEDULE I-B BY ADDING ANOTHER DESIGNATED SCHOOL ZONE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIKESTON, MISSOURI AS FOLLOWS:

SECTION I: This Ordinance shall be codified in the City Municipal Code.

SECTION II: The Traffic Committee did meet on June 20, 2019 and voted favorably to designate Gen. George E Day from Tulip Trace to curve at S. Ingram Rd., Gen. George E. Day from Pine St. to 200' North on Pine, and Brunt Blvd. from Gen. George E. Day to Arches, as a school zone.

SECTION III: Title III, Schedule I, Table I-B, School Zone Speed Limits, shall be amended to include the following:

<u>Location</u>	<u>Speed Limit</u>
Gen. George E. Day from Tulip Trace to Curve at S. Ingram Rd.	20
Gen. George E. Day from Pine St. to 200' North on Pine St.	20
Brunt Blvd. from Gen. George E. Day to Arches	20

SECTION IV: General Repealer Section: Any ordinance or parts thereof inconsistent herewith are hereby repealed.

SECTION V: Severability: Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, then the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION VI: Emergency Clause. This ordinance is adopted as an emergency measure so that it would be in effect when school starts in August.

SECTION VII: Record of Passage:

A. Bill Number 6149 was introduced and read the first time this 29th day of July, 2019.

B. Bill Number 6149 was read the second time and discussed this 29th day of July, 2019, and voted as follows:

Meredith, _____, Self, _____, Settles, _____,

Evans, _____, Williams, _____, Sparks, _____,

Burch, _____, thereby being

_____,

becoming ordinance 6149.

C. Ordinance 6149 shall be in full force and effect immediately upon passage.

Steven Burch, Mayor

Approved as to form
Tabatha Thurman, City Counselor

Seal / Attest:

Carroll Couch, City Clerk

Council Letter

Date of Meeting: 19-07-29

Originating Department: Public Works Department / Street Division

To the Mayor and City Council:

Subject: 1st Reading, Bill #6155, Amending City Code Title III, Chapter 335 Section 335.040 to replace Stop signs with Yield Signs at the intersection of Linn/Selma

Attachment(s):

1. Bill #6155

Action Options:

1. 1st Reading of and briefing only. Council action will be requested on August 5, 2019
2. Other action Council may deem appropriate

Background:

The Traffic Committee met on June 20, 2019 and did favorably pass this agenda item to amend the uniform traffic code by replacing stop signs with yield signs at the intersection of Linn/Selma.

This was a request made by Charles Scott.

BILL Number 6155

ORDINANCE Number 6155

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6155 AND SHALL AMEND TITLE III, CHAPTER 335 OF THE UNIFORM TRAFFIC CODE ESTABLISHING ADDITIONAL TRAFFIC CONTROL MEASURES WITHIN THE CITY OF SIKESTON, MISSOURI.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIKESTON, MISSOURI AS FOLLOWS:

SECTION I: This Ordinance shall be codified in the City Municipal Code.

SECTION II: The Traffic Committee did meet on June 20, 2019 and voted favorably to amend the uniform traffic code by placing yield signs on Linn Street at Selma Street.

SECTION III: Title III – Chapter 335 – Section 335.040 – Stop and Yield Signs; shall be amended by including the following:

<u>Yield Sign</u>	<u>Through Street</u>	<u>Sign Location</u>	<u>Controlled Traffic Movement</u>
Linn Street	Selma Street	SW Corner	East
Linn Street	Selma Street	NE Corner	West

SECTION IV: General Repealer Section: Any ordinance or parts thereof inconsistent herewith are hereby repealed.

SECTION V: Severability: Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, then the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION VI: Record of Passage:

A. Bill Number 6155 was introduced and read the first time this 29th day of July, 2019.

B. Bill Number 6155 was read the second time and discussed this 5th day of August, 2019, and voted as follows:

Williams, _____, Evans, _____, Self, _____,
Meredith, _____, Settles, _____, Sparks, _____,
Burch, _____, thereby being
_____,
becoming ordinance 6155.

C. Ordinance 6155 shall be in full force and effect from and after Wednesday, September 4, 2019.

Steven Burch, Mayor

Approved as to form
Tabatha Thurman, City Counselor

Seal / Attest:

Carroll Couch, City Clerk

Council Letter

Date of Meeting: 19-07-29

Originating Department: Public Works Department / Street Division

To the Mayor and City Council:

Subject: 1st Reading, Bill #6156, Amending City Code Title III, Chapter 300, Schedule III, Table III-A Stop Locations, Authorizing the Installation of Stop Signs on North Ranney Street at Lake Street.

Attachment(s):

1. Bill #6156

Action Options:

1. 1st Reading of and briefing only. Council action will be requested on August 5, 2019
2. Other action Council may deem appropriate

Background:

The Traffic Committee met on June 20, 2019 and did not favorably pass this agenda item to amend the uniform traffic code by placing 4-way stop signs on North Ranney Street at Lake Street. .

This was a request made by Larry Hancock.

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6156 AND SHALL AMEND TITLE III, CHAPTER 300, SCHEDULE III, TABLE III-A OF THE UNIFORM TRAFFIC CODE ESTABLISHING ADDITIONAL TRAFFIC CONTROL MEASURES WITHIN THE CITY OF SIKESTON, MISSOURI.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIKESTON, MISSOURI AS FOLLOWS:

SECTION I: This ordinance shall be codified in the City Municipal Code.

SECTION II: The Traffic Committee did meet on June 20, 2019, and did not favorably vote to amend the uniform traffic code by the installation of stop signs at the intersection of North Ranney at Lake Street to create a four-way stop.

SECTION III: Title III, Chapter 300, Schedule III, Table III-A-Stop Locations; shall be amended to include as follows:

<u>Stop Sign</u>	<u>Sign Location</u>	<u>Controlled Traffic Movement</u>
North Ranney at Lake Street North Ranney at Lake Street	NW Corner SE Corner	South North

SECTION IV: General Repealer Section. Any ordinance or parts thereof inconsistent herewith are hereby repealed.

SECTION V: Severability. Should any part or parts of this Ordinance be found or held to be invalid by any court of competent jurisdiction, then the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION VI: Record of Passage:

A. Bill Number 6156 was introduced and read the first time this 29th day of July, 2019.

B. Bill Number 6156 was read the second time and discussed on this 5th day of August 2019, and was voted as follows:

Self _____, Sparks _____, Evans _____,
Williams _____, Settles _____, Merideth _____,
Burch, _____
thereby being _____.

C. Ordinance 6156 shall be in full force and effect from and after Wednesday, September 4, 2019.

STEVEN BURCH, Mayor

Approved as to Form:

TABATHA THURMAN, City Counselor

SEAL/ATTEST:

CARROLL COUCH, City Clerk

Council Letter

Date of Meeting: 19-07-29

Originating Department: Code Enforcement Department

To the Mayor and City Council:

Subject: Bill 6152, Chapter 510 Rental Property Minimum Housing Quality Standards Modification

Attachment(s):

1. Bill 6152
2. Rental Property Minimum Housing Quality Standards Summary Sheet

Action Options:

1. First Reading of Bill 6152
2. Other action Council may deem appropriate

Background:

In reviewing the current municipal code for rental properties the process was found to be dated and cumbersome.

To best service the renting public and the landlord community, the entire ordinance has been revised per the attached documents.

Council's approval of this ordinance will be requested at the August 5th meeting.

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6152 AND SHALL AMEND TITLE V, CHAPTER 510. RENTAL PROPERTY MINIMUM HOUSING QUALITY STANDARDS IN THE MUNICIPAL CODE OF THE CITY OF SIKESTON, MISSOURI.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIKESTON, MISSOURI AS FOLLOWS:

SECTION I: This Ordinance shall be codified in the City Municipal Code.

SECTION II: Chapter 510. shall be amended to read as follows:

Section 510.020. Definitions. (Change to read)

As used in this Chapter, the following terms shall have these prescribed meanings:

IBC

International Building Code

IPMC

International Property Maintenance Code

IRC

International Residential Code

OCCUPANT

Any person living or sleeping in a building or having possession of a space within a building.

OPERATOR

Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER

See "PROPERTY OWNER".

PERSON

An individual, corporation, partnership or any other group acting as a unit.

PREMISES

A lot, plot or parcel of land including any structures thereon.

PROPERTY OWNER

Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the State, County or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

Quinquennial

Recurring every five years or lasting for or relating to a period of five years.

RENTAL PROPERTY

Any premise(s) that is not occupied by the owner including those premises that are subject to agreements providing for contracts for deeds.

TENANT

A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Section 510.030. Compliance Standards. (Change to read)

All rental units identified for compliance herewith must conform to Housing Quality Standards (HQS) established by the U.S. Department of Housing and Urban Development **as well as any pertinent health and life safety issues per the IPMC, IRC, IBC, State and Federal regulations**, as from time to time amended, in effect upon adoption of this Chapter.

Section 510.050. Inspection Personnel/Administration. (Change to read)

- A. Inspections of rental property shall be conducted by staff of the Department of Public Works to insure compliance with Section 8 Guidelines of the Housing Quality Standards (HQS) **as well as any pertinent health and life safety issues per the IPMC, IRC, IBC, State and Federal regulations**.
- B. The City Manager is directed to develop appropriate forms, applications and listings in order to accommodate this Chapter and the Housing Quality Standards (HQS) **as well as any pertinent health and life safety issues per the IPMC, IRC, IBC, State and Federal regulations** herein referenced.

Section 510.060. Inspection Fees and Procedures. (Change to read)

A. For purposes of this Chapter, the following designators shall mean:

1. To accommodate the purposes of this Chapter, all property owners of rental property shall **be required to fill out and submit a *Landlord Registration Form* on or before January thirty-first (31st) of each year, with the appropriate fee for the rental property(s). The property owner shall submit said application to the Planning Division/Code Enforcement Office together with the *Landlord Registration Fee* of fifty dollars (\$50.00) [25 units or less] or one hundred dollars (\$100.00) [greater than 25 units]. It shall be the responsibility of the owner to make the unit(s) available for inspection. Upon successful completion of inspection and in keeping with the guidelines of the *Housing Quality Standards* as well as any pertinent health and life safety issues per the IPMC, IRC, IBC, State and Federal regulations, the owner will be issued an occupancy permit. Failure to submit a *Landlord Registration Form* will result in the property owner being found in violation of this Chapter and subject to a fine of not less than five hundred dollars (\$500.00).**
2. **In the event a unit fails to pass the quinquennial inspections or formal complaint generated inspections, in keeping with the Guidelines of the Housing Quality Standards or in keeping with the Property Maintenance Standards of the City of Sikeston as well as any pertinent health and life safety issues per the IPMC, IRC, IBC, State and Federal regulations, the owner shall be subject to penalty fines ranging from not less than one hundred dollars (\$100.00) for the first (1st) offense and an additional one hundred dollar (\$100.00) fine for each subsequent offense up to a maximum fine of five hundred dollars (\$500.00) over a twelve (12) month period.**
3. The owner thereof shall have thirty (30) days within which to make minor corrections necessary to qualify the unit. Major corrections shall be deemed those violations that represent health and safety issues and which require immediate correction. Failure to remedy violation notices shall result in the filing of a complaint. Convictions on said charges will result in a minimum fine of one hundred dollars (\$100.00) for every thirty (30) days or portion thereof the violation goes un-remedied, up to a maximum fine of five hundred (\$500.00). An occupancy permit shall only be issued by a Code Enforcement Officer upon the property's compliance with the Guidelines for Housing Quality Standards **as well as any pertinent health and life safety issues per the IPMC, IRC, IBC, State and Federal regulations**.
4. Owners of all rental units, including those which are subject to agreements providing for contracts of deeds, shall, by January thirty-first (31st) of each year, submit a listing of all property, whether occupied or vacant, which discloses the address and location of each rental unit and whether it is a freestanding unit or one which is connected to other structures and the name(s) of each tenant(s) thereof. In the event the owner of the rental property fails to submit said listing to the Director of Public Works or his/her designee on or before

January thirty-first (31st) of each year, said owner shall be subject to a fine of not less than five hundred dollars (\$500.00).

Section 510.070. **Formal Complaint Inspections** – When Applicable. (Change to read)

Type I. Rental units shall be exempt from inspections during the three (3) year exemption period set forth in Section **510.040(A)**, unless formal complaints are received by the Planning Division/Code Enforcement Office of the Department of Public Works which disclose conditions which place the realty in the jurisdiction of the Planning Division/Code Enforcement Office in which event said realty shall be reclassified as Type II.

Section 510.080. **Quinquennial** Inspections and Enforcement. (Change to read)

A. Quinquennial inspections shall be conducted as follows:

1. *Type I.* A unit having exhausted the three (3) year exemption term shall be subject to a **quinquennial** inspection the first (1st) year it is in service.
2. Type II. All non-exempted rental housing units shall be inspected no less than once every **sixty (60)** months. *Note: twenty (20) percent of individual property owner's property will be inspected on a yearly basis from a random selection of uninspected units.*
3. Owners of units which fail to successfully pass the **quinquennial** inspection shall be notified of such failure and shall have thirty (30) days within which to bring said unit to the standards required by the Guidelines of the Housing Quality Standards **as well as any pertinent health and life safety issues per the IPMC, IRC, IBC, State and Federal regulations.**
4. The time for performing work necessary to successfully pass a biennial inspection may be extended by personnel of the Planning Division/Code Enforcement Office upon cause therefore being demonstrated.
5. Failure of an owner of a unit to correct any **minor** deficiencies found therein or thereon in either a **quinquennial** inspection or a **formal complaint inspection** within thirty (30) days of notification shall result in the landlord being found in violation of this Chapter and subject to a fine of one hundred dollars (\$100.00) for every thirty (30) days or portion thereof the violation goes un-remedied, up to a maximum fine of five hundred dollars (\$500.00).
6. An occupancy permit shall only be issued by a Code Enforcement Officer upon the property's compliance with the Guidelines for **Housing Quality Standards as well as any pertinent health and life safety issues per the IPMC, IRC, IBC, State and Federal regulations.**

Section 510.090. Inspections and Enforcement. (Change to read)

[R.O. 2009 §15.30.80; Ord. No. 5159 §III, 8-5-1997]

1. All exterior screens must be in place on each window unit and not in a state of disrepair providing the structure does not have a mechanical means of cooling the entire structure i.e. central air conditioning or window air conditioning type unit(s).
2. Exterior screens may or may not be applied to window units if there is a functioning mechanical means of cooling the entire structure i.e. central air conditioning or window air conditioning type unit(s).

Section 510.100. Appeals Board. (Change to read)

- A. Meetings of the **Board of Appeals** will be called upon receipt of a completed **Board of Appeals Application Form** or at the direction of the Chairperson.
- B. Notice of meetings of the **Board of Appeals** will be posted at City Hall with the members receiving first class mail notice of same.
- C. Meetings will be conducted as soon after filing an appeal as may be in order **given** effect to the law.

SECTION III: General Repealer Section: Any ordinance or parts thereof inconsistent herewith are hereby repealed.

SECTION IV: Severability: Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, then the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION V: Record of Passage:

- A. Bill Number 6152 was introduced and read the first time this 29th day of July, 2019.
- B. Bill Number 6152 was read the second time and discussed this 5th day of August, 2019, and voted as follows:

Evans, _____, Sparks, _____, Merideth, _____,

Self, _____, Settles, _____, Williams, _____,

Burch, _____, thereby being

_____,

becoming ordinance.

- C. Ordinance 6152 shall be in full force and effect from and after Monday, September 16, 2019.

Steven Burch, Mayor

Approved as to form
Tabatha Thurman, City Counselor

Seal / Attest:

Carroll Couch, City Clerk

Chapter 510 Rental Property Minimum Housing Quality Standards (Summary)

The Issues:

Our current system using Applications for Tenancy and Biennial Inspections is unrealistic given our staffing availability. In addition the Application for Tenancy process can and does result in the same property being inspected multiple times per year.

In an effort to simplify the system, make it more manageable and still accomplishing the result of inspecting all rental properties, we propose focusing on the annual registration and inspecting twenty (20) percent of each individual owner's property on an annual basis. This will result in every rental property being inspected over a five year period. We further propose eliminating the Application for Tenancy process as well as the involvement of BMU.

The fees that were collected through the Application for Tenancy process will now be collected through the Annual Rental Property Registration.

This will result in a minimal difference in the fees collected, but creates a decrease in administrative responsibilities for both the city and the rental property owners, while still inspecting one-fifth (1/5) of the overall properties each year on a random basis.

Summary of Recommendations:

- Continue Annual Rental Property Registration
 - Assess Annual Registration Fee
 - \$50 Annual Fee (1-25 Properties)
 - \$100 Annual Fee (26+ Properties)
- Begin Assessing Fine For Not Submitting Annual Registration Five Hundred (\$500.00) Dollars
- Eliminate Application for Tenancy and Associated Exterior Inspection and Fee
- Revised Ongoing Inspections to Once Every 5 Years (*Changed from Once Every 2 Years*)
 - Each Year Twenty (20) Percent of Individual Owner's Property Will Be Inspected
 - Properties To Be Inspected Will Be Selected Randomly
- Rental Property Will Continue To Be Inspect When Complaints Are Received

Council Letter

Date of Meeting: 19-07-29

Originating Department: Code Enforcement Department

To the Mayor and City Council:

Subject: Bill 6157, Article IX of Chapter 130 Rental Ordinance Review Board Dissolution

Attachment(s):

1. Bill 6157

Action Options:

1. First Reading of Bill 6157
2. Other action Council may deem appropriate

Background:

Because of recent changes to the rental housing inspection process, issues with rental inspections will be handled by the Board of Appeals instead of the Rental Ordinance Review Board. Staff is requesting the dissolution of the Rental Ordinance Review Board.

We will ask for council's approval of this ordinance at the August 5th Council meeting.

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6157 PROVIDING FOR THE REPEAL OF ARTICLE IX OF CHAPTER 130 OF THE SIKESTON MUNICIPAL CODE, THUS DISSOLVING THE RENTAL ORDINANCE REVIEW BOARD.

WHEREAS, the City intends to use the Board of Appeals for review of appeals of inspections conducted by staff of the Department of Public Works to insure compliance with Section 8 Guidelines of the **Housing Quality Standards** (HQS) as well as any pertinent health and life safety issues per the IPMC, IRC, IBC, State and Federal regulations.

WHEREAS, the Rental Ordinance Review Board will no longer be staffed by the City, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIKESTON, MISSOURI AS FOLLOWS:

SECTION I: Article IX of Chapter 130 of the Sikeston Municipal Code is hereby repealed in its entirety.

SECTION II: General Repealer Section: Any other ordinance or parts thereof inconsistent herewith, are hereby repealed.

SECTION III: Severability: Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION IV: Record of Passage

A. Bill Number 6157 was introduced and read the first time this 29th day of July, 2019.

B. Bill Number 6157 was read the second time and discussed this 5th day of August, 2019, and was voted as follows:

Self _____, Sparks _____, Evans _____,

Settles _____, Meredith _____, Williams _____,

Burch _____, thereby being

_____ ,

becoming ordinance 6157.

C. Ordinance 6157 shall be in full force and effect from and after Monday, September 16, 2019.

Steven Burch, Mayor

Approved as to form
Tabatha Thurman, City Counselor

Seal / Attest:

Carroll Couch, City Clerk

Council Letter

Date of Meeting: July 29, 2019

Originating Department: Planning and Development

To the Mayor and City Council:

Subject: Medical Marijuana Facilities

Attachment(s):

1. Emergency Bill #6158
2. Missouri Municipal League Article
3. Map of Sikeston with 1000' restrictions marked
4. Article XIV of the Missouri Constitution

Action Options:

1. Conduct first and second reading of Emergency Bill #6158
2. Other Action Council May Deem Necessary

Background:

Amendment 2, passed by Missouri voters in November 2018, legalized and set up a framework for issuing State licenses for medical marijuana facilities. Since that time the State has been setting up the licensing system and will begin accepting applications in August, with license approvals by the end of the year. The City has received a number of serious inquiries regarding local regulations pertaining to medical marijuana facilities, particularly dispensaries, which are the retail establishments where qualifying patients may buy medical marijuana and related products.

Attached is an article from the Missouri Municipal League that gives an overview of the new law. Amendment 2 expressly prohibits municipalities from banning or practically banning medical marijuana facilities through overly burdensome regulations, but it does allow for local regulation in three main areas:

1. **Distance Restriction from Schools, Churches and Daycares** - Amendment 2 prohibits medical marijuana facilities within 1,000 feet of primary and secondary schools, churches, and day care facilities, unless the city decreases that spacing requirement. Attached is a map of Sikeston showing both the zoning of properties and circles with a 1,000 radius around all known schools, churches and day care facilities, to give you an idea what

properties the default distance restriction would eliminate from eligibility to house a medical marijuana facility.

2. **Zoning.** The city can regulate the “time, place, and manner” of the operation of marijuana facilities, which is interpreted to mean the City can choose which zoning categories the facilities can be located in, the hours of operation, and require a city business license. None of these regulations, however, can be “unduly burdensome.” The different types of facilities defined in the law as follows, and each may be more or less appropriate in different zoning designations:
 - a. **"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, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.
 - b. **"Medical marijuana dispensary facility"** means 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, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility.
 - c. **"Medical marijuana-infused products manufacturing facility"** means a facility licensed by the department to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility.
 - d. **"Medical marijuana testing facility"** means a facility certified by the department to acquire, test, certify, and transport marijuana.
3. **Hours of Operation.** The city can regulate the “time, place, and manner” of the operation of marijuana facilities, which includes the hours of operation, as long as the regulation is not “unduly burdensome.”

Per City Council direction received at the July 1 meeting, the Planning and Development staff have drafted the attached Bill #6158 which would establish the following regulations for medical marijuana facilities in Sikeston:

- 1,000 foot distance restriction from schools, churches and day cares for all types of facilities
- Hours of operation for dispensaries of 7:00 a.m. to 7:00 p.m.
- No limitations on hours of operation for other facilities
- Dispensaries allowed in General Commercial (C-2), Highway Commercial (C-3), Light Industrial (IL) and Heavy Industrial (IH) zones
- Infused Products Manufacturing Facilities allowed in IL and IH zones if they utilize combustible gas or CO₂ in the extraction process; other Infused Products Manufacturing Facilities allowed in C-2, C-3, and IL zones.
- Cultivation Facilities allowed in IH and Agricultural/Open Space (AG) zones

If Emergency Bill #6158 is adopted on July 29, it should allow plenty of time for interested parties to meet State of Missouri deadlines for license applications. The State is accepting applications from August 3 to August 17 (see <https://health.mo.gov/safety/medical-marijuana/how-to-apply-fi.php>).

Many cities around the state are grappling with this issue currently; therefore there aren't many finalized local regulations with which to compare. It appears that Cape Girardeau and Jackson will reduce the buffer zone from 1,000 to 500 feet, will allow facilities in general commercial, highway commercial, light industrial, and heavy industrial areas, and allow dispensaries to operate from 7:00 a.m. – 7:00 p.m. (with no hours defined for the other types of facilities).

THIS BILL AS APPROVED SHALL BECOME EMERGENCY ORDINANCE NUMBER 6158 AND SHALL AMEND ARTICLE XII, CHAPTER 405, OF THE CITY CODE OF THE CITY OF SIKESTON, MISSOURI, REGARDING MEDICAL MARIJUANA FACILITIES.

WHEREAS, the City of Sikeston, Missouri, acknowledges voters passed an Amendment to Article XIV of the Missouri Constitution enabling licensed citizens the right to the use, cultivation, manufacturing, dispensing, testing, transportation, administration and storage of Medical Marijuana and Medical Marijuana-Infused Products; and,

WHEREAS, the Code Enforcement/Planning Department of the City of Sikeston was adopted for the purpose of promoting the public health, safety, comfort, morals, convenience, and general welfare of the City; and,

WHEREAS, the City desires to protect the public health and safety by establishing reasonable regulations on medical marijuana related businesses regarding noise, air quality, neighborhood safety, security, other health and safety concerns, and reasonable time, place and manner restrictions on medical marijuana facility operations; and,

WHEREAS, the City has tasked the City Code Enforcement/Planning Department to amend the existing City of Sikeston Zoning Ordinances to include applicable ordinances regarding the implementation of medical marijuana regulations consistent with the State Constitution; therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIKESTON, MISSOURI AS FOLLOWS:

SECTION I: This Ordinance shall be codified in the City Municipal Code.

SECTION II: Article XII, Chapter 405, of the City Code of the City of Sikeston, Missouri, shall be amended as follows:

Section 405.010. Definitions.

“Definitions” of the Code of Sikeston, Missouri is amended to add the following definitions. If any of the new definitions adopted herein conflict with any preexisting definitions, the definitions in this Ordinance shall supersede any preexisting definitions:

Child day-care center

A child day care center or center, whether known or incorporated under another title or name, is a child care program conducted in a location other than the provider’s permanent residence, or separate from the provider’s living quarters, and licensed by the Department of Health and Senior Services of the state of Missouri where care is provided for children not related to the child care provider for any part of the twenty-four (24)-hour day.

Church

At a minimum, a church includes a body of believers or communicants that assembles regularly in order to worship. Unless the organization is reasonably available to the public in its conduct of worship, its educational instruction, and its promulgation of doctrine, it cannot fulfill the associational role that Courts have increasingly adopted as a threshold for determining when an organization qualifies as a church. Other key factors

to consider include whether the organization has a distinct legal existence, recognized creed and form of worship, definite and distinct ecclesiastical government, a formal code of doctrine and discipline, distinct religious history, membership not associated with any other church or denomination, organization of ordained ministers, ordained ministers selected after completing prescribed studies, literature of its own, established places of worship, regular congregations, and regular religious services. No single factor is controlling but having regular meetings with a regular congregation should be weighted more heavily than some of the other factors. They City may use a combination of these characteristics, together with other facts and circumstances, to determine whether an organization is considered a church for the purposes of this section.

Marijuana or Marihuana

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 seed thereof and resin extracted from the plant and marijuana-infused products. Marijuana does 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-Infused Products

Means 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.

Medical Marijuana Cultivation Facility

Means a facility licensed by the State of Missouri to acquire, cultivate, process, store, transport, and sell marijuana to a Medical Dispensary Facility, Medical Marijuana Testing Facility, or to a Medical Marijuana-Infused Products Manufacturing Facility.

Medical Marijuana Dispensary Facility

Means a facility licensed by the State of Missouri 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, another Medical Marijuana Dispensary Facility, a Medical Marijuana Testing Facility, or a Medical Marijuana- Infused Projects Manufacturing Facility.

Medical Marijuana-Infused Products Manufacturing Facility

Means a facility licensed by the State of Missouri, to acquire, store, manufacture, transport, and sell marijuana-infused products to a Medical Marijuana Dispensary Facility, a Medical Marijuana Test Facility, or to another Medical Marijuana-Infused Projects Manufacturing Facility.

Medical Marijuana Testing Facility

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

Qualifying Patient

Means a Missouri resident diagnosed with at least one qualifying medical Condition.

School

Any building which is regularly used as a public, private or parochial elementary and/or secondary school or high school.

SECTION III: Section 405.020 Permitted Use, is hereby amended to add Subsection 405.020.A, which shall hereafter be read as follows:

A. Medical Marijuana Dispensaries

1. "Commercial-2 (C-2) and Commercial-3 (C-3) Zones" of **Section 405.920 Tables-Use, Height and Area Regulations** Code of Sikeston, Missouri is hereby amended to add a new Section *Medical Marijuana Dispensary Facility*
2. "Light Industrial (IL) and Heavy Industrial (IH) Districts" of **Section 405.1130 Tables-Use, Height and Area Regulations** Code of Sikeston, Missouri is hereby amended to add a new Section *Medical Marijuana Dispensary Facility*

3. **Standard for *Medical Marijuana Dispensaries***

No building shall be constructed, altered or used for a Medical Marijuana Dispensary without complying with the following regulations this subchapter.

- a) No Medical Marijuana Dispensary shall be located within one thousand (1,000) feet of a then existing elementary or secondary school, child day care center, or church*. Measurements shall be in a method consistent with the following:
 - a. 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 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.
 - b. 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 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.
 - c. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

***Then existing" shall mean any school, child day-care center, or church with a written building permit from the city to be constructed, or under construction, or completed and in use at the time the Medical Marijuana Dispensary first applies for either zoning or a building permit, whichever comes first.**

- b) **Onsite Usage Prohibited** No marijuana may be smoked, ingested, or otherwise consumed on the premises of a Medical Marijuana Dispensary building.

c) **Hours of Operation** All sales or distribution of Medical Marijuana and any other products sold to the public through a Medical Marijuana Dispensary shall take place between the hours of 07:00 AM and 07:00 PM, Monday – Sunday. Medical Marijuana Dispensaries shall be secured and closed to the public after the hours listed in this subsection and no persons not employed by the Medical Marijuana Dispensary may be present in such a facility at any time it is closed to the public.

d) **Display of License Required** The Medical Marijuana Dispensary license issued by the state of Missouri shall be prominently in a highly visible location, easily seen by patients on the dispensary's sales floor.

e) **Zoning Limitations** Medical Marijuana Dispensaries shall be in any Commercial-2 (C-2), Commercial-3 (C-3) Zones, Light Industrial Districts (IL) and Heavy Industrial (IH) Districts located in the City of Sikeston.

f) **Site Plan Review** Any plans for a Medical Marijuana Dispensary shall meet the standard new construction or new business requirements of all General Business and Commercial District construction outlined in this Title and approved subject to the standard procedures of the 2012 International Code Council and Local Ordinances of the City of Sikeston general business and commercial zoning code.

B. Medical Marijuana-Infused Products Manufacturing Facility.

1. "Light Industrial (IL) District and Heavy-Industrial (IH) District of the City Code of Sikeston, Missouri is hereby amended to add to **Section 405.1130 Tables-Use, Height and Area Regulations** *Standards for Medical Marijuana-Infused Products Facilities*, which shall state the following:

2. No building shall be constructed, altered or used for a Medical Marijuana-Infused Products Manufacturing Facility without complying with the following regulations:

a) **Distance Requirement** No Medical Marijuana-Infused Products Manufacturing Facility using any combustible gases or CO₂ in the extraction process shall be located within one thousand (1,000) feet of a then existing elementary or secondary school, licensed child day care center, or church. Any other Medical Marijuana -Infused Products Manufacturing Facility may be located in any location where a Medical Marijuana Dispensary may be located as detailed above. Measurements shall be in a method consistent with the following:

- a. 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 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.
- b. 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 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.

- c. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

***"Then existing" shall mean any school, child day-care center, or church with a written building permit from the city to be constructed, or under construction, or completed and in use at the time the Medical Marijuana-Infused Products Manufacturing Facility first applies for either zoning or a building permit, whichever comes first.**

- b) **Outdoor Operations or Storage** All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a razor wire fence at least ten (10) feet in height, not including the razor wire.
- c) **Onsite Usage Prohibited** No marijuana may be smoked, ingested, or otherwise consumed on the premises of any Medical Marijuana-Infused Products Manufacturing Facility during regular business hours.
- d) **Hours of Operation** All Medical Marijuana-Infused Products Manufacturing Facilities shall be closed to the public and no persons not employed by the business shall be on the premises at any time without being approved entry and logged in by building security personnel and are required to obtain a visitor pass.
- e) **Display of Licenses Required** The Medical Marijuana-Infused Products Manufacturing Facility license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front desk of the facility.
- f) **Site Plan Review Required** Any plans for a Medical Marijuana-Infused Products Facility using combustible gases or CO₂ in the extraction process shall meet the standard new construction requirements of the "Light Industrial District" outlined in this Title and approved subject to the standard procedures of 2012 International Building Code and Local Ordinances of the City of Sikeston for "Light Industrial Districts (IL)" or "Heavy Industrial Districts (IH)." The city shall not impose any additional requirements on the type of medical facility described in this Section. Furthermore, this Section clarifies that Medical Marijuana-Infused Products Facility may be built in either a "Light Industrial (IL)" or "Heavy Industrial District (IH)."

C. Medical Marijuana Cultivation Facility

1. "Heavy Industrial (IH) District" and "Agricultural/Open Space (AG) District" of the City Code of Sikeston, Missouri is hereby amended to add a new Permitted Use Section 405.700 Standards for Standards for Medical Marijuana Cultivation Facilities, which shall state the following:
2. No building shall be constructed, altered or used for a Medical Marijuana

Cultivation Facility without complying with the following regulations of the Heavy Industrial (IH) District and Agricultural/Open Space (AG) District or the City Code of Sikeston, Missouri.

- a) **Distance Requirement** No Medical Marijuana Cultivation Facility shall be located within one thousand (1,000) feet of a then existing elementary or secondary school, state licensed child day-care center or church*.
Measurements shall be consistent with the following:
- a. 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 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.
 - b. 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 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.
 - c. Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.

****"Then existing" shall mean any school, child day-care center, or church with a written building permit from the city to be constructed, or under construction, or completed and in use at the time the Medical Marijuana Cultivation Facility first applies for either zoning or a building permit, whichever comes first.**

- b) **Outdoor Operations or Storage** All operations and all storage of materials, products, or equipment shall be within a fully secured area inside the building structure or outdoors on the property in an area enclosed by a razor wire fence at least 10 feet in height, not including the razor wire.
- c) **Onsite Usage Prohibited** No marijuana may be smoked, ingested, or otherwise consumed on the premises of any Medical Marijuana Cultivation Facility during regular business hours.
- d) **Hours of Operation** All Medical Marijuana Cultivation Facility shall be closed to the public and no persons not employed by the business shall be on the premises at any time without being approved entry and logged in by building security personnel and are required to obtain a visitor pass.
- e) **Display of Licenses Required** The Medical Marijuana Cultivation Facility license issued by the State of Missouri shall be displayed in a prominent place in plain view near the front entrance of the facility.
- f) **Site Plan Review Required** Any plans for an indoor "Medical Marijuana Cultivation Facility" shall meet the standard new construction requirements of

the “Heavy Industrial (IH) District” outlined in this Title and approved subject to the standard procedures of 2012 International Code Council and Local Ordinances of the City of Sikeston “Agricultural/Open Space (AG) District” Any outdoor “Medical Marijuana Cultivation Facility” shall meet the standard requirements for of any other crop, except as otherwise set forth herein.

SECTION IV: Chapter 405, Article VII, Division 11. “C-1”, “C-2”, and “C-3” commercial districts – Section 405.920. TABLES – USE, HEIGHT AND AREA REGULATIONS, is amended to add the following the following to the Category Use-Commercial, miscellaneous (b)(c)

A CATEGORY USE	B Zoning District-Conditional Or Permitted Use “C-1”, “C-2”, “C-3”, “DT”			
	“C-1”	“C-2”	“C-3”	“DT”
	Neighborhood	General	Highway	Downtown District
P = Permitted as a matter of right				
CU = May be permitted by the Board of Adjustment				
Commercial, miscellaneous (b)(c)				
Medical Marijuana Dispensaries		P	P	

SECTION V: Chapter 405, Article VII, Division 14. “IL” and “IH” Industrial Districts – Section 405.1130. TABLES – USE, HEIGHT AND AREA REGULATIONS, is amended to add the following to the Category Chemical and Allied Products, and Food Beverage and Products

Table Of Uses

P = Permitted as a matter of right
CU = May be permitted by the Board of Adjustment
NA = Not Allowed

CATEGORY USE	“IL”	“IH”	“DT”
	Light Industrial	Heavy Industrial	Downtown District
Chemical and Allied Products			
Medical Marijuana Cultivation Facility	P	P	NA
Food Beverage and Products			
Medical Marijuana-Infused Products manufacturing facility	P	P	NA

SECTION VI: General Repealer Section. Any ordinance or parts thereof inconsistent herewith are hereby repealed.

SECTION VII: Severability. Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, then the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION VIII: Emergency Clause. This ordinance is adopted as an emergency measure so that the effective date corresponds with the State requirements.

SECTION IX: Record of Passage:

- A. Bill Number 6158 was introduced and read the first time this 29th day of July, 2019.
- B. Bill Number 6158 was read the second time and discussed this 29th day of July, 2019, and voted as follows:

Williams _____, Evans _____, Merideth _____,

Self _____, Sparks _____, Settles _____,

Burch _____, thereby being

_____,

becoming ordinance 6158.

- C. Ordinance 6158 shall be in full force and effect immediately upon passage.

Steven H. Burch, Mayor

Approved as to form
Tabatha Thurman, City Counselor

Seal / Attest:

Carroll Couch, City Clerk

Medical Marijuana And Amendment 2

The Times, They Are A Changin'

After the passage of Amendment 2 on Nov., 6, 2018, Missouri became the 32nd state in the country to allow for the use of marijuana as a treatment for certain, specified medical conditions. Now enacted as Article XIV of the Missouri Constitution, the overarching purpose of Amendment 2 is to allow for the cultivation, production, transportation, sale, purchase and administration of medical marijuana; to ensure patient access to medical marijuana; and to make changes to Missouri law necessary to implement Amendment 2.

The purpose of this article is to give an overview of Amendment 2, including discussion on what type of facilities and identification cards the amendment allows for, and discuss specific topics of concern to local government entities.

Medical Marijuana Facilities, Identification Cards, And The Role Of The Department Of Health And Senior Services

As stated above, the overarching purpose of Amendment 2 is to allow for the cultivation, production, transportation, sale, purchase and administration of medical marijuana. To accomplish this purpose, Amendment 2 creates four types of medical marijuana facilities and three types of identification cards while granting the Department of Health and Senior Services (DHSS) the ability to regulate the licensing and approval of the facilities and identification cards. This section will first discuss the different types of facilities and identification cards and then outline DHSS's role in regulating facilities and approving identification cards.

Medical Marijuana Facilities

Amendment 2 creates and designates four types of medical marijuana facilities: (1) medical marijuana cultivation facilities; (2) medical marijuana infused products facilities; (3) medical marijuana dispensary facilities; and (4) medical marijuana testing facilities. The names used by the drafters of Amendment 2 for each type of facility generally describes

the role of each facility: Medical marijuana cultivation facilities cultivate medical marijuana; medical marijuana infused products facilities infuse medical marijuana; medical marijuana dispensary facilities dispense medical marijuana to qualifying patients and primary caregivers; and medical marijuana testing facilities are certified by DHSS to test medical marijuana.

In addition to defining the roles of each of the medical marijuana facilities, Amendment 2 authorizes DHSS to limit the number of each type of facility. Specifically, Amendment 2 allows DHSS to limit medical marijuana cultivation facilities to 1 per 100,000 inhabitants (roughly 61 statewide); medical marijuana infused products facilities to 1 per 70,000 inhabitants (roughly 87 statewide); and medical marijuana dispensary facilities to 24 per the 8 United States Congressional Districts in Missouri (roughly 192 statewide).

Identification and Primary Caregiver Cards

Amendment 2 creates three, separate identification cards that may be obtained by persons who have a qualifying condition or are designated as a primary caregiver to an individual with a qualifying condition. The three identification cards established by Amendment 2 are (1) qualifying patient identification cards; (2) qualifying patient cultivation card; and (3) primary caregiver identification cards.

Similar to how the various titles given to medical marijuana facilities describe their role in the production of medical marijuana, the titles given to the different identification cards also describe their role in the administration of medical marijuana. Qualifying patient identification cards are for persons with qualifying conditions, discussed below, to identify themselves as having the right to possess medical marijuana. Qualifying patient cultivation cards allow for qualifying patients to cultivate up to six flowering marijuana plants in an enclosed, locked facility for their personal use. Finally, primary caregiver identification cards are for people



Photos courtesy of Jennifer Silverberg Photography

who qualify to act as a caregiver for qualifying patients and allows primary caregivers to possess, administer and cultivate medical marijuana under certain circumstances for qualifying patients.

To be considered a qualifying patient, and thus be eligible to receive a qualifying patient identification card or qualifying patient cultivation card, an individual must first obtain certification from a physician that they have a qualifying condition. There are 10 qualifying conditions; however, several of the listed conditions are broader than one, single condition. Qualifying conditions include cancer; epilepsy; glaucoma; chronic medical conditions that cause severe, persistent pain; and chronic medical conditions usually treated with prescription medication that could lead to dependence. A full list of qualifying conditions can be found in Article XIV, Section 2, Subsection 15.

The Role Of The Department Of Health And Human Services In The Medical Marijuana Landscape

The role of the DHSS under Amendment 2 is to act primarily as the regulatory body overseeing medical marijuana. In this role, DHSS promulgates rules regarding medical marijuana facilities and holders of identification cards, issues licenses to medical marijuana facilities, and approves applications for persons seeking an identification card. Amendment 2 further grants DHSS the authority to issue rules relating to a broad variety of topics concerning medical marijuana, including control of information and product displays; instructions or guidance for local governments; security requirements for licensed or certified premises; the reporting and transmittal of tax payments; and seed-to-sale tracking systems.

Amendment 2 sets out timelines for DHSS to implement their regulatory scheme. The timeline put in place by Amendment 2 is as follows:

June 4, 2019: Application forms and instructions for medical marijuana facilities, qualifying patients, and caregivers will be available.

July 4, 2019: Applications for identification cards for qualifying patients and caregivers will begin to be accepted.

Aug. 3, 2019: Facility applications will begin to be accepted.

Aug. 4, 2019: Deadline for approval of applications for identification cards accepted on July 4, 2019

Dec. 31, 2019: Deadline for approval of facility applications accepted on Aug. 3, 2019.

Provisions Of Amendment 2 With Direct Impacts On Local Government Entities

While Amendment 2 presents significant issues for both public and private entities, there are certain provisions that are of distinct concern for municipalities, including provisions relating to municipal regulatory authority, policing and taxation. This section will discuss various provisions from Amendment 2 that directly relate to cities, specifically provisions that deal with municipal regulation and policing of medical marijuana, employment and taxation.

Municipal Regulation Under Amendment 2

As discussed previously, one of the overarching purposes of Amendment 2 is to ensure patient access to medical marijuana. One way that Amendment 2 accomplishes this goal is by partially preempting municipal regulatory authority over medical marijuana. Amendment 2 expressly prohibits municipalities from banning or practically banning medical marijuana facilities through overly burdensome regulations. Even though Amendment 2 restricts municipal regulatory authority, it does provide two specific avenues for municipal regulation. The first, is the Amendment 2's imposed, 1000-foot separation requirement; the second is Amendment 2's grant of authority to local governments to regulate the "time, place and manner" of the operation of medical marijuana facilities, as long as the regulations are not unduly burdensome.

Amendment 2 includes a default land-use regulation in

that it explicitly prohibits medical marijuana facilities from originally sitting within 1,000 feet of any elementary or secondary school, child daycare center and church unless a city decides to decrease the spacing requirement. There has been significant discussion around this provision, mainly regarding where to start and end the 1,000-foot measurement. Due to Amendment 2's specific reference to the actual facility in its separation provision, it is reasonable to interpret that the 1,000 feet should be measured from the building housing the medical marijuana facility to the building housing the protected entity (e.g., elementary or secondary school, child daycare center, or church). However, Section 311.080 RSMo contains a similar separation requirement for premises licensed to sell intoxicating liquor and churches and schools. In *State ex rel. Casey's General Stores, Inc. v. Kissinger* the proper measurement for Section 311.080 RSMo's separation requirement was determined to be from the property line of the address listed on the liquor license to the protected building.

Amendment 2 also permits cities to adopt regulations regarding the "time, place and manner" of the operation of medical marijuana facilities, as long as those regulations are not "unduly burdensome" on the operation of the medical marijuana facility. While this grant of authority is narrow, it is the largest and most important, grant of authority to cities in Amendment 2. It potentially implicates various municipal regulatory schemes, including zoning and business license authority.

The word "time" in "time, place and manner" clearly means that cities may regulate the hours of operation of medical marijuana facilities so long as those regulations are not unduly burdensome. The use of the phrase "place and manner" appears to allow cities to adopt reasonable zoning and business license regulations and standards for medical marijuana facilities, including requiring medical marijuana facilities to obtain additional zoning approvals, such as special or conditional use permits. Common standards that should be researched and potentially implemented include standards relating to odor and ventilation; onsite usage of medical marijuana; and hours of operation. Moreover, if a city does not already generally require the submission and approval of site plans for new construction or exterior additions or alterations to commercial buildings, it would be prudent to consider implementing such a requirement. Each zoning and business license regulation and standard may vary from city to city; however, at the end of the day, the regulations and standards must not be "unduly burdensome" on the operation of the medical marijuana facility.

Finally, Amendment 2 does allow for cities to establish civil penalties for the failure of a medical marijuana facility to comply with the city's reasonable time, place and manner restrictions.

Policing of the Use and Possession of Medical Marijuana

Currently, most, if not all, offenses chapters of city codes prohibit the possession of marijuana; however, due to the passage of Amendment 2, these provisions must be amended to allow for possession under certain circumstances. Though Amendment 2 makes possession and transportation of medical marijuana legal, it specifically prohibits the consumption of medical marijuana in public places and driving under the influence of marijuana. Likewise, Amendment 2 requires that qualifying patients produce on demand their identification card or equivalent identification card from another state.

Employment and Personnel Policies

Amendment 2's effect on city employment policies and procedures is generally limited by the amendment's specific prohibition on persons bringing claims against employers for adverse employment actions, such as the employee either being under the influence of marijuana at work, or for attempting to work while under the influence of marijuana. While Amendment 2 generally gives cities and employers the discretion to craft personnel policies that best fit their circumstances, due to the requirements of the federal law, specifically the Drug Free Workplace Act and 18 USC § 922(g)(3) that prohibits users of federally illegal drugs from possessing firearms, and licensing requirements for persons



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operating certain types of trucks or other heavy equipment remaining a drug free workplace may still be required.

Also, due to marijuana use still being considered illegal drug use at the federal level, it is doubtful that the Americans with Disabilities Act requires cities to provide reasonable accommodations to qualifying patients.

Potential Revenue Increases and Implications

Although Amendment 2 limits the amount of taxes that may be imposed on the sale of marijuana for medical use to only those authorized by Amendment 2, it does explicitly makes local sales and uses taxes applicable to retail sales of medical marijuana.

Summary

Amendment 2 legalizes the cultivation, production, transportation, sale, purchase and administration of marijuana for medical purposes in part through the establishment of various medical marijuana facilities and identification cards, and by granting the Department of Health and Senior Services regulatory oversight of said facilities and identification cards. Further, certain provisions of Amendment 2 markedly affect municipalities across the state, by partially preempting municipal regulatory authority over medical marijuana; requiring revisions to municipal offense provisions related to the possession of marijuana;

potentially necessitating the redrafting of personnel policies; and increasing municipal revenues through the explicit applicability of local sales taxes on the sale of medical marijuana.

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Did You Know?

MML has added a medical marijuana resource page to the League's One Stop Shop on www.mocities.com that includes sample ordinances, frequently asked questions, a recorded webinar on this topic, and more. Watch for the latest resources as they become available!

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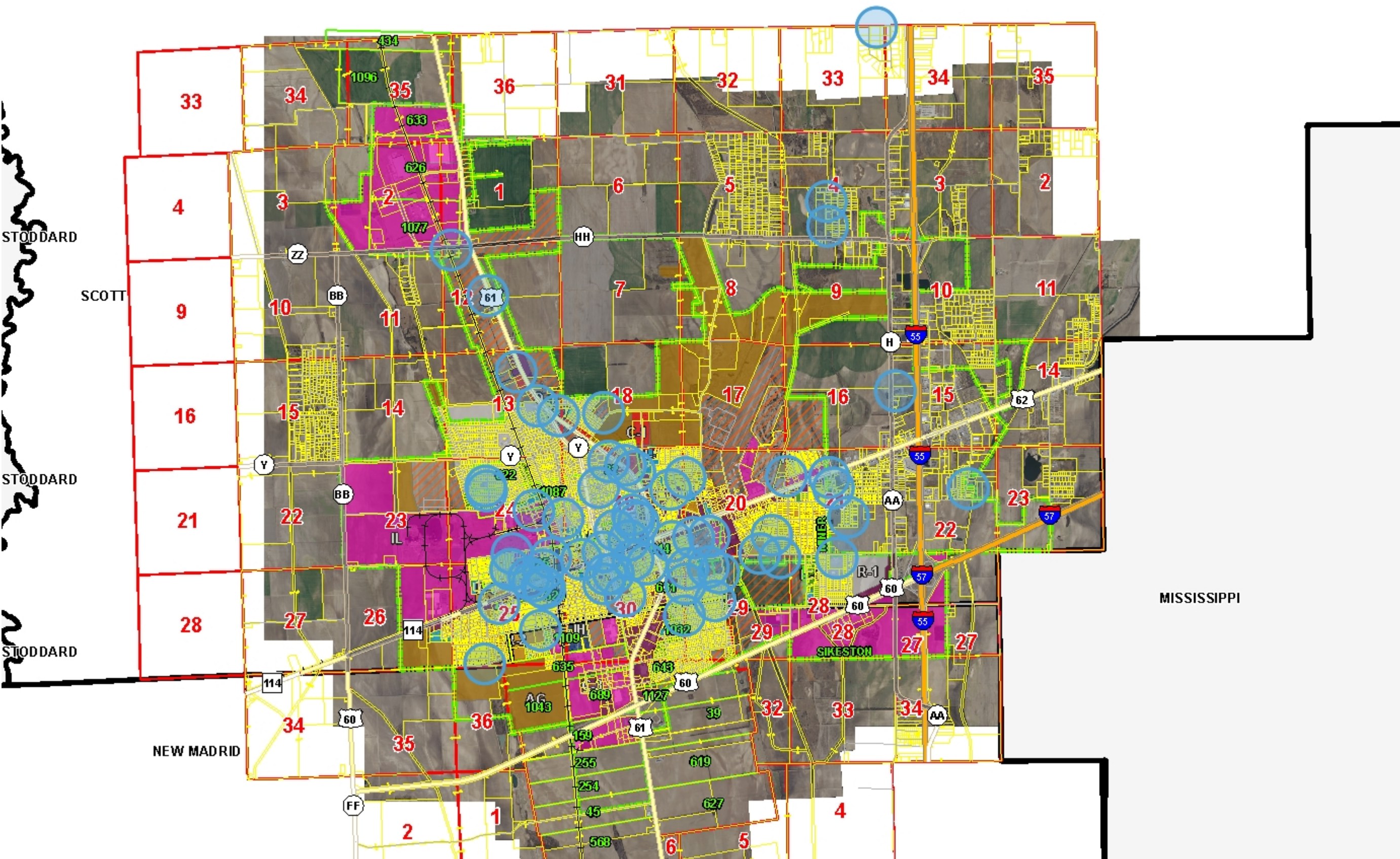
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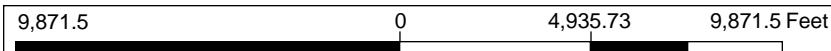


- ## Legend
- Road**
-  <all other values>
 -  INTERSTATE
 -  U.S. HIGHWAY
 -  STATE HIGHWAY
- +** Railroad
-  Parcel
-  Corporate Limit Line
-  Section
-  Land Grant
- County Boundary**
-  <all other values>
 -  NEW MADRID
 -  SCOTT
- Zoning**
-  None
 -  R-1 Single-Family Residential
 -  R-2 Single-Family Residential
 -  R-3 Manufactured Housing
 -  R-4 Two Family / Duplex
 -  R-5 Multiple-Family Residential
 -  R-6 Planned Manufactured Housin
 -  R-7 Condos
 -  T-Z Transitional
 -  T-Z DT Transitional DT
 -  C-1 Neighborhood Commercial
 -  C-2 General Commercial
 -  C-2 DT General Commercial DT
 -  C-3 Highway Commercial
 -  C-3 DT Highway Commercial DT
 -  O-1 Office District
 -  IL Light Industrial
 -  IH Heavy Industrial

1 in. = 4936ft.

Notes

1000 FEET OF SCHOOLS, CHURCHES
AND CHILD CARE FACILITIES



This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

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Words ▾

1st search term

And ▾

2nd search term

**Effective 06 Dec 2018, see footnote**

***XIV Section 1. Right to access medical marijuana. — 1. Purposes.**

This section is intended to permit state-licensed physicians to recommend marijuana for medical purposes to patients with serious illnesses and medical conditions. The section allows patients with qualifying medical conditions the right to discuss freely with their physicians the possible benefits of medical marijuana use, the right of their physicians to provide professional advice concerning the same, and the right to use medical marijuana for treatment under the supervision of a physician.

This section is intended to make only those changes to Missouri laws that are necessary to protect patients, their primary caregivers, and their physicians from civil and criminal penalties, and to allow for the limited legal production, distribution, sale and purchase of marijuana for medical use. This section is not intended to change current civil and criminal laws governing the use of marijuana for nonmedical purposes. The section does not allow for the public use of marijuana and driving under the influence of marijuana.

2. Definitions.

(1) "**Administer**" means the direct application of marijuana to a qualifying patient by way of any of the following methods:

- (a) Ingestion of capsules, teas, oils, and other marijuana-infused products;
- (b) Vaporization or smoking of dried flowers, buds, plant material, extracts, or oils;
- (c) Application of ointments or balms;
- (d) Transdermal patches and suppositories;
- (e) Consuming marijuana-infused food products; or
- (f) Any other method recommended by a qualifying patient's physician.

(2) "**Department**" means the department of health and senior services, or its successor agency.

(3) "**Entity**" means a natural person, corporation, professional corporation, nonprofit corporation, cooperative corporation, unincorporated association, business trust, limited liability company, general or limited partnership, limited liability partnership, joint venture, or any other legal entity.

(4) "**Flowering plant**" means a marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.

(5) "**Marijuana**" or "**marihuana**" 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 plant and marijuana-infused products. "Marijuana" or "marihuana" do not include industrial hemp containing a cropwide 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.

(6) "**Marijuana-infused products**" means 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.

(7) "**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, medical marijuana testing facility, or to a medical marijuana-infused products manufacturing facility.

(8) "**Medical marijuana dispensary facility**" means 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, another medical marijuana dispensary facility, a medical marijuana testing facility, or a medical marijuana-infused products manufacturing facility.

(9) "**Medical marijuana-infused products manufacturing facility**" means a facility licensed by the department to acquire, store, manufacture, transport, and sell marijuana-infused products to a medical marijuana dispensary facility, a medical marijuana testing facility, or to another medical marijuana-infused products manufacturing facility.

(10) "**Medical marijuana testing facility**" means a facility certified by the department to acquire, test, certify, and transport marijuana.

(11) "**Medical use**" means the production, possession, delivery, distribution, transportation, or administration of marijuana or a marijuana-infused product, or drug paraphernalia used to administer marijuana or a marijuana-infused product, for the benefit of a qualifying patient to mitigate the symptoms or effects of the patient's qualifying medical condition.

(12) "**Physician**" means an individual who is licensed and in good standing to practice medicine or osteopathy under Missouri law.

(13) "**Physician certification**" means a document, whether handwritten, electronic or in another commonly used format, signed by a physician and stating that, in the physician's professional opinion, the patient suffers from a qualifying medical condition.

(14) "**Primary caregiver**" means an individual twenty-one years of age or older who has significant responsibility for managing the well-being of a qualifying patient and who is designated as such on the primary caregiver's application for an identification card under this section or in other written notification to the department.

(15) "**Qualifying medical condition**" means the condition of, symptoms related to, or side-effects from the treatment of:

- (a) Cancer;
- (b) Epilepsy;
- (c) Glaucoma;
- (d) Intractable migraines unresponsive to other treatment;

(e) A chronic medical condition that causes severe, persistent pain or persistent muscle spasms, including but not limited to those associated with multiple sclerosis, seizures, Parkinson's disease, and Tourette's syndrome;

(f) Debilitating psychiatric disorders, including, but not limited to, posttraumatic stress disorder, if diagnosed by a state licensed psychiatrist;

(g) Human immunodeficiency virus or acquired immune deficiency syndrome;

(h) A chronic medical condition that is normally treated with a prescription medication that could lead to physical or psychological dependence, when a physician determines that medical use of marijuana could be effective in treating that condition and would serve as a safer alternative to the prescription medication;

(i) Any terminal illness; or

(j) In the professional judgment of a physician, any other chronic, debilitating or other medical condition, including, but not limited to, hepatitis C, amyotrophic lateral sclerosis, inflammatory bowel disease, Crohn's disease, Huntington's disease, autism, neuropathies, sickle cell anemia, agitation of Alzheimer's disease, cachexia, and wasting syndrome.

(16) "**Qualifying patient**" means a Missouri resident diagnosed with at least one qualifying medical condition.

3. Creating Patient Access to Medical Marijuana.

(1) In carrying out the implementation of this section, the department shall have the authority to:

(a) Grant or refuse state licenses and certifications for the cultivation, manufacture, dispensing, sale, testing, tracking, and transportation of marijuana for medical use as provided by law; suspend, fine, restrict, or revoke such licenses and certifications upon a violation of this section or a rule promulgated pursuant to this section; and impose any administrative penalty authorized by this section or any rule promulgated pursuant to this section.

(b) Promulgate rules and emergency rules necessary for the proper regulation and control of the cultivation, manufacture, dispensing, and sale of marijuana for medical use and for the enforcement of this section so long as patient access is not restricted unreasonably and such rules are reasonably necessary for patient safety or to restrict access to only licensees and qualifying patients.

(c) Develop such forms, certificates, licenses, identification cards, and applications as are necessary for, or reasonably related to, the administration of this section or any of the rules promulgated under this section;

(d) Require a seed-to-sale tracking system that tracks medical marijuana from either the seed or immature plant stage until the medical marijuana or medical marijuana-infused product is sold to a qualifying patient or primary caregiver to ensure that no medical marijuana grown by a medical marijuana cultivation facility or manufactured by a medical marijuana-infused products manufacturing facility is sold or otherwise transferred except by a medical marijuana dispensary facility. The department shall certify, if possible, at least two commercially available systems to licensees as compliant with its tracking standards and issue standards for the creation or use of other systems by licensees.

(e) Issue standards for the secure transportation of marijuana and marijuana-infused products. The department shall certify entities which demonstrate compliance

with its transportation standards to transport marijuana and marijuana-infused products to a medical marijuana cultivation facility, a medical marijuana-infused products manufacturing facility, a medical marijuana dispensary facility, a medical marijuana testing facility, or another entity with a transportation certification. The department shall develop or adopt from any other governmental agency such safety and security standards as are reasonably necessary for the transportation of marijuana. Any entity licensed or certified pursuant to this section shall be allowed to transport cannabis.

(f) The department may charge a fee not to exceed \$5,000 for any certification issued pursuant to this section.

(g) Prepare and transmit annually a publicly available report accounting to the governor for the efficient discharge of all responsibilities assigned to the department under this section;

(h) Establish a system to numerically score competing medical marijuana licensee and certificate applicants, only in cases where more applicants apply than the minimum number of licenses or certificates as calculated by this section, which scoring shall be limited to an analysis of the following:

(i) the character, veracity, background, qualifications, and relevant experience of principal officers or managers;

(ii) the business plan proposed by the applicant, which in the case of cultivation facilities and dispensaries shall include the ability to maintain an adequate supply of marijuana, plans to ensure safety and security of qualifying patients and the community, procedures to be used to prevent diversion, and any plan for making marijuana available to low-income qualifying patients;

(iii) site security;

(iv) experience in a legal cannabis market;

(v) in the case of medical marijuana testing facilities, the experience of their personnel with testing marijuana, food or drugs for toxins and/or potency and health care industry experience;

(vi) the potential for positive economic impact in the site community;

(vii) in the case of medical marijuana cultivation facilities, capacity or experience with agriculture, horticulture, and health care;

(viii) in the case of medical marijuana dispensary facilities, capacity or experience with health care, the suitability of the proposed location, and its accessibility for

patients;

(ix) in the case of medical marijuana-infused products manufacturing facilities, capacity or experience with food and beverage manufacturing; and

(x) maintaining competitiveness in the marijuana for medical use marketplace.

In ranking applicants and awarding licenses and certificates, the department may consult or contract with other public agencies with relevant expertise regarding these factors. The department shall lift or ease any limit on the number of licensees or certificate holders in order to meet the demand for marijuana for medical use by qualifying patients.

(2) The department shall issue any rules or emergency rules necessary for the implementation and enforcement of this section and to ensure the right to, availability, and safe use of marijuana for medical use by qualifying patients. In developing such rules or emergency rules, the department may consult with other public agencies. In addition to any other rules or emergency rules necessary to carry out the mandates of this section, the department may issue rules or emergency rules relating to the following subjects:

(a) Compliance with, enforcement of, or violation of any provision of this section or any rule issued pursuant to this section, including procedures and grounds for denying, suspending, fining, restricting, or revoking a state license or certification issued pursuant to this section;

(b) Specifications of duties of officers and employees of the department;

(c) Instructions or guidance for local authorities and law enforcement officers;

(d) Requirements for inspections, investigations, searches, seizures, and such additional enforcement activities as may become necessary from time to time;

(e) Creation of a range of administrative penalties for use by the department;

(f) Prohibition of misrepresentation and unfair practices;

(g) Control of informational and product displays on licensed premises provided that the rules may not prevent or unreasonably restrict appropriate signs on the property of the medical marijuana dispensary facility, product display and examination by the qualifying patient and/or primary caregiver, listings in business directories including phone books, listings in marijuana-related or medical publications, or the sponsorship of health or not for profit charity or advocacy events;

(h) Development of individual identification cards for owners, officers, managers, contractors, employees, and other support staff of entities licensed or certified

pursuant to this section, including a fingerprint-based federal and state criminal record check in accordance with U.S. Public Law 92-544, or its successor provisions, as may be required by the department prior to issuing a card and procedures to ensure that cards for new applicants are issued within fourteen days. Applicants licensed pursuant to this section shall submit fingerprints to the Missouri state highway patrol for the purpose of conducting a state and federal fingerprint-based criminal background check. The Missouri state highway patrol, if necessary, shall forward the fingerprints to the Federal Bureau of Investigation (FBI) for the purpose of conducting a fingerprint-based criminal background check. Fingerprints shall be submitted pursuant to [43.543](#) and fees shall be paid pursuant to [43.530](#);

(i) Security requirements for any premises licensed or certified pursuant to this section, including, at a minimum, lighting, physical security, video, alarm requirements, and other minimum procedures for internal control as deemed necessary by the department to properly administer and enforce the provisions of this section, including reporting requirements for changes, alterations, or modifications to the premises;

(j) Regulation of the storage of, warehouses for, and transportation of marijuana for medical use;

(k) Sanitary requirements for, including, but not limited to, the preparation of medical marijuana-infused products;

(l) The specification of acceptable forms of picture identification that a medical marijuana dispensary facility may accept when verifying a sale;

(m) Labeling and packaging standards;

(n) Records to be kept by licensees and the required availability of the records;

(o) State licensing procedures, including procedures for renewals, reinstatements, initial licenses, and the payment of licensing fees;

(p) The reporting and transmittal of tax payments;

(q) Authorization for the department of revenue to have access to licensing information to ensure tax payment and the effective administration of this section; and

(r) Such other matters as are necessary for the fair, impartial, stringent, and comprehensive administration of this section.

(3) The department shall issue rules or emergency rules for a medical marijuana and medical marijuana-infused products independent testing and certification program for medical marijuana licensees and requiring licensees to test medical

marijuana using one or more impartial, independent laboratories to ensure, at a minimum, that products sold for human consumption do not contain contaminants that are injurious to health, to ensure correct labeling and measure potency. The department shall not require any medical marijuana or medical marijuana-infused products to be tested more than once prior to sale.

(4) The department shall issue rules or emergency rules to provide for the certification of and standards for medical marijuana testing facilities, including the requirements for equipment and qualifications for personnel, but shall not require certificate holders to have any federal agency licensing or have any relationship with a federally licensed testing facility. The department shall certify, if possible, at least two entities as medical marijuana testing facilities. No medical marijuana testing facility shall be owned by an entity under substantially common control, ownership, or management as a medical marijuana cultivation facility, medical marijuana-infused product manufacturing facility, or medical marijuana dispensary facility.

(5) The department shall maintain the confidentiality of reports or other information obtained from an applicant or licensee containing any individualized data, information, or records related to the licensee or its operation, including sales information, financial records, tax returns, credit reports, cultivation information, testing results, and security information and plans, or revealing any patient information, or any other records that are exempt from public inspection pursuant to state or federal law. Such reports or other information may be used only for a purpose authorized by this section. Any information released related to patients may be used only for a purpose authorized by federal law and this section, including verifying that a person who presented a patient identification card to a state or local law enforcement official is lawfully in possession of such card.

(6) Within one hundred eighty days of December 6, 2018, the department shall make available to the public license application forms and application instructions for medical marijuana cultivation facilities, medical marijuana testing facilities, medical marijuana dispensary facilities, and medical marijuana-infused products manufacturing facilities.

(7) Within one hundred eighty days of December 6, 2018, the department shall make available to the public application forms and application instructions for qualifying patient, qualifying patient cultivation, and primary caregiver identification cards. Within two hundred ten days of December 6, 2018, the department shall begin accepting applications for such identification cards.

(8) An entity may apply to the department for and obtain one or more licenses to grow marijuana as a medical marijuana cultivation facility. Each facility in operation shall require a separate license, but multiple licenses may be utilized in a single facility. Each indoor facility utilizing artificial lighting may be limited by the department to thirty thousand square feet of flowering plant canopy space. Each outdoor facility utilizing natural lighting may be limited by the department to two thousand eight hundred flowering plants. Each greenhouse facility using a combination of natural and artificial lighting may be limited by the department, at the election of the licensee, to two thousand eight hundred flowering plants or thirty thousand square feet of flowering plant canopy. The license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a nonrefundable fee of ten thousand dollars per license application or renewal for all applicants filing an application within three years of December 6, 2018, and shall charge each applicant a nonrefundable fee of five thousand dollars per license application or renewal thereafter. Once granted, the department shall charge each licensee an annual fee of twenty-five thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. No more than three medical marijuana cultivation facility licenses shall be issued to any entity under substantially common control, ownership, or management.

(9) An entity may apply to the department for and obtain one or more licenses to operate a medical marijuana dispensary facility. Each facility in operation shall require a separate license. A license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a nonrefundable fee of six thousand dollars per license application or renewal for each applicant filing an application within three years of December 6, 2018, and shall charge each applicant a nonrefundable fee of three thousand dollars per license application or renewal thereafter. Once granted, the department shall charge each licensee an annual fee of ten thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. No more than five medical marijuana dispensary facility licenses shall be issued to any entity under substantially common control, ownership, or management.

(10) An entity may apply to the department for and obtain one or more licenses to operate a medical marijuana-infused products manufacturing facility. Each facility in operation shall require a separate license. A license shall be valid for three years from its date of issuance and shall be renewable, except for good cause. The department shall charge each applicant a nonrefundable fee of six thousand dollars per license application or renewal for each applicant filing an application within three years of December 6, 2018, and shall charge each applicant a nonrefundable fee of three thousand dollars per license application or renewal thereafter. Once granted, the department shall charge each licensee an annual fee of ten thousand dollars per facility license. Application and license fees shall be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. No more than three medical marijuana-infused products manufacturing facility licenses shall be issued to any entity under substantially common control, ownership, or management.

(11) Any applicant for a license authorized by this section may prefile their application fee with the department beginning 30 days after December 6, 2018.

(12) Except for good cause, a qualifying patient or his or her primary caregiver may obtain an identification card from the department to cultivate up to six flowering marijuana plants for the exclusive use of that qualifying patient. The card shall be valid for twelve months from its date of issuance and shall be renewable with the annual submittal of a new or updated physician's certification. The department shall charge an annual fee for the card of one hundred dollars, with such rate to be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency.

(13) The department may set a limit on the amount of marijuana that may be purchased by or on behalf of a single qualifying patient in a thirty-day period, provided that limit is not less than four ounces of dried, unprocessed marijuana, or its equivalent. Any such limit shall not apply to a qualifying patient with written certification from two independent physicians that there are compelling reasons why the qualifying patient needs a greater amount than the limit established by the department.

(14) The department may set a limit on the amount of marijuana that may be possessed by or on behalf of each qualifying patient, provided that limit is not less than a sixty-day supply of dried, unprocessed marijuana, or its equivalent. A primary

caregiver may possess a separate legal limit for each qualifying patient under their care and a separate legal limit for themselves if they are a qualifying patient. Qualifying patients cultivating marijuana for medical use may possess up to a ninety-day supply, so long as the supply remains on property under their control. Any such limit shall not apply to a qualifying patient with written certification from two independent physicians that there are compelling reasons for additional amounts. Possession of between the legal limit and up to twice the legal limit shall subject the possessor to department sanctions, including an administrative penalty and loss of their patient identification card for up to a year. Purposefully possessing amounts in excess of twice the legal limit shall be punishable by imprisonment of up to one year and a fine of up to two thousand dollars.

(15) The department may restrict the aggregate number of licenses granted for medical marijuana cultivation facilities, provided, however, that the number may not be limited to fewer than one license per every one hundred thousand inhabitants, or any portion thereof, of the state of Missouri, according to the most recent census of the United States. A decrease in the number of inhabitants in the state of Missouri shall have no impact.

(16) The department may restrict the aggregate number of licenses granted for marijuana-infused products manufacturing facilities, provided, however, that the number may not be limited to fewer than one license per every seventy thousand inhabitants, or any portion thereof, of the state of Missouri, according to the most recent census of the United States. A decrease in the number of inhabitants in the state of Missouri shall have no impact.

(17) The department may restrict the aggregate number of licenses granted for medical marijuana dispensary facilities, provided, however, that the number may not be limited to fewer than twenty-four licenses in each United States congressional district in the state of Missouri pursuant to the map of each of the eight congressional districts as drawn and effective on December 6, 2018. Future changes to the boundaries of or the number of congressional districts shall have no impact.

(18) The department shall begin accepting license and certification applications for medical marijuana dispensary facilities, medical marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, seed-to-sale tracking systems, and for transportation of marijuana no later than two hundred forty days after December 6, 2018. Applications for licenses and certifications under this section shall be approved or denied by the department no later than one hundred fifty days after their submission. If the department fails to carry out

its nondiscretionary duty to approve or deny an application within one hundred fifty days of submission, an applicant may immediately seek a court order compelling the department to approve or deny the application.

(19) Qualifying patients under this section shall obtain and annually renew an identification card or cards from the department. The department shall charge a fee of twenty-five dollars per year per card with such fee to be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor or its successor agency. Upon receiving an application for a qualifying patient identification card or qualifying patient cultivation identification card, the department shall, within thirty days, either issue the card or provide a written explanation for its denial. If the department fails to deny and fails to issue a card to an eligible qualifying patient within thirty days, then their physician certification shall serve as their qualifying patient identification card or qualifying patient cultivation identification card for up to one year from the date of physician certification. All initial applications for or renewals of a qualifying patient identification card or qualifying patient cultivation identification card shall be accompanied by a physician certification that is less than thirty days old.

(20) Primary caregivers under this section shall obtain and annually renew an identification card from the department. The department shall charge a fee of twenty-five dollars per year, with such fee to be increased or decreased each year by the percentage of increase or decrease from the end of the previous calendar year of the Consumer Price Index, or successor index as published by the U.S. Department of Labor, or its successor agency. Upon receiving an application for a primary caregiver identification card, the department shall, within thirty days, either issue the card or provide a written explanation for its denial.

(21) All marijuana for medical use sold in Missouri shall be cultivated in a licensed medical marijuana cultivation facility located in Missouri.

(22) All marijuana-infused products for medical use sold in the state of Missouri shall be manufactured in a medical marijuana-infused products manufacturing facility.

(23) The denial of a license, license renewal, or identification card by the department shall be appealable to the administrative hearing commission, or its successor entity. Following the exhaustion of administrative review, denial of a license, license renewal, or identification card by the department shall be subject to judicial review as provided by law.

(24) No elected official shall interfere directly or indirectly with the department's obligations and activities under this section.

(25) The department shall not have the authority to apply or enforce any rule or regulation that would impose an undue burden on any one or more licensees or certificate holders, any qualifying patients, or act to undermine the purposes of this section.

4. Taxation and Reporting.

(1) A tax is levied upon the retail sale of marijuana for medical use sold at medical marijuana dispensary facilities within the state. The tax shall be at a rate of four percent of the retail price. The tax shall be collected by each licensed medical marijuana dispensary facility and paid to the department of revenue. After retaining no more than five percent for its actual collection costs, amounts generated by the tax levied in this section shall be deposited by the department of revenue into the Missouri veterans' health and care fund. Licensed entities making retail sales within the state shall be allowed approved credit for returns provided the tax was paid on the returned item and the purchaser was given the refund or credit.

(2) There is hereby created in the state treasury the "Missouri Veterans' Health and Care Fund", which shall consist of taxes and fees collected under this section. The state treasurer shall be custodian of the fund, and he or she shall invest monies in the fund in the same manner as other funds are invested. Any interest and monies earned on such investments shall be credited to the fund. Notwithstanding any other provision of law, any monies remaining in the fund at the end of a biennium shall not revert to the credit of the general revenue fund. The commissioner of administration is authorized to make cash operating transfers to the fund for purposes of meeting the cash requirements of the department in advance of it receiving annual application, licensing, and tax revenue, with any such transfers to be repaid as provided by law. The fund shall be a dedicated fund and shall stand appropriated without further legislative action as follows:

(a) First, to the department, an amount necessary for the department to carry out this section, including repayment of any cash operating transfers, payments made through contract or agreement with other state and public agencies necessary to carry out this section, and a reserve fund to maintain a reasonable working cash balance for the purpose of carrying out this section;

(b) Next, the remainder of such funds shall be transferred to the Missouri veterans commission for health and care services for military veterans, including the following

purposes: operations, maintenance and capital improvements of the Missouri veterans homes, the Missouri service officer's program, and other services for veterans approved by the commission, including, but not limited to, health care services, mental health services, drug rehabilitation services, housing assistance, job training, tuition assistance, and housing assistance to prevent homelessness. The Missouri veterans commission shall contract with other public agencies for the delivery of services beyond its expertise.

(c) All monies from the taxes authorized under this subsection shall provide additional dedicated funding for the purposes enumerated above and shall not replace existing dedicated funding.

(3) For all retail sales of marijuana for medical use, a record shall be kept by the seller which identifies, by secure and encrypted patient number issued by the seller to the qualifying patient involved in the sale, all amounts and types of marijuana involved in the sale and the total amount of money involved in the sale, including itemizations, taxes collected and grand total sale amounts. All such records shall be kept on the premises in a readily available format and be made available for review by the department and the department of revenue upon request. Such records shall be retained for five years from the date of the sale.

(4) The tax levied pursuant to this subsection is separate from, and in addition to, any general state and local sales and use taxes that apply to retail sales, which shall continue to be collected and distributed as provided by general law.

(5) Except as authorized in this subsection, no additional taxes shall be imposed on the sale of marijuana for medical use.

(6) The fees and taxes provided for in this Article XIV*, Section 1 shall be fully enforceable notwithstanding any other provision in this Constitution purportedly prohibiting or restricting the taxes and fees provided for herein.

(7) The unexpended balance existing in the fund shall be exempt from the provisions of section [33.080](#) relating to the transfer of unexpended balances to the general revenue fund.

5. Additional Patient, Physician, Caregiver and Provider Protections.

(1) Except as provided in this section, the possession of marijuana in quantities less than the limits of this section, or established by the department, and transportation of marijuana from a medical marijuana dispensary facility to the qualifying patient's residence shall not subject the possessor to arrest, criminal or civil liability, or sanctions under Missouri law, provided that the possessor produces on demand to the

appropriate authority a valid qualifying patient identification card; a valid qualifying patient cultivation identification card; a valid physician certification while making application for an identification card; or a valid primary caregiver identification card. Production of the respective equivalent identification card or authorization issued by another state or political subdivision of another state shall also meet the requirements of this subdivision.

(2) No patient shall be denied access to or priority for an organ transplant because they hold a qualifying patient identification card or use marijuana for medical use.

(3) A physician shall not be subject to criminal or civil liability or sanctions under Missouri law or discipline by the Missouri state board of registration for the healing arts, or its successor agency, for owning, operating, investing in, being employed by, or contracting with any entity licensed or certified pursuant to this section or issuing a physician certification to a patient diagnosed with a qualifying medical condition in a manner consistent with this section and legal standards of professional conduct.

(4) A health care provider shall not be subject to civil or criminal prosecution under Missouri law, denial of any right or privilege, civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission for owning, operating, investing in, being employed by, or contracting with any entity licensed or certified pursuant to this section or providing health care services that involve the medical use of marijuana consistent with this section and legal standards of professional conduct.

(5) A medical marijuana testing facility shall not be subject to civil or criminal prosecution under Missouri law, denial of any right or privilege, civil or administrative penalty or sanction, or disciplinary action by any accreditation or licensing board or commission for providing laboratory testing services that relate to the medical use of marijuana consistent with this section and otherwise meeting legal standards of professional conduct.

(6) A health care provider shall not be subject to mandatory reporting requirements for the medical use of marijuana by nonemancipated qualifying patients under eighteen years of age in a manner consistent with this section and with consent of a parent or guardian.

(7) A primary caregiver shall not be subject to criminal or civil liability or sanctions under Missouri law for purchasing, transporting, or administering marijuana for medical use to a qualifying patient or participating in the patient cultivation of up to

six flowering marijuana plants per patient in a manner consistent with this section and generally established legal standards of personal or professional conduct.

(8) An attorney shall not be subject to disciplinary action by the state bar association or other professional licensing body for owning, operating, investing in, being employed by, contracting with, or providing legal assistance to prospective or licensed medical marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana dispensary facilities, medical marijuana-infused products manufacturing facilities, qualifying patients, primary caregivers, physicians, health care providers or others related to activity that is no longer subject to criminal penalties under state law pursuant to this section.

(9) Actions and conduct by qualifying patients, primary caregivers, medical marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities licensed or registered with the department, or their employees or agents, as permitted by this section and in compliance with department regulations and other standards of legal conduct, shall not be subject to criminal or civil liability or sanctions under Missouri law, except as provided for by this section.

(10) Nothing in this section shall provide immunity for negligence, either common law or statutorily created, nor criminal immunities for operating a vehicle, aircraft, dangerous device, or navigating a boat under the influence of marijuana.

(11) It is the public policy of the state of Missouri that contracts related to marijuana for medical use that are entered into by qualifying patients, primary caregivers, medical marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities and those who allow property to be used by those entities, should be enforceable. It is the public policy of the state of Missouri that no contract entered into by qualifying patients, primary caregivers, medical marijuana testing facilities, medical marijuana cultivation facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities, or by a person who allows property to be used for activities that are exempt from state criminal penalties by this section, shall be unenforceable on the basis that activities related to medical marijuana may be prohibited by federal law.

6. Legislation.

Nothing in this section shall limit the general assembly from enacting laws consistent with this section, or otherwise effectuating the patient rights of this

section. The legislature shall not enact laws that hinder the right of qualifying patients to access marijuana for medical use as granted by this section.

7. Additional Provisions.

(1) Nothing in this section permits a person to:

(a) Consume marijuana for medical use in a jail or correctional facility;

(b) Undertake any task under the influence of marijuana when doing so would constitute negligence or professional malpractice; or

(c) Operate, navigate, or be in actual physical control of any dangerous device or motor vehicle, aircraft or motorboat while under the influence of marijuana; or

(d) Bring a claim against any employer, former employer, or prospective employer for wrongful discharge, discrimination, or any similar cause of action or remedy, based on the employer, former employer, or prospective employer prohibiting the employee, former employee, or prospective employee from being under the influence of marijuana while at work or disciplining the employee or former employee, up to and including termination from employment, for working or attempting to work while under the influence of marijuana.

(2) No medical marijuana cultivation facility, medical marijuana testing facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility, or entity with a transportation certification shall be owned, in whole or in part, or have as an officer, director, board member, manager, or employee, any individual with a disqualifying felony offense. A "**disqualifying felony offense**" is a violation of, and conviction or guilty plea to, state or federal law that is, or would have been, a felony under Missouri law, regardless of the sentence imposed, unless the department determines that:

(a) The person's conviction was for the medical use of marijuana or assisting in the medical use of marijuana; or

(b) The person's conviction was for a nonviolent crime for which he or she was not incarcerated and that is more than five years old; or

(c) More than five years have passed since the person was released from parole or probation, and he or she has not been convicted of any subsequent criminal offenses.

The department may consult with and rely on the records, advice and recommendations of the attorney general and the department of public safety, or their successor entities, in applying this subdivision.

(3) All medical marijuana cultivation facility, medical marijuana dispensary facility, and medical marijuana-infused products manufacturing facility licenses, entities with medical marijuana testing facility certifications, and entities with transportation certifications shall be held by entities that are majority owned by natural persons who have been citizens of the state of Missouri for at least one year prior to the application for such license or certification. Notwithstanding the foregoing, entities outside the state of Missouri may own a minority stake in such entities.

(4) No medical marijuana cultivation facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility shall manufacture, package or label marijuana or marijuana-infused products in a false or misleading manner. No person shall sell any product in a manner designed to cause confusion between a marijuana or marijuana-infused product and any product not containing marijuana. A violation of this subdivision shall be punishable by an appropriate and proportional department sanction, up to and including loss of license.

(5) All edible marijuana-infused products shall be sold in individual, child-resistant containers that are labeled with dosage amounts, instructions for use, and estimated length of effectiveness. All marijuana and marijuana-infused products shall be sold in containers clearly and conspicuously labeled, in a font size at least as large as the largest other font size used on the package, as containing "Marijuana", or a "Marijuana-Infused Product". Violation of this prohibition shall subject the violator to department sanctions, including an administrative penalty.

(6) No individual shall serve as the primary caregiver for more than three qualifying patients.

(7) No qualifying patient shall consume marijuana for medical use in a public place, unless provided by law. Violation of this prohibition shall subject the violator to sanctions as provided by general law.

(8) No person shall extract resins from marijuana using dangerous materials or combustible gases without a medical marijuana-infused products manufacturing facility license. Violation of this prohibition shall subject the violator to department sanctions, including an administrative penalty and, if applicable, loss of their identification card, certificate, or license for up to one year.

(9) All qualifying patient cultivation shall take place in an enclosed, locked facility that is equipped with security devices that permit access only by the qualifying patient or by such patient's primary caregiver. Two qualifying patients, who both hold valid qualifying patient cultivation identification cards, may share one enclosed, locked

facility. No more than twelve qualifying patient or primary caregiver cultivated flowering marijuana plants may be cultivated in a single, enclosed locked facility, except when a primary caregiver also holds a qualifying patient cultivation identification card, in which case no more than eighteen flowering marijuana plants may be cultivated in a single, enclosed, locked facility.

(10) No medical marijuana cultivation facility, medical marijuana dispensary facility, medical marijuana-infused products manufacturing facility, medical marijuana testing facility, or entity with a transportation certification shall assign, sell, give, lease, sublicense, or otherwise transfer its license or certificate to any other entity without the express consent of the department, not to be unreasonably withheld.

(11) Unless allowed by the local government, no new medical marijuana cultivation facility, medical marijuana testing facility, medical marijuana dispensary facility, or medical marijuana-infused products manufacturing facility shall be initially sited within one thousand feet of any then-existing elementary or secondary school, child day-care center, or church. No local government shall prohibit medical marijuana cultivation facilities, medical marijuana testing facilities, medical marijuana-infused products manufacturing facilities, or medical marijuana dispensary facilities, or entities with a transportation certification either expressly or through the enactment of ordinances or regulations that make their operation unduly burdensome in the jurisdiction. However, local governments may enact ordinances or regulations not in conflict with this section, or with regulations enacted pursuant to this section, governing the time, place, and manner of operation of such facilities in the locality. A local government may establish civil penalties for violation of an ordinance or regulations governing the time, place, and manner of operation of a medical marijuana cultivation facility, medical marijuana testing facility, medical marijuana-infused products manufacturing facility, medical marijuana dispensary facility, or entity holding a transportation certification that may operate in such locality.

(12) Unless superseded by federal law or an amendment to this Constitution, a physician shall not certify a qualifying condition for a patient by any means other than providing a physician certification for the patient, whether handwritten, electronic, or in another commonly used format. A qualifying patient must obtain a new physician certification at least annually.

(13) A physician shall not issue a certification for the medical use of marijuana for a nonemancipated qualifying patient under the age of eighteen without the written consent of the qualifying patient's parent or legal guardian. The department shall not issue a qualifying patient identification card on behalf of a nonemancipated qualifying

patient under the age of eighteen without the written consent of the qualifying patient's parent or legal guardian. Such card shall be issued to one of the parents or guardians and not directly to the patient. Only a parent or guardian may serve as a primary caregiver for a nonemancipated qualifying patient under the age of eighteen. Only the qualifying patient's parent or guardian shall purchase or possess medical marijuana for a nonemancipated qualifying patient under the age of eighteen. A parent or guardian shall supervise the administration of medical marijuana to a nonemancipated qualifying patient under the age of eighteen.

(14) Nothing in this section shall be construed as mandating health insurance coverage of medical marijuana for qualifying patient use.

(15) Real and personal property used in the cultivation, manufacture, transport, testing, distribution, sale, and administration of marijuana for medical use or for activities otherwise in compliance with this section shall not be subject to asset forfeiture solely because of that use.

8. Severability.

The provisions of this section are severable, and if any clause, sentence, paragraph or section of this measure, or an application thereof, is adjudged invalid by any court of competent jurisdiction, the other provisions shall continue to be in effect to the fullest extent possible.

9. Effective Date.

The provisions of this section shall become effective on December 6, 2018.

(Adopted November 6, 2018)

*Ballot language of Constitutional Amendment 2 adopted November 6, 2018, placed this section in a new Article XVI but was renumbered as a new Article XIV, Section 1.

< end of effective 06 Dec 2018 >

[use this link to bookmark section XIV 1](#)



In accordance with Section **3.090**, the language of statutory sections enacted during a legislative session are updated and available on this website **on the effective date** of such enacted statutory section.

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Council Letter

Date of Meeting: 19-07-29

Originating Department: Public Works Department

To the Mayor and City Council:

Subject: 1st Reading, Bill #6161 Subdivision Replat Request

Attachment(s):

1. Bill #6161
2. Plat

Action Options:

1. 1st Reading and Briefing only. Council action will be requested on August 5, 2019.
2. Other action Council may deem appropriate

Background:

Staff received a request from Gary Ozment for the approval to replat all of Lots #3 and Lot 4 and a part of Lot #2 in Block #2 of Kindred's Subdivision (305 & 307 N. Ingram Road) in the City of Sikeston, Scott County, Missouri.

The Planning and Zoning committee met July 9, 2019 and passed a favorable recommendation to approve the proposed replat.

THIS BILL AS APPROVED SHALL BECOME ORDINANCE NUMBER 6161 PROVIDING FOR APPROVAL OF THE REPLAT OF ALL OF LOTS #3 AND #4 AND A PART OF LOT #2 IN BLOCK #2 OF KINDRED'S SUBDIVISION TO THE CITY OF SIKESTON, SCOTT COUNTY, MISSOURI.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIKESTON, MISSOURI AS FOLLOWS:

SECTION I: This Ordinance shall not be codified in the City Municipal Code.

SECTION II: The Planning and Zoning Commission met on July 9, 2019 and passed a favorable recommendation to approve the subdividing all of Lots #3 and #4 and a part of Lot #2 in Block #2 of Kindred's Subdivision, the plat of which is attached hereto, marked Exhibit "A" and incorporated by reference.

SECTION III: Aforesaid replat is accepted and approved subject to its recording in Scott Count, Missouri and full compliance with the building codes and housing ordinances of the City of Sikeston, Missouri, and in the event the provision of aforesaid codes of this City conflict with said replat, the Code shall be determinative.

SECTION IV: Aforesaid replat is accepted subject to full compliance with the stormwater management plan.

SECTION V: General Repealer Section. Any other ordinance or parts thereof inconsistent herewith, are hereby repealed.

SECTION VI: Severability. Should any part or parts of this ordinance be found or held to be invalid by any court of competent jurisdiction, the remaining part or parts shall be severable and shall continue in full force and effect.

SECTION VII: Record of Passage

A. Bill Number 6161 was introduced and read the first time this 29th day of July, 2019.

B. Bill Number 6161 was read the second time and discussed on this 5th day of August, 2019, and was voted as follows:

Sparks _____, Williams _____, Meredith _____, Settles _____,
Evans _____, Self _____, and Burch _____,
thereby being _____, and becoming ordinance 6161.

C. Ordinance 6161 shall be in full force and effect from and after Wednesday, September 4, 2019.

Steven Burch, Mayor

Approved as to form
Tabatha Thurman, City Counselor

Seal / Attest:

Carroll Couch, City Clerk

Council Letter

Date of Meeting: 19-07-29

Originating Department: Public Works Department

To the Mayor and City Council:

Subject: Approval of Assignment of Contract

Attachments:

1. Letter of Assignment Requesting Authorization
2. Assignment Agreement between Chester Bross and Emory Sapp & Sons

Action Options:

1. Approve Assignment of Contract
2. Other action the City Council deems appropriate

Background:

On 2/25/19, the city took bids for street work utilizing Waters Engineering as a consulting engineer. Bid Package 19-38 was approved by council on March 4th, 2019.

Shortly after, and before work could begin, the successful contractor, Chester Bross Construction Company, was purchased by another paving company, Emory Sapp and Sons. No work has happened on this project due to the legal issues that needed to be worked out for the purchase. We have finally received a legal assignment of the contract from Chester Bross to Emory Sapp from the attorneys, and it has been reviewed by the City Attorney.

Staff is now presenting this assignment to the Council for approval so that the work can begin for bid 19-38. This work will include milling and asphalt overlays on Southland and North West (between Malone and West North).

CHESTER BROSS CONSTRUCTION COMPANY



P.O. Box 430
Hannibal, MO 63401

Chester Bross, President
"Equal Opportunity Employer"

Ph: 573-221-5958
Fax: 573-221-1892

June 12, 2019

City of Sikeston, Missouri
105 East Center Street
Sikeston, MO 63801

Re: Bid Invitation: 19-38 Southland Drive and Northwest Street Improvements, by and between Chester Bross Construction Company (the "Company") and City of Sikeston, Missouri (the "Consenting Party"), Notice of Award dated as of March 6, 2019 (as amended, supplemented or otherwise modified from time to time, the "Agreement")

Dear [NAME]:

The Company intends to enter into an Asset Purchase Agreement (the "Purchase Agreement"), pursuant to which the Company will sell to Emery Sapp & Sons, Inc. (the "Purchaser") certain all of the Company's assets with respect to its asphalt business (the "Transaction"). The Agreement, and all related statements of work thereunder, would be assigned in connection with the Transaction (the "Assignment"), and the Company hereby seeks the consent of the Consenting Party to the Assignment.

The Transaction referenced herein is a confidential transaction. As such, we hereby request your agreement that (except to the extent required by law) you will not divulge any of the information contained herein or any information relating to the Transaction without the prior written consent of the Company and the Purchaser.

Your acknowledgment and agreement to the Assignment and the foregoing terms will be evidenced by your signature in the space provided below. Please sign and return an executed copy of this letter to Dan Hoover, by e-mail of a scanned pdf file to Dan.Hoover@Emerysapp.com as soon as possible. If you have any questions about this letter, kindly contact me, Mike Bross at 573-221-5958.

The parties may execute this letter in multiple counterparts, each of which constitutes an original, and all of which, collectively, constitute one letter agreement. The signatures of all of the parties need not appear on the same counterpart, and delivery of an executed counterpart signature page by electronic means (e.g., telecopier, scanned pdf by e-mail, etc.) is as effective as executing and delivering this letter in the presence of the other parties hereto. This letter shall be governed by the laws of the state that govern the Agreement.

In the event closing of the Transaction does not occur for any reason whatsoever, this notice shall be deemed withdrawn and shall be of no further force and effect. In such event, the Company will continue to abide by the terms of the Agreement.

[Signature Page Follows]

CHESTER BROSS CONSTRUCTION COMPANY



P.O. Box 430
Hannibal, MO 63401

Chester Bross, President
"Equal Opportunity Employer"

Ph: 573-221-5958
Fax: 573-221-1892

Your prompt attention to this matter is greatly appreciated.

Sincerely,

Chester Bross Construction Company

By: 

Name: Mike Bross

Title: President

Agreed to and accepted by:

City of Sikeston, Missouri

By: _____

Name: _____

Title: _____

ASSIGNMENT AND ASSUMPTION AGREEMENT

This ASSIGNMENT AND ASSUMPTION AGREEMENT (this "Agreement") is made effective and delivered as of March 29, 2019, by and among Emery Sapp & Sons, Inc., a Missouri corporation (the "Assignee") on the one hand, and C. B. Asphalt, Inc., a Missouri corporation ("CB Asphalt"), C. B. Equipment, Inc., a Missouri corporation ("CB Equipment"), Chester Bross Construction Company, a Missouri corporation ("CB Construction"), Bross Holding Group, Inc., a Missouri corporation ("Holding"), LWK Trucking Company, a Missouri corporation ("Trucking", and together with CB Asphalt, CB Equipment, CB Construction, and Holding, the "Assignors"). Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Purchase Agreement (as defined below).

WHEREAS, this Agreement is being delivered to Assignee under and pursuant to the provisions of that certain Asset Purchase Agreement by and among Assignee and Assignors, dated as of the date hereof (the "Purchase Agreement"); and

WHEREAS, on the Effective Date, Assignors desires to assign to Assignee and Assignee desires to assume, all of the Acquired Assets that are intangibles, including the Assumed Contracts listed on Schedule 1.1(j) (collectively, the "Assigned Rights"), and the Assumed Liabilities.

NOW, THEREFORE, in consideration of the foregoing premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. Assignment of Rights. Assignors hereby assign, transfer and deliver to Assignee all of the Assigned Rights.

2. Assumption of Obligations. Assignee hereby accepts the Assigned Rights and hereby expressly assumes all of the obligations and liabilities of Assignors under and with respect to the Assumed Liabilities arising and accruing from and after the Closing.

3. Governing Agreement. This Agreement is expressly made subject to the terms and provisions of the Purchase Agreement. The delivery of this Agreement shall not affect, enlarge, diminish, or otherwise impair any of the representations, warranties, covenants, conditions, indemnities, terms, or provisions of the Purchase Agreement, and all of the representations, warranties, covenants, conditions, indemnities, terms, and provisions contained in the Purchase Agreement shall survive the delivery of this Agreement to the extent, and in the manner, set forth in the Purchase Agreement. In the event of a conflict between the terms and provisions of this Agreement and the terms and provisions of the Purchase Agreement, the terms and provisions of the Purchase Agreement shall govern and control.

4. Successors and Assigns. The provisions of this Agreement shall bind and inure to the benefit of Assignee and Assignors and their respective successors and assigns.

5. Governing Law. This Agreement and the legal relations between Assignors and Assignee hereunder shall be governed and construed in accordance with the laws of the State of Missouri, excluding any conflicts of law rule or principle that might refer construction of such provisions to the laws of another jurisdiction.

6. Construction. This Agreement has been negotiated and prepared jointly by all parties hereto, has been reviewed by legal counsel to each party, and, as such, shall not be construed against or in favor of any party by reason of the drafting of any provision by any party or by legal counsel thereto.

7. Captions. The captions and section numbers in this Agreement are for convenience only and shall not be considered a part of or affect the construction or interpretation of any provision of this Agreement.

8. Counterparts. This Agreement may be executed in one or more originals, but all of which together shall constitute one and the same instrument.

[Signature Page Follows]

IN WITNESS WHEREOF, Assignors and Assignee have executed this Agreement as of the date first written above.

THE ASSIGNEE:


EMERY SAPP & SONS, INC.

By: 

Daniel Hoover, Assistant Secretary


THE ASSIGNORS:

C. B. ASPHALT, INC.

By: 


Mike Bross, President

C. B. EQUIPMENT, INC.

By: 


Mike Bross, President

**CHESTER BROSS CONSTRUCTION
COMPANY**

By: 

Mike Bross, President

BROSS HOLDING GROUP, INC.

By: 

Mike Bross, President

LWK TRUCKING COMPANY

By: 

Mike Bross, President