

"An Ordinance with Penalties as Adopted by the St. Charles County Council"

Bill No. 4758

Ordinance No. 19-074

Requested by: Mike Hurlbert

Sponsored by: John White

AN ORDINANCE AMENDING SECTIONS 277.510, 277.920, AND 405.5072 IN THE ORDINANCES OF ST. CHARLES COUNTY, MISSOURI ("OSCCMo.") RELATING TO MEDICAL MARIJUANA LAND USE AND SAFETY REGULATIONS.

WHEREAS, on November 6, 2018, a majority of the qualified voters of the State of Missouri approved the adoption of Amendment 2 to the Missouri Constitution, to enact Article XVI, Section 1, relating to access to medical marijuana, which became effective on December 6, 2018; and

WHEREAS, Amendment 2 permits local governments to enact ordinances not in conflict therewith governing the time, place, and manner of operation of Medical Marijuana Cultivation Facilities, Medical Marijuana Dispensary Facilities, Medical Marijuana-Infused Products Manufacturing Facilities, Medical Marijuana Testing Facilities, and Medical Marijuana Transportation Facilities; and

WHEREAS, St. Charles County considered and approved Amended Substitute Bill 4743 to enact medical marijuana regulations, and such bill was signed by the County Executive on August 5, 2019 and enacted as Ordinance 19-061; and

WHEREAS, further amendment of the medical marijuana regulations is necessary to ensure compliance with all applicable provisions of state law and to best protect the health,

safety, and welfare of the County's residents, businesses, and property.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Section 277.510, OSCCMo. is hereby amended as follows (additions in **bold** type and deletions [~~bracketed and stricken~~):

Section 277.510 Limitation on Delivery.

No Facility shall be permitted to have drive-through lanes or windows. Except for **deliveries as permitted by state law**, [~~a licensed Transportation Facility~~], each Facility shall be operated from a permanent location[~~;~~], **and n**[~~N~~]o Facility shall be permitted to operate from a movable, mobile, or transitory location.

Section 2. Section 277.920, OSCCMo. is hereby amended as follows (additions in **bold** type and deletions [~~bracketed and stricken~~):

Section 277.920 Conflicting Law.

All County ordinances, codes, regulations, and orders or parts thereof shall be construed and interpreted in such a manner as to conform to the provisions of this Chapter, **and to all applicable state, and local laws and regulations**. To the extent that such ordinances, codes, regulations, and orders or parts thereof are in direct conflict with and cannot be construed or interpreted in such a way as to conform to the provisions of this Chapter **or applicable state, and local laws and**

regulations, such ordinance, codes, regulations, and order or parts thereof shall not apply.

Section 3.

Section 405.5072, OSCCMo. is hereby amended as follows (additions in **bold** type and deletions [~~bracketed and stricken~~):

Section 405.5072 Location of Medical Marijuana Facilities.

A. **Except as provided by Section 277.510, each** [~~Each Medical Marijuana Cultivation Facility, Medical Marijuana Testing Facility, Medical Marijuana Infused Products Manufacturing Facility, or Medical Marijuana Dispensary~~] Facility shall be operated from a permanent location[~~.N~~], **and no Facility** [~~described in this section~~] shall be permitted to deliver or operate from a movable, mobile, or transitory location.

B. A Facility shall not be operated within one thousand (1,000) feet, as measured by Subsection **D[E(1)]**, of the following:

1. A church, synagogue, mosque, temple, or building which is used for religious worship and/or related religious activities;

2. A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools,

continuation schools, special education schools, junior colleges, and universities; and the grounds upon which any educational facility is located;

3. Any residential zoning district as defined in the Unified Development Ordinance~~[-except as provided in Subsection C];~~ or
4. The property line of a **parcel of land zoned “A” Agricultural District and containing a residence** ~~[lot devoted to a residential use as defined in the Unified Development Ordinance, except as provided in Subsection C];~~.

C. ~~[A Medical Marijuana Cultivation Facility located in an “A” Agricultural District shall not be operated within one thousand (1,000) feet, as measured by Subsection E(2), of the following:~~

- ~~1. Any residential zoning district as defined in the Unified Development Ordinance;~~
- ~~2. The property line of a lot devoted to a residential use as defined in the Unified Development Ordinance.~~

~~D.]~~ A Facility shall not be operated within a building or structure that contains a residential unit.

~~[E.]~~ D. Calculation of Distance.

- ~~1. [—For the purposes of Subsection B,~~
d] Distance shall be measured as follows:

- a. In the case of a freestanding Facility, the distance between the Facility and property listed in Subsection B shall be measured from the Facility to the closest point of the property line of the property listed in Subsection B.
- 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 property listed in Subsection B shall be measured from the property line of the property listed in Subsection B to the facility's entrance or exit closest in proximity to the property line of the property listed in Subsection B.
- c. Measurements shall be made along the shortest path between the demarcation points **using a straight line.**

~~[2. For the purposes of Subsection C, distance shall be measured as follows:~~

- ~~a. The distance between the Facility and property listed in Subsection C shall be measured from the Facility to the closest point of the property line of the property listed in Subsection C.~~
- ~~b. Measurements shall be made along the shortest path between the demarcation points.]~~

Section 4.

This ordinance is subject to penalty provisions for its violation and therefore, for penal purposes, shall be effective thirty-one (31) days after its posting in six public places, its publication in full on the web site of St. Charles County, and the publication of its title and the location in St. Charles County where it may be viewed in its entirety in a legal publication or a newspaper of general circulation in St. Charles County.

September 9, 2019
DATE PASSED

September 17, 2019
DATE APPROVED BY COUNTY EXECUTIVE

John W. White
CHAIR OF THE COUNCIL

[Signature]
COUNTY EXECUTIVE

ATTEST:

Brenda Hinton
COUNTY REGISTRAR