



PO Box 128 • 125 S Second • Odessa, MO 64076
Phone: (816) 230-5577 • Fax: (816) 633-4985 • www.cityofodessamo.com

NOTICE OF OPEN MEETINGS

NOTICE is hereby given to all citizens and parties in interest that the Odessa Board of Aldermen will meet for a Regular Session at 7:00 pm on Monday, June 24, 2019, at Dyer Park Community Building, 601 West Main Street, Odessa, Missouri 64076

CALL TO ORDER

Mayor Adam Couch

PLEDGE OF ALLEGIANCE

Mayor Adam Couch

ROLL CALL

City Clerk Peggy Eoff

WELCOME TO VISITORS

Mayor Adam Couch

CONSENT AGENDA

Approval of Minutes

- June 10, 2019 – Regular Session
 - June 10, 2019 – Closed Session
- *distributed to Board prior to meeting for review*

Park Board Appointments – (3 year term)

- Jannan Bradley
- Emily Oldham
- Mike Duncan

Terms to expire June 2022

MAYOR'S REPORT

ALDERMEN REPORTS

PUBLIC HEARING

“Uses Permitted On Review” the request is to add “Use of an automobile salvage or junkyard or junk or salvage yard of any kind”

PUBLIC COMMENTS

OLD BUSINESS

NEW BUSINESS

Motion of Approval

Request for a Junk Salvage Auto Auction in an I-2 zoning district (General Industrial District)
Location: SE corner of Old US Hwy 40 and Reich Rd
Submitted by: Eric Carver
Planning & Zoning Commission

Motion of Approval

Re-plat to merge Lots 5 & 6, Block 2 Original Town
Commonly known as: 206 W. Montgomery Street
Submitted by: Harold Bass
Planning & Zoning Commission

Discussion / Motion of Approval

Proposed temporary amendment to Section 2.305-13 of the Code of Ordinances - Fireworks.
Nici Wilson, City Administrator

Bill No 2019-13

1st Reading

2nd Reading

Proposed Ordinance amending the City Code of Ordinance by adopting one new chapter regulating Medical Marijuana within the City Limits
Nici Wilson, City Administrator

Bill No 2019-14

1st Reading

2nd Reading

Proposed Ordinance amending the Chapter Two of the Police Code repealing and replacing sections 2.410-26, 2.410-27, adding section sections 2.410-28 and 2.410-29, renumbering section 2.410-28 regarding medical marijuana, controlled substances, and driving while intoxicated or under the influence.
Nici Wilson, City Administrator
Josh Thompson, Police Chief

ADJOURN TO CLOSED SESSION

Pursuant to RSMO 610.021 (1) for Legal actions, causes of action and for confidential or privileged communication with legal counsel

Upcoming Schedule:

June 25, 2019 – Parks & Recreation - 7:00 pm Community Building
July 4, 2019 – Independence Day – Holiday City Offices Closed
July 8, 2019 – Board of Aldermen Regular Session – 7:00 pm Community Building
July 16, 2019 – Municipal Court – 1:30 pm Community Building
July 18, 2019 – Planning & Zoning Commission Regular Session – 7:00 pm Community Building
July 22, 2019 – Board of Aldermen Regular Session – 7:00 pm Community Building
July 23 2019 – Parks & Recreation - 7:00 pm Community Building

ELECTED OFFICIALS

	Mayor Adam Couch	adam.couch@cityofodessamo.com	(816) 661-4837
Ward 1	Alderman Mickey Starr	mickey.starr@cityofodessamo.com	(816) 260-8448
Ward 1	Alderman Steve Lockhart	Steve.lockhart@cityofodessamo.com	(816) 263-3939
Ward 2	Alderman Steve Wright	steve.wright@cityofodessamo.com	(816) 918-6634
Ward 2	Alderman Tom McElwee	Tom.mcelwee@cityofodessamo.com	(816) 305-8784
Ward 3	Alderman Ray Harves	ray.harves@cityofodessamo.com	(816) 524-6311
Ward 3	Alderman Mike Stevens	mike.stevens@cityofodessamo.com	(816) 674-6222

Posted June 21, 2019

Copies of this agenda may be obtained by contacting:

Peggy Eoff, City Clerk

Phone: (816) 230-5577 | Fax: (816) 633-4985 | www.cityofodessamo.com

City of Odessa Board of Aldermen
Odessa Community Building | 601 W. Main Street
June 10, 2019 | 7:00 pm
Meeting Minutes

CALL TO ORDER

Mayor Pro Tem Steve Wright called the meeting to order at 7:00 pm.

PLEDGE OF ALLEGIANCE

Mayor Pro Tem Steve Wright led the Pledge of Allegiance.

ROLL CALL

City Clerk, Peggy Eoff called the roll.

Mayor Adam Couch	Absent		
Alderman Mickey Starr	Present	Alderman Tom McElwee	Present
Alderman Ray Harves	Absent	Alderman Steve Lockhart	Absent
Alderman Steve Wright	Present	Alderman Mike Stevens	Present

City Staff present: Nici Wilson-City Administrator, Dawn Jennings-Finance Director, Josh Thompson-Police Chief, Carson Hodge-Electric Superintendent, Darrin Lamb-Water/Street Superintendent, Keith Gibson-EMS Director, Jeff Deane-City Attorney

Others present: Hannah Sparr-The Odessan, Nate Gifford, Steve Cobb

WELCOME

Mayor Pro Tem Steve Wright welcomed the visitors.

APPROVAL OF CONSENT AGENDA

- Approval of Minutes
 - May 13, 2019 – Regular Session
 - May 13, 2019– Closed Session**Distributed to the Board prior to the meeting for review*
- Financial Reports (purchasing card report, accounts payable, budget report)
- Park Board Appointments – Jannan Bradley, Emily Oldham and Mike Duncan

Motion was made by Alderman McElwee, seconded by Alderwoman Starr to table the park board appointments until the next meeting, as Alderman McElwee would like the opportunity to meet these Park Board members. It was noted that these three citizens currently serve on the Park Board and this is a re-appointment to the Board.

Motion carried 4-0.

Motion was made by Alderman Stevens, seconded by Alderwoman Starr to approve the consent agenda as amended. Motion carried 4-0.

MAYOR'S REPORT

A memo was attached from the Mayor stating The City owns an Argo 6-wheeled vehicle referred to by City staff as the "6-wheeler", which is used on a regular basis for

transportation on the approximately one mile trip from the end of the road through the field ground required to access the City's wells in Wellington, Missouri. The amphibious nature of this vehicle provides transportation even when the field access becomes slightly flooded. When the field access becomes more heavily flooded the mode of transportation is by boat. The method of transportation can fluctuate daily based on depth of flooding as the terrain of the field is not level. Last week the 6-wheeler began taking on water, and after contacting the closest service provider for the vehicle which is in Illinois, the water department superintendent has been advised that the necessary parts for repair are no longer available. For the reasons described above, this vehicle is required to be readily available for use by the water department and it was in need of immediate replacement. Under the authority provided to me by the Purchasing Policy adopted by the Board of Alderman on August 22, 2011 in Ordinance 2830, Mayor authorized the purchase of a 2019 Argo Frontier 650 8x8 for the sum of \$17,347.00 from Argo Direct Amphibious Vehicles.

Wilson introduced Jeff Deane new prosecutor with Joe Lauber's office.

ALDERMEN REPORTS

- Alderman McElwee – shared his concern on the potholes in town and tracking them. Darrin Lamb noted that they are working on them as quickly as possible and as the weather allows. Lamb added every time a pothole is reported, it is logged.
- Alderman Stevens – Thanked the electric department on the work they have been doing switching out the meters, the water department on the work at the City's wells due to the flooding, and the parks crew for keeping up with the mowing and grounds maintenance.

PUBLIC COMMENTS

Let the record show there were no public comments.

OLD BUSINESS

Let the record show there was no old business for consideration.

NEW BUSINESS

Employee Introduction - Officer Buchanan

Chief Thompson introduce Daitrien Buchanan who came from the Lafayette County Sheriff's Department, where he was a deputy jailer since he was 18, he graduated from the academy last year, and has been serving Odessa as a reserve officer. The Board of Aldermen welcomed Officer Buchanan.

Presentation - Park Board Annual Report

Steven Cobb - Park Board President presented the annual

- The board focused on season passes this year because of the revenue generated regardless of daily weather conditions.

- Concessions for pool and ballfields have good employees and continue to do well.
- The new software is now in place as of June 1, 2019.
- Collaboration is ongoing to try and improve credit card system by not passing the fees of 2.5 percent to the customers in hopes to improve online presence.
- Continue efforts to update the parks website
- Joey Starner is working on a maintenance manual and a maintenance schedule.
- Future growth as a family orientated community is going to warrant the need for a recreation coordinator to provide additional programming and to allow Lindsey more time to focus on the administrative side of the department.
- Facilities to accommodate the growing programs needs to be a priority in the next ten (10) years.
- Land acquisition will also be needed.
- The 1912 Building and the City Lake, noting he realizes that neither belong to the parks department, but would hope that the aldermen would consider that these spaces could be utilized for recreational activities.
- This is Cobb's last year as president, and he thanked the board.

Discussion: McElwee ask if they would consider dropping the prices on season passes, noting Odessa is higher than most other surrounding cities. Cobb stated that they review their fee schedule every year and will take his comments back to the Park Board.

Discussion - New Construction Curb/Sidewalk Installation

City Administrator Nici Wilson told the Board of Aldermen, that as construction of new homes continues to increase, we are seeing more construction underway in older parts of town and established neighborhoods. As with most cities, Odessa currently has an ordinance on file that requires the installation of curb/guttering and sidewalks on all sides of the property that face the street with the issuance of all new construction permits. Wilson added that in areas that do not have existing storm sewer infrastructure, adding curbing could be problematic. Wilson noted that with some research she has found other cities that have experienced similar issues have an ordinance in place that establishes an escrow fund to allow the City a mechanism to determine when a cash payment is better suited than the actual construction of the infrastructure. The money in the escrow would then be used by the City when the construction of the curb and sidewalk would not cause water issues to surrounding properties. Wilson added that she wanted some feedback and a consensus from the Board before doing additional research to bring an ordinance before them at a later meeting. Discussion was held regarding the administration of a policy as such, including fees, timetable of construction, etc. Darrin Lamb added that recently the City has been adding in curb and storm drains as funding allows on infill construction in existing neighborhoods. Alderman McElwee inquired about determining the rates/fees. Wilson explained that is something that will be researched. Alderman Wright noted that he would like to get more information on this subject.

Resolution 2019-16 / Sell of 100-watt repeater radio system

Mayor Pro Tem Wright read resolution 2019-16, the proposed resolution authorizing the Mayor to execute the agreement with the Odessa Fire and Rescue Protection District for the sale of a 100 Watt repeater radio system and related equipment necessary to operate said system. Wilson explained that the Police Department has new radios that operate on the MOSWIN network through the Missouri Department of Public Safety. With this recent upgrade, the 100-watt radio and repeater system is not needed for day-to-day operations. Lengthy discussion has ensued regarding transferring the equipment and maintenance to the Fire District as it would be an upgrade to their radio communications. This would allow for better communications with EMS and Central Dispatch. Within the agreement is a clause allowing the Police Department use of the radios and repeater system should the MOSWIN system go down. (It is a requirement to join the MOSWIN system that entities must have a backup system.) In addition, a right of first refusal on the transfer back to the City should the Fire District choose another system in the future. This has been reviewed by Lauber's office and the Fire Department. Alderman Wright asked if we had in writing from the Fire Department agreeing to allow the City to use the radios if the MOSWIN systems goes down. Wilson noted that it is built into the agreement.

Motion was made by Alderman Stevens, seconded by Alderman McElwee to approve resolution 2019-16. Motion carried 4-0.

Adjourn to Closed Session

There being no further business to come before the Board of Aldermen in open session, motion was made by Alderman Stevens, seconded by Alderwoman Starr to move the meeting into closed session at 7:45 pm pursuant to RSMo 610.021(1) for legal actions, causes of action and for confidential or privileged communication with legal counsel.

Vote as follows:

Alderwoman Mickey Starr	yes	Alderman Tom McElwee	yes
Alderman Ray Harves	absent	Alderman Steve Lockhart	absent
Alderman Steve Wright	yes	Alderman Mike Stevens	yes

Motion carried 4-0.

Alderwoman Starr, Aldermen's Stevens, McElwee and Wright, Nici Wilson, Peggy Eoff and Jeff Deane-City Attorney were present during the closed session. No action was voted upon.

There being no further business to come before the Board of Aldermen in closed session, motion was made by Alderman Stevens, seconded by Alderwoman Starr to move the meeting back into open session at 8:18 pm. Vote as follows:

Alderwoman Mickey Starr	yes	Alderman Tom McElwee	yes
Alderman Ray Harves	absent	Alderman Steve Lockhart	absent
Alderman Steve Wright	yes	Alderman Mike Stevens	yes

Motion carried 4-0.

Adjourn

There being no further business to come before the Board of Aldermen, motion was made by Alderman Stevens, seconded by Alderwoman Starr to adjourn the meeting at 8:18 pm. Motion carried 4-0.

Approved:

Adam R. Couch, Mayor

Peggy Eoff, City Clerk



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MEMO

To: City of Odessa Board of Aldermen
From: Mayor Adam R. Couch
Date: June 7, 2019
RE: Appointments – Park Board

The Park Board has three members whose terms will expire at the end of June 2019. Those members are Jannan Bradley, Emily Oldham and Mike Duncan. It is my recommendation to reappoint Jannan Bradley, Emily Oldham and Mike Duncan each for a three (3) year term, expiring June 2022.

Respectfully Submitted,

Adam R. Couch
Mayor

The Odessa Board of Alderman will hold a public hearing on Monday, June 24, 2019. The meeting will be to discuss "Uses Permitted On Review". The request is to add "Use of an automobile salvage or junkyard or junk or salvage yard of any kind" to be permitted in an I-2, General Industrial District. Request submitted by Ryan Matthews, Carver Construction. The public hearing will be located at the Dyer Park Community Center, 601 W. Main Street, Odessa, MO at 7:00 pm.



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BOARD OF ALDERMEN ACTION REPORT

ISSUE: USES PERMITTED UPON REVIEW

Request by Ryan Matthew of Carver Construction to allow the "use of a junk salvage yard of any kind" to be permitted in an I-2 (General Industrial District)

BACKGROUND:

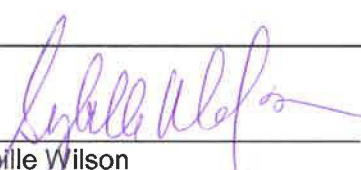
The Planning & Zoning Commission met on June 20, 2019 and heard this request. They have approved and are sending to the BOA for discussion and approval.

The use of a junk yard of any kind is permitted upon review by the Planning & Zoning Commission (OCDC Chapter 8, 8.207-2)

Planning & Zoning Commission will send to BOA to authorize or deny. (OCDC Chapter 8, 8.700)

FINANCIAL CONSIDERATIONS:

PREPARED BY: _____


Sybille Wilson
Community Planning

DATE: June 21, 2019

CHAPTER EIGHT ZONING REGULATIONS

SUBCHAPTER G ADMINISTRATION

8.700 PROCEDURES AUTHORIZING USES PERMITTED ON REVIEW

The uses listed under the various Districts herein as "Uses Permitted on Review" are so classified because they more intensely dominate the area in which they are located than for other uses permitted in the district; however, the nature of such uses makes it desirable that they be permitted to locate therein. The following procedure is established to integrate properly the uses permitted on review with the other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

(a.) An application shall be filed with the City Planning Commission for review. Said application shall show the location and intended use of site, the names of all the property owners and existing land uses within one hundred eighty-five (185) feet, and any other material pertinent to the request which the City Planning Commission may require.

(b.) The City Planning Commission shall hold one or more public hearings thereon.

(c.) The City Planning Commission shall within forty-five (45) days of the date of application, transmit to the Board of Aldermen its report as to the effect of such proposed building or use upon character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the general welfare, and the recommendation of the City Planning Commission concerning use thereon. Thereupon the Board of Aldermen may authorize or deny the issuance of a Building Permit for the use of land or building as requested.

8.701 VIOLATIONS AND PENALTIES

SECTION 8.701-1 Violation and Penalties

Any person, firm or organization found in violation of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the code official, or of a permit or certificate used under provisions of the codes adopted herein, within a twelve month period, shall be guilty of a misdemeanor, punishable by a fine of not more than two hundred (\$200.00) dollars for the first municipal violation, two hundred seventy-five dollars for the second municipal violation, three hundred fifty dollars for the third municipal violation, and four hundred fifty dollars for the fourth and any subsequent municipal ordinance violation. Each day that a violation continues after due notice has been served shall be deemed a separate offense. (Ord 2926 1/9/2017 (RSMo 479.353))

8.702 AMENDMENTS

8.702-1 HEARING REQUIRED

The Board of Aldermen may, from time to time, on its own motion or on petition from a property owner, or on recommendation of the City Planning Commission, amend the regulations and districts herein established. No change in regulations, restrictions or district boundaries shall become effective until after a public hearing held in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least fifteen (15) days notice of the time and place of such hearing shall be published in an official paper or paper of general circulation in the City of Odessa. [R.S.Mo. 89.050]

8.702-2 PASSAGE BY THE BOARD OF ALDERMEN

Every such proposed amendment shall be referred by the City Planning Commission for report. If a protest against such amendment be presented, duly signed and acknowledged by the owners of ten (10) percent or more, either of the areas of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred and eighty-

“USES PERMITTED UPON REVIEW”
APPLICATION FORM

City of Odessa, MO ~ 125 S. 2nd Street ~ Odessa MO 64076 (816) 230-5577 Fax # (8916) 633-4985

Applicant: Eric Carver

Address: 379 US Hwy 80

Grand Saline, TX 75140

Telephone: (Home) _____ (Work): (903) 369-2000

Describe the location of the property: Property is located at the SE corner of Old US Hwy 40 and Reich Rd, Odessa, MO

Legal Description of property: See attached legal description and Land Owner Authorization Letter

Current Zoning: I-2(+/-76ac)

Intended Use of property: The property will be used to conduct auctions off primarily insurance company/provider owned, end-of-life vehicles/items. The vehicles/items are not scrapped, parted-out, dismantled, crushed or otherwise salvaged while onsite. They are sold in an as-is condition at an auction that is typically held one day each week.

(Attach a development plan if available)

Time schedule for the development: 6-12 months

Applicant to attach the following:

(A) Plot Plan (including existing buildings, easements, and proposed structures)

(B) List of all property owners and existing land uses within 185 feet of property lines

We, the undersigned, being the owners of the described real property, hereby request the Planning and Zoning Commission of the City of Odessa, Missouri, to review the above application for “Uses permitted upon review”

Property Owner(s); J&M Sarai, LLC

Date: June 6, 2019

Use Authorization Letter

Date: May 30, 2019

To: City of Odessa, Planning and Zoning Commission

RE: Special Use and Re-Zoning of Property

To whom it Concerns:

We, the rightful owners, J&M Sarai, LLC hereby grant permission to Eric Carver, or an authorized agent, to seek the necessary City of Odessa approvals for the parcel(s) depicted and legally described in the attached Exhibit "A". The sale of the parcels is contingent upon successfully acquiring the necessary approvals for future use of the property by Mr. Carver, one of his businesses or his prospective tenant(s).

X Manjit K. Sarai Jarnail S. Sarai
Owner
6/3/2019
Date

STATE OF MISSOURI

COUNTY OF

JACKSON

SS

On this 03 day of June, 2019, before me personally appeared Manjit K. Sarai the Members of J&M Sarai, LLC, to me known to be the person described in and who executed the foregoing instrument, and acknowledged that he/she executed the same as his/her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal in the County and State aforesaid, the day and year first above written.

Jennifer D. Long
Notary Public
Printed Name:

My commission expires:

JENNIFER D. LONG
Notary Public - Notary Seal
STATE OF MISSOURI
Commissioned for Jackson County
My Commission Expires December 4, 2022
Commission # 14386231

I want to...

MURRAY

RITCHIE BR

RITCHIE BROS PROPERTIES INC

40.411 Ac

BAILEY

5.010
89.891 Ac

BAILEY, STEVEN R TRUST & BAILEY, USA A TRUST

APPLE, CLINT & LARA

THOMPSON

THOMPSON, CHESTER L & MARSHAD

THOMPSON, CHESTER L & MARSHAD

THOMPSON

SEAMAN

2.030
172.29 Ac

SYDENHIRE

ABBA PROPERTIES LLC

TIMBERLINE TRADING OF MISSOURI

Reich Rd

J&M SARA
J&M SARAILLC 20 Ac

J&M SARA
J&M SARAILLC 56 Ac

SMITH, MARK D & KATHRYN LLC

SMITH
BGZ LLC 2701

8.010
11.19 Ac
J&M SARA
J&M SARAILLC

J&M SARAILLC 8
J&M SARA 51.41 Ac

KRAHMER, GARY RONALD REVOCABLE TRUST & KRAHMER

Main St

10.020

1.772 Ac

1.020

1.030

1.87 Ac

1.550

Neighboring Properties within 185 FT

Parcel	Address	Owner	Description/Use	Location
5	1800 E Old Hwy 40	Ritchie Brothers Property, Inc	Heavy Equipment Auction	Directly West across Reich Rd.
5.01	N/A	Steven R. & Lisa A. Bailey Trust	Agricultural	Directly West across Reich Rd.
2.03	N/A	Janice K. Seaman	Vacant Land	South West Across Main St. North of R.R. Tracks
1.04	1710 Main St.	SNIF	Vacant(Former Paint Ball Location)	Due South across Main St.
1.02 & 1.7	1700 Main St.	ABBA Properties, LLC	Screen Printing Business(Distec)	Due South across Main St.
8.02	N/A	Mark D & Kathryn L Smith	Vacant(Former Auto Repair Shop)	Borders South Side of Property
8.03	2701 Main St	BG7, LLC	CJ's Trucking	Borders South East Corner of Property
1	N/A	Sydenstricker Farms, LLC	Agricultural	South East across Main St.
8 & 8.01	N/A	J&M Sarai, LLC	Agricultural	Borders East Side of Property

Note: See the attached parcel map for each properties location.

EXHIBIT "A"
LEGAL DESCRIPTION
& AERIAL

STRIPS IN ODESSA BEING PT OF W1/2 OF SE1/4; 748-1044, 798-226, 820-141, 114
6-168, 1148-171, 1148-174, 1150-378, 1150-381, 1150-383, 1150-385, 2011DR2

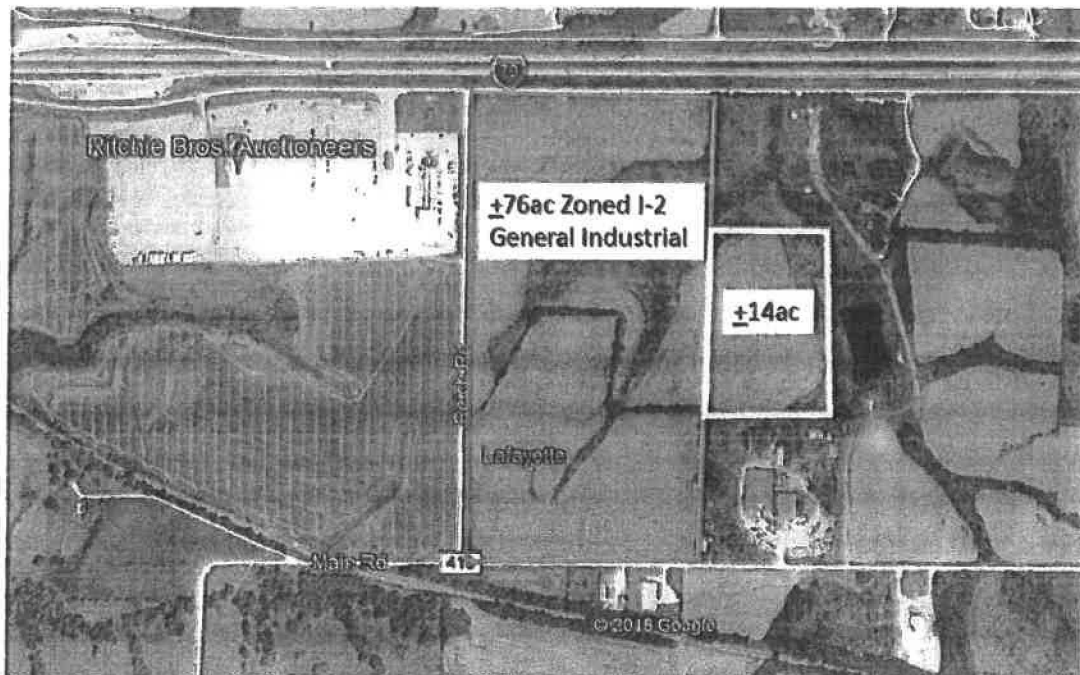
PARCEL ID#: 14-8.0-34-000-000-0007.000
SEC, TWN, RNG: 34-49-28
ACRES: 56.00
TAX DISTRICT#:
SITUS ADDRESS: HWY 40, ODESSA, MO 64076-0000

STRIPS IN ODESSA BEING PT OF N1/2 OF NW1/4 OF SE1/4; 748-1044, 798-226, 820
-141, 1132-1046, 1150-378, 1150-380, 2011DR2777 LOT: 0 BLOCK: 0

PARCEL ID#: 14-8.0-34-000-000-0007.010
SEC, TWN, RNG: 34-49-28
ACRES: 20.00
TAX DISTRICT#:
SITUS ADDRESS: HWY 40, ODESSA, MO 64076-0000

And a portion of the SW part of Parcel 8, consisting of +4ac,
combined with a portion of the NW part of Parcel 8.01, consisting of
+10ac, for a total of 14ac as depicted below.

*T.S.S.
m.k.s*





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BOARD OF ALDERMEN ACTION REPORT

ISSUE: Re-plat submitted by Harold Bass

Request by Harold Bass to merge Lots 5 & 6, Block 2 Original Town into 1 lot (206 W. Montgomery Street)

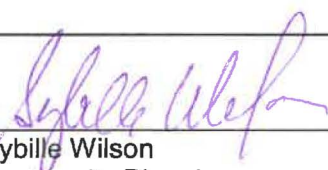
BACKGROUND:

The Planning & Zoning Commission met on June 20, 2019 and heard this request. They have approved and are sending to the BOA for discussion and approval.

Planning & Zoning Commission will send to BOA to authorize or deny. (OCDC Chapter 8, 8.700)

FINANCIAL CONSIDERATIONS:

PREPARED BY: _____


Sybille Wilson
Community Planning

DATE: June 21, 2019

P+Z Meeting
6/20/19
7:00 pm
2 Comm.
Bldg

PLATTING & LOT SPLIT APPLICATION FORM

City of Odessa, MO
City of Odessa, MO
PAID
2019
ODESSA, MO

City of Odessa, MO ~ 125 S. 2nd Street ~ PO Box 128 ~ Odessa MO 64076 (816) 230-5577 ~ Fax # (816) 633-4985

FILE NO: 190529-1 DATE FILED: 5/29/19 DATE FINISHED: ODESSA, MO

CLASSIFICATION
LOT SPLIT _____ RE-PLAT X

PLATTING DESCRIPTION
Proposed Subdivision Name _____
Number of Lots to be created 1 General Location 206 W Montgomery

LOT SPLITS ONLY
Lot Number _____ Block Number _____ Subdivision _____

APPLICANTS
Applicant: Harold W Bass Address: 206 W Montgomery
Relationship to Project: Owner ☒ Agent for Owner () Other () Please Define
Phone Number 816-522 3836
Signature Harold W Bass
Applicant: _____ Address: _____
Relationship to Project: Owner () Agent for Owner () Other () Please Define
Phone Number _____
Signature _____ (List any others on back)

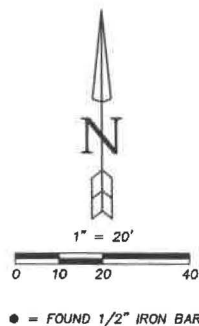
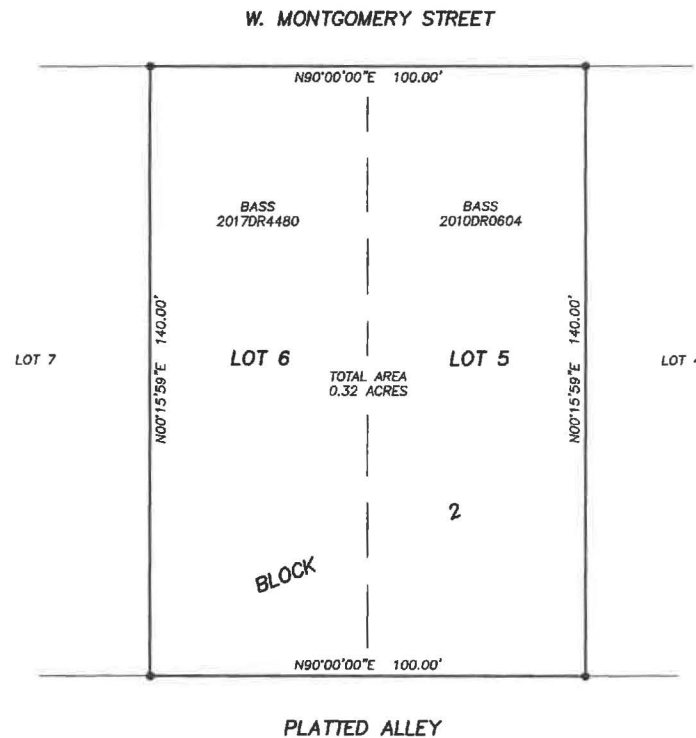
SURVEY PLAT PREPARED BY
Name of Land Surveyor: THOMAS G SISCO State Registration Number: 2003013180
Address: 1135 BUS HWY 13 LEONARD, MO Phone No. 660-259-2800 Fax No. _____

DOCUMENTS SUBMITTED WITH THIS APPLICATION
Survey & application

FEE \$ 110.00 DATE PAID 5/29/19 RECEIPT NO. 034263
One hundred dollars (\$100.00), plus ten dollars (\$10.00) for the first twenty five (25) lots, plus two dollars and fifty cents (\$2.50) for each additional lot thereafter.

CERTIFICATE OF SURVEY

A LOT MERGER OF LOTS 5 & 6,
BLOCK 2, ORIGINAL TOWN OF ODESSA,
LAFAYETTE COUNTY, MISSOURI



NOTES

1. BEARING SYSTEM IS ASSUMED.
2. NO INVESTIGATION OR INDEPENDENT SEARCH HAS BEEN MADE BY THIS SURVEYOR FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
3. THIS SURVEY MEETS OR EXCEEDS THE ACCURACY STANDARDS OF AN URBAN CLASS SURVEY AS DEFINED BY THE MISSOURI STANDARDS FOR PROPERTY BOUNDARY SURVEYS (20 CSR 2030-16.040).

SURVEYOR'S CERTIFICATION

I hereby certify that this survey was prepared by me or under my direct personal supervision, and that I am a duly registered Professional Land Surveyor under the laws of the State of Missouri, and that this survey was performed in accordance with the requirements of the current "Missouri Standards for Property Boundary Surveys" (20 CSR 2030-16), adopted by the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Professional Landscape Architects. If this document does not have an embossed seal and a stamp in red ink, it should be assumed to contain unauthorized alterations.

SISCO LAND SURVEYING, LLC

PO Box 84
Lexington, MO 64067
Phone (816) 868-6950
sicolandsurveying@gmail.com

Thomas G. Sisco
MO P.L.S. 2003013180

Survey For: HAROLD BASS
206 W. MONTGOMERY ST
ODESSA, MO 64076

Date: MAY 29, 2019

Project #: SLS-19-88



P.O. Box 128 • 125 S. Second • Odessa, MO 64076
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BOARD OF ALDERMEN ACTION REPORT

ISSUE: Request of a temporary amendment to Section 2.305-13 Fireworks of the Odessa Municipal Code to allow discharge of Fireworks beyond the dates allowed in the ordinance.

ACTION REQUESTED: Discussion and decision by the Board on the request

BACKGROUND: Previously the Board of Alderman have provided for exceptions to the City's ordinance and how it relates to the discharge of fireworks when the holiday falls in the middle of the week and does not encompass a full weekend. It is common for families to hold BBQ's, picnics, dinners, etc. around the Independence Day holiday and is more prevalent on a weekend.

Currently the ordinance allows the discharge of fireworks in residential areas on July 3rd, July 4th, and July 5th between the hours of 8:00 am - 10:00 pm. The City has received varying requests, most commonly to reflect the following times:

Wednesday, July 3, 2019 --- 8:00 am to 10:00 pm*

Thursday, July 4, 2019 --- 8:00 am to midnight

Friday, July 5, 2019 --- 8:00 am to 10:00 pm*

Saturday, July 6, 2019 --- 8:00 am to 10:00 pm

**denotes time is stated in the current ordinance*

FINANCIAL CONSIDERATIONS: There is no financial impact.

ATTACHMENTS: Current City Fireworks Ordinance

PREPARED BY:


Nici Wilson
City Administrator

DATED: June 20, 2019

CHAPTER TWO

POLICE CODE

- a. Threatening to commit a crime against any person; or
 - b. Fighting.
2. Private Peace Disturbance is punishable by a fine of up to Three Hundred and 00/100 (\$300.00) Dollars and/or a term of imprisonment not to exceed fifteen (15) days. [R.S.Mo. 574.020]

2.305-10 UNLAWFUL ASSEMBLY

1. A person commits the offense of Unlawful Assembly if he/she knowingly assembles with six or more other persons and agrees with such persons to violate any of the criminal laws of this City, State, or of the United States with force or violence.
2. Unlawful Assembly is punishable by a fine of up to Five Hundred and 00/100 (\$500.00) Dollars and/or up to ninety (90) days in jail. [R.S.Mo. 574.040]

2.305-11 RIOTING

1. A person commits the offense of Rioting if he/she knowingly assembles with six or more other persons and agrees with such persons to violate any of the criminal laws of this City, State or of the United States with force or violence and thereafter, while still so assembled, does violate any of said laws with force or violence.
2. Rioting is punishable by a fine up to Five Hundred and 00/100 (\$500.00) Dollars and/or up to ninety (90) days in jail. [R.S.Mo. 574.050]

2.305-12 REFUSAL TO DISPERSE

1. A person commits the offense of Refusal to Disperse if, being present at the scene of an unlawful assembly or at the scene of a riot, he/she knowingly fails or refuses to obey the lawful command of a law enforcement officer to depart from the scene of such unlawful assembly or riot.
2. Refusal to Disperse is punishable by a fine of up to Three Hundred and 00/100 (\$300.00) Dollars and a term of imprisonment not to exceed fifteen (15) days. [R.S.Mo. 574.060]

2.305-13 FIREWORKS

1. It shall be unlawful for any person, firm or corporation to sell, possess, or explode, or cause to be sold, possessed, or exploded, any firecrackers, cannon crackers, torpedoes, or fireworks in any form whatever within the City of Odessa, Missouri, except on residential property on July 3rd, July 4th and July 5th, between the hours of 8:00 a.m. and 10:00 p.m.
2. Provided that it shall not be unlawful for any person, firm or corporation to possess or explode fireworks of any kind if permission therefor has been expressly granted by the Board of Aldermen of the City of Odessa after request made of them by any responsible organization for the sponsorship of a free display of such fireworks in a designated area and at a designated time, such time and place to be specified in the permission granted by the Board of Alderman, and such display to be properly supervised by the sponsoring organization.
3. Fireworks are punishable by a fine up to Five Hundred and 00/100 (\$500.00) Dollars and/or up to ninety (90) days in jail. [R.S.Mo. 320.121]
4. Nothing in Section 2.305-13 shall be construed to prevent permittees from demonstrating or testing fireworks. Any such demonstration or test shall require the notification and approval of the local fire department and the Board of Aldermen. [RSMo 320.151(9)]

2.305-14 POSSESSION OF DEFACED FIREARM



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BOARD OF ALDERMEN ACTION REPORT

ISSUE: Revisions to the Odessa Municipal Code as it relates to legalizing medical marijuana and the changes to Article XIV of the Missouri Constitution following the approval of Amendment No. 2 in 2018.

ACTION REQUESTED: Board approval of the proposed ordinance adding Chapter 10 to the Odessa Municipal Code of Ordinances and the proposed resolution updating the City's Employee Handbook as it relates to the legalization of medical marijuana.

BACKGROUND: In November 2018, the voters of Missouri approved Amendment No. 2 which amended the Missouri Constitution to legalize medical marijuana. Following the outcome of this election, cities across Missouri began working with their legal counsel in an effort to be compliant with the new constitutional changes. Shortly after the first of the year, the Missouri Department of Health and Senior Services (DHSS), who was tasked with leading the establishment of the regulations and overseeing the implementation with the legalization of medical marijuana. City staff has been attending workshops and training since the beginning of the year provided by DHSS, attorneys, and the Missouri Municipal League. When the implementation timeline was published by DHSS, our staff agreed that while we would begin our initial discussion on our amendments we would not bring any proposed changes to the Board until the final rules and regulations were published by DHSS on June 4, 2019. We began working with our legal counsel at Lauber Municipal Law in April as draft regulations were published. We established our timeline for implementation in a manner to not rush our changes to approval, but to have them completed before the next DHSS timeline deadline.

Proposed to you at the June 24, 2019 meeting is a new chapter of our code that legalizes medical marijuana and puts forth the definitions and regulations in accordance with the Missouri Constitution. In addition, Chief Thompson has drafted the amendments to the criminal ordinances and controlled substances and his report is included in the packet for that proposed ordinance.

The July 8, 2019 meeting will include the necessary changes to our business license code to recognize dispensaries, cultivation, manufacturing, testing and transportation facilities in the fee schedule. Additionally, it is necessary that we amend our Employee Handbook to address any employees who may be a qualifying patient or a caregiver of a qualifying patient, while continuing to recognize that medical marijuana is still illegal at the federal level.

The last piece is the zoning amendments. Public notices will be published in The Odessa the next two (2) weeks notifying the public of the proposed zoning changes to establish the areas for dispensaries, cultivation, manufacturing, testing and transportation facilities. These proposals will go to the Planning and Zoning Commission on July 18, 2019 and then before the Board of Aldermen on July 22, 2019 to amend the zoning code.

FINANCIAL CONSIDERATIONS:

Should an applicant be awarded a license for a dispensary, the City will collect sales tax on the sale of the product at the current city sales tax rate in addition to the fees associated with the business license. Should an applicant of a cultivation facility be awarded a license in Odessa, we anticipate an increase to our revenues in our enterprise funds. Any approved facility would be subject to property tax assessments.

PREPARED BY: Nici Wilson
Nici Wilson
City Administrator

DATED: June 20, 2019

AN ORDINANCE OF THE CITY OF ODESSA, MISSOURI, AMENDING THE CITY OF ODESSA CODE OF ORDINANCES BY ADOPTING ONE NEW CHAPTER REGULATING MEDICAL MARIJUANA WITHIN THE CITY LIMITS.

WHEREAS, in the November 2018 election, Missouri voters approved an amendment to the Missouri Constitution, Article XIV, Section 1, legalizing medical marijuana; and

WHEREAS, the Board of Aldermen of the City of Odessa, Missouri, now desires to amend the City of Odessa Code of Ordinances in order to conform to the provisions of Article XIV, Section 1 of the Missouri Constitution, as well as all regulations enacted pursuant to Article XIV, Section 1.

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

SECTION 1: The City of Odessa Code of Ordinances is hereby amended to include one new chapter to read as follows:

Chapter 10 MEDICAL MARIJUANA

10.100 – DEFINITIONS

- (a) **Administer** means the direct application of marijuana to a qualifying patient by way of any of the following methods:
- (1) Ingestion of capsules, teas, oils, and other marijuana-infused products:
 - (2) Vaporization or smoking of dried flowers, buds, plant material, extracts, or oils:
 - (3) Application of ointments or balms:
 - (4) Transdermal patches and suppositories;
 - (5) Consuming marijuana-infused food products; or
 - (6) Any other method recommended by a Qualifying Patient's physician.
- (b) **Canopy space** means a space measured from the outermost point of a mature flowing plant in a designated growing area and continuing around the outside of all mature flowering plants in that designated growing area but not including space allocated for walkways or ancillary equipment. This space may be spread over a single level or several levels.
- (c) **Church** means a permanent building primarily and regularly used as a place of religious worship.

- (d) **Daycare** means a child-care facility, as defined by Section 210.201, RSMo., that is licensed by the state of Missouri.
- (e) **Department** means the Department of Health and Senior Services, or its successor agency.
- (f) **Dried, unprocessed marijuana or its equivalent** means the marijuana flower after it has been cured and trimmed or its equivalent amount of marijuana concentrate or THC. For purposes of purchase and possession limitations, one (1) ounce of dried, unprocessed marijuana is equivalent to eight (8) grams of medical marijuana concentrate or eight hundred (800) milligrams of THC in infused products.
- (g) **Elementary or secondary school** means any public school as defined in Section 610.011, RSMo., or any private school giving instruction in a grade or grades not higher than the twelfth (12th) grade, including any property owned by the public or private school that is regularly used for extracurricular activities, but does not include any private school in which education is primarily conducted in private homes.
- (h) **Enclosed, locked facility** means:
- (1) An indoor stationary closet, room, garage, greenhouse, or other comparable fully enclosed space equipped with locks or other functioning security devices that permit access only to the qualifying patient(s) or primary caregiver(s) who have informed the department that this is the space where they will cultivate marijuana; or
 - (2) An outdoor stationary structure:
 - a. That is enclosed on all sides, except at the base, by chain-link fencing, wooden slats, or a similar material that is anchored, attached or affixed to the ground and that cannot be accessed from the top;
 - b. In which the plants are not visible to the unaided eye from an adjacent property when viewed by an individual at ground level or from a permanent structure at any level; and
 - c. That is equipped with locks or other security devices that restrict access to only the qualifying patient(s) or primary caregiver(s) who have informed the department that this is the space where they will cultivate marijuana.
- (i) **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.

- (j) **Flowering plant** means a marijuana plant from the time it exhibits the first signs of sexual maturity through harvest.
- (k) **Harvest lot** means a specifically identified quantity of marijuana that is uniform in strain, cultivated utilizing the same growing practices, harvest within a seventy-two (72) hour period at the same location, and cured under uniform conditions.
- (l) **Identification card** means a document, whether in paper or electronic format, issued by the department that authorizes a qualifying patient, primary caregiver, or employee or contractor of a licensed facility to access medical marijuana as provided by law.
- (m) **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 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.
- (n) **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.
- (o) **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.
- (p) **Medical marijuana dispensary facility** or **Dispensary** 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.
- (q) **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.
- (r) **Medical marijuana testing facility** means a facility certified by the department to acquire, test, certify, and transport marijuana.
- (s) **Medical marijuana transportation facility** means a facility certified by the department to transport marijuana to a qualifying patient, a primary caregiver, a medical marijuana

cultivation facility, a medical marijuana-infused products manufacturing facility, a medical marijuana dispensary facility, a medical marijuana testing facility, or another medical marijuana transportation facility.

- (t) **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 marijuana-infused product, for the benefit of a qualifying patient to mitigate symptoms or effects of the patient's qualifying medical condition.
- (u) **Physician** means an individual who is licensed and in good standing to practice medicine or osteopathy under Missouri law.
 - (1) A license is in good standing if it registered with the Missouri Board of Healing Arts as current, active, and not restricted in any way, such as by designation as temporary or limited.
 - (2) Practice of medicine or osteopathy means practice by persons who hold a physician and surgeon license pursuant to Chapter 334 RSMo, including those who are admitted to practice in Missouri by reciprocity pursuant to 334.043, RSMo.
- (v) **Primary caregiver** means an individual twenty-one (21) 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 identification card under this chapter or in other written notification to the department.
- (w) **Public place** means any public or private property, or portion of public or private property, that is open to the general public, including, but not limited to, sidewalks, streets, bridges, parks, schools and businesses. However, for purposes of designating a non-public place within a public place, the owner or entity with control of any such property may, but is not required to, provide one or more enclosed, private spaces where one qualifying patient and, if required by the owner or entity with control of any such property, a representative of such owner or entity, may congregate for the qualifying patient to consume medical marijuana. The qualifying patient may be accompanied by the family of the qualifying patient, the qualifying patient's primary caregiver, and/or the qualifying patient's physician. The owner or entity with control of any such property may provide such a space by individual request or designate such space for ongoing use and may limit use of medical marijuana in that space to uses that do not produce smoke. Any such permission shall be given in writing and provided to the qualifying patient or publicly posted prior to a qualifying patient's use of medical marijuana in that space.
- (x) **Qualifying medical condition** means the condition of, symptoms related to, or side-effects from the treatment of:
 - (1) Cancer;

- (2) Epilepsy;
- (3) Glaucoma;
- (4) Intractable migraines unresponsive to other treatment;
- (5) 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;
- (6) Debilitating psychiatric disorders, including, but not limited to, posttraumatic stress disorder, if diagnosed by a state licensed psychiatrist;
- (7) Human immunodeficiency virus or acquired immune deficiency syndrome;
- (8) 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;
- (9) Any terminal illness; or
- (10) 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.

(y) **Qualifying patient** means a Missouri resident diagnosed with at least one (1) qualifying medical condition.

(z) **Statewide track and trace system** means the system the department uses to track medical marijuana from either the seed or immature plant stage until the medical marijuana sold to a qualifying patient or primary caregiver to ensure that all medical marijuana sold in Missouri was cultivated or manufactured in Missouri, that all medical marijuana cultivated or manufactured in Missouri is sold only by dispensaries and only to individuals in possession of a valid qualifying patient or primary caregiver identification card, and that any given qualifying patient or primary caregiver is only purchasing the amount of medical marijuana he or she is approved to purchase at any given time.

10.101 - No additional licenses.

- (a) Medical marijuana facilities shall be required to be properly licensed and/or certified by the Missouri Department of Health and Senior Services as required by 19 CSR 30-95. Each medical marijuana facility in operation shall obtain a separate license, but multiple licenses may be utilized in a single location. All licenses shall be displayed at all times within twenty (20) feet of the main entrance to the medical marijuana facility.

- (b) Furthermore, all medical marijuana facilities shall be required to have a city business license as required in Chapter Three of the City of Odessa Code of Ordinances but shall not be required to have any other city issued license.

10.102 – Facilities operation, policies and procedures, generally.

- (a) In addition to the requirements of 19 CSR 30-95, medical marijuana facilities shall also comply with the following:
- (b) No medical marijuana dispensary facility shall be sited within one thousand (1,000) feet of any then-existing elementary or secondary school, daycare, or church. No medical marijuana cultivation facility, medical marijuana-infused products manufacturing facility, medical marijuana testing facility or medical marijuana transportation facility shall be sited within five hundred (500) feet of any then-existing elementary or secondary school, daycare, or church.
 - (1) 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 in proximity to the school, daycare, or church to the 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.
 - (2) 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 shall be measured from the property line of 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.
 - (3) Measurements shall be made along the shortest path between the demarcation points that can be lawfully traveled by foot.
- (c) All marijuana for medical use, including plants, flowers, and infused products, sold in Missouri shall be cultivated in a licensed cultivation facility located in Missouri. After December 31, 2020, marijuana for medical use shall be grown from seeds or plants obtained from a Missouri licensed cultivation or dispensary facility.
- (d) Signage and advertising on facility premises must comply with the following:
 - (1) A facility may not display marijuana, marijuana paraphernalia, or advertisements for these items in a way that is visible to the general public from a public right-of-way.

(2) Outdoor signage and, if visible to the public, interior signage must comply with the provisions of Chapter Eight, Section 1. Subchapter I of the City of Odessa Code of Ordinances for signs or advertising and:

- a. May not display any text other than the facility's business name or trade name, address, phone number, and website; and
- b. May not utilize images or visual representations of marijuana plants, products, or paraphernalia, including representations that indicate the presence of these items, such as smoke.

10.103 - Possession and transportation. No person shall possess and/or transport medical marijuana within the city limits, except:

- (a) A qualifying patient for the qualifying patient's own personal use, in an amount no greater than the law allows, or
- (b) A primary caregiver of a qualifying patient(s) but only when transporting medical marijuana to a qualifying patient or when accompanying a qualifying patient(s) or when holding for a qualifying patient while with the qualifying patient or at the primary caregiver's residence, or
- (c) An owner or an employee of a medical marijuana facility within the enclosed building licensed as such, or when delivering directly to a qualifying patient's or primary caregiver's residence, or another medical marijuana facility, or to multiples of these locations. This provision shall only apply to transportation of medical marijuana while within the city limits and shall not apply to transportation outside the city limits or to and from locations outside the State of Missouri. This provision will not be construed to prohibit the growing of marijuana outdoors by a holder of a medical marijuana cultivation facility license or a qualifying patient or primary caregiver for personal use, so long as the requirements of the department are complied with.

10.104 – Transportation facilities.

- (a) In addition to the requirements for cultivation facilities in Section 10.102 of this Chapter and 19 CSR 30-95.100, cultivation facilities shall also comply with the following:
 - (1) Transportation facilities shall transport all medical marijuana from an originating facility to a destination facility within twenty-four (24) hours.
 - (2) No marijuana may be smoked, ingested, or otherwise consumed on the premises of any transportation facility at any time.

10.105 - Cultivation facilities.

- (a) In addition to the requirements for cultivation facilities in Section 10.102 of this Chapter and 19 CSR 30-95.050, cultivation facilities shall also comply with the following:

- (b) Cultivation facilities may cultivate medical marijuana in indoor, outdoor, or greenhouse facilities or some combination of the three (3):
 - (1) Each indoor facility utilizing artificial lighting will be limited to no more than thirty thousand (30,000) square feet of flowering plant canopy space.
 - (2) Each outdoor facility utilizing natural lighting will be limited to no more than two thousand eight hundred (2,800) flowering plants.
 - (3) Each greenhouse facility using a combination of natural and artificial lighting will be limited to, at the election of the licensee, either no more than two thousand eight hundred (2,800) flowering plants or no more than thirty thousand (30,000) square feet of flowering plant canopy space.
 - (4) If a cultivation facility is operating with multiple cultivation licenses in the same location, the size limitations of the cultivation facility will be multiplied by the number of licenses.
- (c) No marijuana may be smoked, ingested, or otherwise consumed on the premises of any cultivation facility at any time.
- (d) Cultivation facilities, except those in rural, unincorporated agricultural areas, must develop, implement and maintain an odor control plan, which shall address odor mitigation practices including, but limited to, engineering controls.
- (e) No cultivation facility shall emit any odor of marijuana which is capable of being detected by a person of ordinary senses outside of the boundary of the lot on which the facility is located. If a cultivation facility is located in a multiple-tenant building, the cultivation facility shall not emit any odor of marijuana which is capable of being detected by a person of ordinary senses outside of the tenant space in which the cultivation facility is located.
- (f) Cultivation facilities may only transport medical marijuana:
 - (1) That the facility cultivated;
 - (2) To a dispensary, testing, or manufacturing facility;
 - (3) If the facility complies with the requirements of 19 CSR 30-95.100(2).
- (g) Cultivation facilities shall not transfer medical marijuana from the facility, except to a testing facility, until the medical marijuana has been tested by a testing facility, according to the provisions of 19 CSR 30-95.070, and the cultivation facility has received verification from the testing facility that the medical marijuana has passed all required testing.
- (h) Cultivation facilities shall store all medical marijuana:
 - (1) At the approved location of the facility; or

- (2) In offsite warehouses that comply with the security requirements of 19 CSR 30-95.040(4)(H), the location requirements of 19 CSR 30-95.040(4)(B), and that have been approved pursuant to 19 CSR 30-95.040(3)(C).

10.106 - Medical marijuana dispensary facilities.

(a) In addition to the requirements for dispensary facilities in Section 10.102 of this Chapter and 19 CSR 30-95.080, dispensary facilities shall also comply with the following:

- (1) Dispensary facilities shall not be open to the public or make any sales between the hours of 7:00 p.m. and 7:00 a.m.
- (2) No marijuana, of any type, may be smoked, ingested, or otherwise consumed on the premises of any dispensary facility at any time, nor shall the licensee permit such consumption.
- (3) Dispensary facilities shall not sell medical marijuana until the medical marijuana has been tested by a testing facility, according to the provisions of 19 CSR 30-95.070, and has been verified as passing all required testing.
- (4) Dispensary facilities may only transport medical marijuana:
 - a. To qualifying patients, primary caregivers, testing, manufacturing and other dispensary facilities;
 - b. If the facility complies with the requirements of 19 CSR 30-95.100(2).
- (5) Dispensary facilities that sell ingestible medical marijuana-infused products shall comply with the applicable food safety standards set forth in 19 CSR 20-1.025.
- (6) Dispensary facilities shall store all medical marijuana:
 - a. At the approved location of the facility; or
 - b. In offsite warehouses that comply with the security requirements of 19 CSR 30-95.040(4)(H), the location requirements of 19 CSR 30-95.040(4)(B), and that have been approved pursuant to 19 CSR 30-95.040(3)(C).
- (7) Dispensary facilities shall only sell medical marijuana seeds acquired from licensed medical marijuana cultivation facilities.
- (8) Dispensary facilities shall not sell medical marijuana to a qualifying patient or primary caregiver in amounts greater than what that individual is currently authorized to purchase per the statewide track and trace system.

- (9) Dispensary facilities shall not sell medical marijuana seeds to a qualifying patient or primary caregiver who is not currently authorized to cultivate medical marijuana.
- (10) Dispensary facilities may not disburse medical marijuana as part of a promotional event.
- (11) Dispensary facilities shall require every customer to display the customer's identification card issued by the Missouri Department of Health and Senior Services or other proof of eligibility at the time of each purchase.
- (12) No person under the age of eighteen (18) years old shall be permitted into a dispensary facility, except that a qualifying patient who is under the age of eighteen (18) years but who has been emancipated by a court order and a qualifying patient, under the age of eighteen (18) years when accompanied by the qualifying patient's parent or guardian.
- (13) No dispensary shall emit any odor of marijuana which is capable of being detected by a person of ordinary senses outside of the boundary of the lot on which the facility is located. If a dispensary is located in a multiple-tenant building, the dispensary shall not emit any odor of marijuana which is capable of being detected by a person of ordinary senses outside of the tenant space in which the dispensary is located.
- (14) Each dispensary shall be operated from a permanent and fixed location. No dispensary shall be permitted to operate from a moveable, mobile, or transitory location. This subsection shall not prevent the physical delivery of medical marijuana to a qualifying patient or primary caregiver at a location off of the premises of the licensee's dispensary, to the extent so permitted by law.

10.107 - Medical marijuana-infused products manufacturing facilities.

(a) In addition to the requirements for manufacturing facilities in Section 10.102 of this Chapter and 19 CSR 30-95.060, manufacturing facilities shall also comply with the following:

- (1) Facilities must develop, implement, and maintain an odor control plan, which shall address odor mitigation practices, including, but not limited to, engineering controls.
- (2) Manufacturing facilities that produce ingestible medical marijuana-infused products shall comply with the applicable food safety standards set forth in 19 CSR 20-1.023, 1.040 and 1.050, as applicable. Such facilities are prohibited from producing frozen desserts, as defined by 19 CSR 20-1.030, or acidified foods, as defined by 19 CSR 20-1.042.

- (3) Manufacturing facilities shall store all medical marijuana:
 - a. At the approved location of the facility; or
 - b. In offsite warehouses that comply with the security requirements of 19 CSR 30-95.040(4)(H), the location requirements of Sec. 27-3 of this Chapter and that have been approved pursuant to 19 CSR 30-95.040(3)(C).
- (4) No marijuana may be smoked, ingested, or otherwise consumed on the premises of any manufacturing facility at any time.
- (5) Manufacturing facilities that use volatile solvents shall install air-handling systems and other controls designed to minimize the risks of explosions and fires. These controls should include systems to prevent ignition; plans for safe storage, use, and disposal of solvents; and policies for continuous staff monitoring of all processes involving volatile solvents.
- (6) No manufacturing facility shall emit any odor of marijuana which is capable of being detected by a person of ordinary senses outside of the boundary of the lot on which the facility is located. If a manufacturing facility is located in a multiple-tenant building, the manufacturing facility shall not emit any odor of marijuana which is capable of being detected by a person of ordinary senses outside of the tenant space in which the dispensary is located.

10.108 - Medical marijuana testing facilities.

- (a) In addition to the requirements for testing facilities in Section 10.102 of this Chapter and 19 CSR 30-95.070, testing facilities shall also comply with the following:
 - (1) No marijuana may be smoked, ingested, or otherwise consumed on the premises of any testing facility.
 - (2) No testing facility shall emit any odor of marijuana which is capable of being smelled by a person of ordinary senses outside of the boundary of the lot on which the facility is located. If a testing facility is located in a multiple-tenant building, the testing facility shall not emit any odor of marijuana which is capable of being detected by a person of ordinary senses outside of the tenant space in which the testing facility is located.

10.109 – Purchase and possession limitations.

- (a) Qualifying patients may only purchase, or have purchased on their behalf by their primary caregiver(s), four (4) ounces of dried, unprocessed marijuana per qualifying patient, or its equivalent, in a thirty (30) day period.

- (b) Qualifying patients may only possess, or instruct a primary caregiver to possess on their behalf:
 - (1) In the case of qualifying patients who do not cultivate or have medical marijuana cultivated on their behalf, up to a sixty (60) day supply of dried, unprocessed marijuana per qualifying patient, or its equivalent; or
 - (2) In the case of qualifying patients who are cultivating marijuana for medical use or whose primary caregivers are cultivating marijuana on their behalf, up to a ninety (90) day supply of dried, unprocessed marijuana or its equivalent, so long as the supply of medical marijuana cultivated by the qualifying patients or primary caregivers remains on property under their control.
- (c) All medical marijuana purchased from a dispensary must be stored in or with its original packaging.
- (d) Primary caregivers 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, each of which shall be stored separately for each qualifying patient and labeled with the qualifying patient's name.
- (e) Purchase and possession limits established in this section shall not apply to a qualifying patient with written certification from two (2) independent physicians that there are compelling reasons why the qualifying patient needs a greater amount than the limits established in this section:
 - (1) In such a case, both independent physicians must state in their certifications what amount the qualifying patient requires, which shall then be that patient's limit.
 - (2) If the two (2) independent physicians disagree on what amount should be patient's limit, the lower of the two (2) amounts shall be that patient's limit.
 - (3) If the patient's limit is increased after receiving a qualifying patient identification card, the qualifying patient or primary caregiver shall notify the department in a department-approved format within ten (10) days of the change.

10.110 - Qualifying patient cultivation. All qualifying patient cultivation shall take place in an enclosed, locked facility, as defined in this Section 10.100 of this Chapter.

- (a) One (1) qualifying patient may cultivate up to six (6) flowering marijuana plants, six (6) nonflowering marijuana plants (over fourteen (14) inches tall), and six (6) clones (plants under fourteen (14) inches tall) at any given time in a single, enclosed locked facility. No more than twelve (12) flowering marijuana plants, twelve (12) nonflowering plants, and twelve (12) clones may be cultivated in a single, enclosed locked facility, except when one (1) of the qualifying patients, as a primary caregiver, also holds a patient cultivation identification card for a third qualifying patient, in which case that primary caregiver may cultivate six (6) additional flowering marijuana plants, six (6) additional nonflowering marijuana plants, and six (6) additional clones for a total of eighteen (18) flowering plants, eighteen (18) nonflowering marijuana plants, and eighteen (18) clones in a single, enclosed locked facility.

- (b) Under no circumstance will a qualifying patient be entitled to cultivate, or have cultivated on his or her behalf, more than six (6) flowering marijuana plants.
- (c) Nothing in this section shall convey or establish a right to cultivate medical marijuana in a facility where state law or a private contract would otherwise prohibit doing so.
- (d) All cultivated flowering marijuana plants in the possession of a qualifying patient or primary caregiver shall be clearly labeled with the qualifying patient's name.
- (e) No qualifying patient or primary caregiver shall be permitted to use combustible gases or other dangerous materials to extract resins from marijuana.

10.111 - Residential cultivation. To the extent allowed by state law, marijuana for medicinal purposes may be cultivated in a residential structure, provided:

- (a) The structure is the primary residence of a primary caregiver or qualifying patient and the marijuana is grown solely for the use of the qualifying patient who resides there or who is under the care of the primary caretaker.
- (b) All residential medical marijuana cultivation by a qualifying patient or primary caregiver shall be done in such a way as to prevent odors of marijuana from being detected by a person of ordinary senses beyond the boundary of the lot upon which the medical marijuana plants are located. If a qualifying patient or primary caregiver cultivates medical marijuana in a multiple-tenant building, the qualifying patient or primary caregiver shall not permit odors of marijuana which are capable of being detected by a person of ordinary senses outside of the tenant space the qualifying patient or primary caregiver occupies.
- (c) No manufacturing of marijuana-infused products shall occur in any residential structure.
- (d) All residential cultivation must comply with the security and other requirements of state law and the rules of the department.
- (e) The qualifying patient or primary caregiver has notified the city clerk, including providing proof of eligibility, on a form provide by the city clerk, so that law enforcement and code officials will be aware that the cultivation is lawfully taking place.

10.112 - Residential Consumption. Qualifying patients may consume medical marijuana in their private residence, or in the residence of another with permission, but may not dispense or smoke marijuana in such a manner that the marijuana smoke or odor, exits the residence. If marijuana smoke or odor is capable of being detected by a person of ordinary senses beyond the property line of single-family home or outside of the owned or leased premises of a duplex or multifamily unit there shall be a rebuttable presumption that this section has been violated. In a multifamily or similar dwelling, medical marijuana may not be dispensed or consumed in any common area.

10.113 - Disposal of medical marijuana.

- (a) Any excess or unusable medical marijuana or medical marijuana byproduct of a cultivation, manufacturing, dispensary, testing, or transportation facility shall be disposed of pursuant to the requirements of 19 CSR 30-95.040(4).
- (b) In any case where a qualifying patient is no longer entitled to medical marijuana under any provision of state law or is deceased, any excess medical marijuana or marijuana plants in the possession of the qualifying patient or the patient's primary caregiver or discovered by a third party shall be turned over to a licensed dispensary for disposal pursuant to the requirements of 19 CSR 30-95.030(9).

SECTION 2: This Ordinance shall be in full force and effect from and after the date of its passage and approval.

SECTION 3: The provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

SECTION 4. All existing ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of the conflict.

Read the first time by title only and approved by the Board of Aldermen of the City of Odessa, Missouri, this ____ day of _____, 2019.

Read the second time by title only and approved by the Board of Aldermen of the City of Odessa, Missouri, this ____ day of _____, 2019.

Adam Couch, Mayor

ATTEST:

Peggy Eoff, City Clerk



Odessa Police Department

310 S First Street • Odessa, MO 64076
Phone: 816-633-7575 • Fax: 816-633-7221 • odessapd@cityofodessamo.com

BOARD OF ALDERMEN ACTION REPORT

offenses, and enforcement.

ACTION: Review, discuss, pass specific municipal code changes relating to controlled substances and impaired driving offenses.

BACKGROUND:

In November 2018 Missouri voters passed Missouri Constitutional Amendment 2 allowing for the manufacturing, cultivation and possession of medical marijuana by qualifying persons. Based on a number of meetings and discussions on proposed municipal code changes, City Administrator Wilson and I have drafted a proposed bill as it relates to controlled substances and impaired driving offenses. If passed, this bill will repeal specific existing Odessa code and replace it with new code that is in compliance with Article XIV of the Missouri Constitution. I have worked many hours with my staff and with Attorney Julian Hartner of Lauber Municipal Law, LLC on these revisions.

FINANCIAL CONSIDERATIONS:

The Department of Health and Senior Services is the state agency in charge of administering the medical marijuana program in Missouri. I have met with DHSS Division Director Lyndall Fraker. DHSS will employ compliance investigators that have no criminal enforcement authority. Criminal enforcement will be the responsibility of the local law enforcement jurisdictions.

Ordinance violations relating to controlled substances and impaired driving offenses carry a punishment of a fine up to \$500 and/or 90 days in jail.

ATTACHMENTS:

Proposed Odessa Municipal Code change.

PREPARED BY


Josh Thompson
Chief of Police

DATED August 20, 2019

AN ORDINANCE OF THE CITY OF ODESSA, MISSOURI, AMENDING CHAPTER TWO POLICE CODE OF THE ODESSA MUNICIPAL CODE, BY AMENDING SECTIONS 2.308-1 THROUGH 2.308-12, REPEALING AND REPLACING SECTIONS 2.410-26, 2.410-27, ADDING SECTIONS 2.410-28 AND 2.410-29, RENUMBERING SECTION 2.410-28 REGARDING MEDICAL MARIJUANA, CONTROLLED SUBSTANCES, AND DRIVING WHILE INTOXICATED OR UNDER THE INFLUENCE.

WHEREAS, in the November 2018 election, Missouri voters approved an amendment to the Missouri Constitution, Article XIV, legalizing medical marijuana; and

WHEREAS, certain sections of Chapter Two of the Odessa Municipal Code must be amended in order to conform to the provisions of Article XIV of the Missouri Constitution; and

WHEREAS, the Chief of Police of the Odessa Police Department has identified additional amendments that are needed in order to update Chapter Two of the Odessa Municipal Code with current state statutes;

WHEREAS, renumbering of certain sections is necessary to accommodate these changes; and

WHEREAS, the Board of Aldermen of the City of Odessa, Missouri, now desires to amend Chapter Two of the Odessa Municipal Code

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

SECTION 1: That Sections 2.308-1 through 2.308-12 Regulation of Controlled Substances be repealed and replaced with the following:

2.308-1 DEFINITIONS

1. **Administer** – The direct application of a drug or controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:
 - a. A practitioner (or, in his presence, by his authorized agent), or
 - b. The patient or research subject at the direction and in the presence of the practitioner.
2. **Controlled Substance** – Any drug or substance included in Schedules I through V of the Uniform Controlled Substances Act found in Chapter 195, of the Missouri Statutes Annotated; including, but not limited to:
 - a. Cocaine and its derivatives.
 - b. Opiates and opium derivatives such as heroin, codeine, pethidine, and morphine.
 - c. Hallucinogenic substances including lysergic acid diethylamide, marijuana (cannabis sativa L), including seeds of mature plants, mescaline, psilocybin, and various types of methoxyamphetamines.
 - d. Stimulants such as amphetamines and methamphetamines.
 - e. Barbiturates and other depressants such as amobarbital, secobarbital, pentobarbital, phenobarbital, methaqualone, phencyclidine, and diazepam.
 - f. Synthetic cannabinoid, sometimes known as K-2, K-3, or Spice.

3. **Deliver or Delivery** – The actual, constructive or attempted transfer from one person to another of a controlled substance, drug paraphernalia or simulated drug or simulated controlled substance whether or not there is any agency relationship.
4. **Dispense** – To deliver a drug or controlled substance to an ultimate user or research subject by or pursuant to the unlawful order of a practitioner including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for such delivery.
5. **Distribute** – To deliver other than by administering or dispensing a drug or controlled substance.
6. **Drug**
 - a. Substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States or Official National Formulary or any supplement to any of them; or
 - b. Substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals; or
 - c. Substances intended for use as a component of any article specified in this definition. It does not include devices or their components, parts, or accessories.
7. **Drug Paraphernalia** – All equipment, products and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, re-packaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of Chapter 195, RSMo It includes, but is not limited to:
 - a. Kits used or intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
 - b. Kits used or intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;
 - c. Isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled substance;
 - d. Testing equipment used or intended for use in identifying. or in analyzing the strength, effectiveness or purity of controlled substances;
 - e. Scales and balances used or intended for use in weighing or measuring controlled substances;
 - f. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use in cutting controlled substances;
 - g. Separation gins and sifters used or intended for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
 - h. Blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances;
 - i. Capsules, balloons, envelopes and other containers used or intended for use in packaging small quantities of controlled substances;
 - j. Containers and other objects used or intended for use in storing or concealing controlled substances;
 - k. Hypodermic syringes, needles and other objects used or intended for use in

- parenterally injecting controlled substances into the human body;
- i. Objects used or intended for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:
 - (1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
 - (2) Water pipes;
 - (3) Carburetion tubes and devices;
 - (4) Smoking and carburetion masks;
 - (5) Cocaine vials;
 - (6) Chamber pipes;
 - (7) Carburetor pipes;
 - (8) Electric pipes;
 - (9) Air-driven pipes;
 - (10) Chillums;
 - (11) Bong;
 - (12) Ice pipes or chillers.

In determining whether an object, product, substance, or material is drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

- a. Statements by an owner or by anyone in control of the object concerning its use;
- b. Prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to any controlled substance or imitation controlled substance;
- c. The proximity of the object, in time and space, to a direct violation of this chapter.
- d. The proximity of the object to controlled substances or imitation controlled substances;
- e. The existence of any residue of controlled substances or imitation controlled substances on the object;
- f. Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he or she knows, or should reasonably know, intend to use the object to facilitate a violation of this chapter; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this chapter shall not prevent a finding that the object is intended for use, or designed for use as drug paraphernalia;
- g. Instructions, oral or written, provided with the object concerning its use;
- h. Descriptive materials accompanying the object which explain or depict its use;
- i. National or local advertising concerning its use;
- j. The manner in which the object is displayed for sale.
- k. Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- l. Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
- m. The existence and scope of legitimate uses for the object in the community;
- n. Expert testimony concerning its use;
- o. The quantity, form or packaging of the product, substance or material in relation to

the quantity, form or packaging associated with any legitimate use for the product, substance or material;

- p. The remaining provisions of this section notwithstanding, the definition of 'paraphernalia' as used herein shall not include devices used in the propagation, measurement, or administration of medical marijuana, as defined by Article XIV, Section 1, of the Missouri Constitution if such paraphernalia is being (a) used by a person lawfully authorized to do so, and (b) such person is carrying proof of his or her lawful authorization at the time he or she is in possession of such paraphernalia.

8. **Imitation controlled substance** – A substance that is not a controlled substance, which by dosage unit appearance (including color, shape, size and markings), or by representations made, would lead a reasonable person to believe that the substance is a controlled substance. In determining whether the substance is an imitation controlled substance the court or authority concerned should consider, in addition to all other logically relevant factors, the following:

- a. Whether the substance was approved by the federal Food and Drug Administration for over-the-counter (nonprescription or nonlegend) sales and was sold in the federal Food and Drug Administration approved package, with the federal Food and Drug Administration approved labeling information;
- b. Statements made by an owner or by anyone else in control of the substance concerning the nature of the substance, or its use or effect;
- c. Whether the substance is packaged in a manner normally used for illicit substances;
- d. Prior convictions, if any, of an owner, or anyone in control of the object, under state or federal law related to controlled substances or fraud;
- e. The proximity of the substances to controlled substances;
- f. Whether the consideration tendered in exchange for the noncontrolled substance substantially exceeds the reasonable value of the substance considering the actual chemical composition of the substance and, where applicable, the price at which over-the-counter substances of like chemical composition sell. An imitation controlled substance does not include a placebo or registered investigational drug either of which is manufactured, distributed, possessed or delivered in the ordinary course of professional practice or research.

9. **License or Licensed** – Persons required to obtain annual registration as issued by the State Division of Health as provided by Section 195.030 RSMo.

10. **Manufacture** – The production, preparation, propagation, compounding, or processing of a drug paraphernalia or of a controlled substance either directly or by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or re-packaging of the substance or labeling or re-labeling of its container, except that this term does not include the preparation or compounding of a controlled substance or an imitation controlled substance or the preparation, compounding, packaging or labeling of a narcotic or dangerous drug:

- a. By a practitioner as an incident to his or her administering or dispensing of a controlled substance or an imitation controlled substance in the course of his or her

- professional practice; or
- b. By a practitioner or by his or her authorized agent under his or her supervision, for the purpose of, or as an incident to, research, teaching or chemical analysis and not for sale.
11. **Marijuana** – All parts of all varieties of the plant Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake or the sterilized seed of the plant which is incapable of germination. This shall not include marijuana that is used pursuant to Article XIV, Section 1 of the Missouri Constitution.
12. **Medical Marijuana** – Marijuana as defined and used in accordance with the provisions of Article XIV, Section 1 of the Missouri Constitution, as well as any and all regulations issued by the Missouri Department of Health and Senior Services.
13. **Medical Marijuana Facility** – A facility licensed by the Missouri Department of Health and Senior Services to operate as a medical marijuana cultivation facility, medical marijuana dispensary facility, medical marijuana-infused products manufacturing facility, medical marijuana testing facility or a medical marijuana transportation facility as those facilities are defined in Article XIV, Section 1 of the Missouri Constitution.
14. **Person** – An individual, corporation, government, or governmental subdivision or agency, business trust, estate trust, partnership or association or any other legal or commercial entity.
15. **Pharmacist** – A licensed pharmacist as defined by the laws of Missouri, and where the context so requires, the owner of a store or other place of business where controlled substances are compounded or dispensed by a licensed pharmacist; but nothing in this chapter shall be construed as conferring on a person who is not registered nor licensed as a pharmacist any authority, right or privilege that is not granted to him by the pharmacy laws of the State of Missouri.
16. **Practitioner** – A physician, (MD or DO)dentist, optometrist, podiatrist, veterinarian, scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by the state of Missouri to distribute, dispense, conduct research with respect to or administer or to use in teaching or chemical analysis, or a controlled substance in the course of professional practice or research in the state of Missouri, or a pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice and research.
17. **Primary Caregiver** – An individual twenty-one (21) 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 the provisions of Article XIV, Section 1 of the Missouri Constitution or in other written notification to the Missouri Department of Health and Senior Services.

18. **Production** – Includes the manufacture, planting, cultivation, growing or harvesting of drug paraphernalia or of a controlled substance or an imitation controlled substance.
19. **Qualifying Patient** – A Missouri resident diagnosed with at least one (1) qualifying medical condition as defined by Article XIV, Section 1 of the Missouri Constitution.
20. **Synthetic Cannabinoid** – Includes unless specifically excepted or unless listed in another schedule, any natural or synthetic material, compound, mixture, or preparation that contains any quantity of a substance that is a cannabinoid receptor agonist, including but not limited to any substance listed in paragraph (II) of subdivision (4) of subsection 2 or RSMo 195.017 and any analogues; homologues; isomers, whether optical, positional, or geometric; esters; ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of the isomers, ester, ethers, or salts is possible within the specific chemical designation, however, it shall not include any approved pharmaceutical authorized by the United States Food and Drug Administration.
21. **Wholesaler** – A person who supplies drug paraphernalia or controlled substances or imitation controlled substances that he himself has not produced or prepared, on official written orders, but not on prescriptions.

2.308-2 CONTROLLED SUBSTANCES

1. Pursuant to Article XIV, Section 1 of the Missouri Constitution, no person shall possess or have under his/her control, any amount of marijuana, except:
 - a. A qualifying patient for their own personal use, in an amount no greater than Missouri law allows; or
 - b. A primary caregiver for a qualifying patient(s), but only when transporting medical marijuana to a qualifying patient, or when accompanying a qualifying patient(s); or
 - c. An owner or employee of a state licensed medical marijuana facility while on the premises of said facility, or when transporting to a qualifying patient's, or primary caregiver's residence, or to another state licensed medical marijuana facility.
2. No person shall sell, give away, manufacture, use or possess for any purpose whatever any controlled substance except as provided herein.
 - a. Distributing by licensed practitioners is permitted under the following conditions:
 - (1) *Practitioners* – A licensed practitioner shall be permitted to dispense or distribute controlled substances and drugs to a person in the course of his professional practice only; and such licensed practitioner shall not be permitted to possess controlled substances for any other purpose.
 - (2) *Pharmacists* – A licensed pharmacist shall be permitted to dispense or distribute controlled substances and drugs to persons under and in pursuance of written prescriptions issued by any licensed practitioner; and such licensed pharmacist shall not be permitted to possess controlled substances for any other purpose.

- (3) *Record of Distribution* – All instances of professional distribution of controlled substances and drugs as provided for herein shall be recorded in suitable form and filed and preserved in a manner so as to be readily accessible for inspection by any law enforcement officer of the city.
- b. Any person shall be permitted to possess controlled substances distributed or dispensed to him under the provisions of this section, but such possession and use must be in accordance with the prescription and prescribed treatment.
 - c. A person who is a licensed manufacturer, warehouse-man, or wholesaler of controlled substances shall be permitted to possess controlled substances for the purposes of wholesale delivery, compounding, preparation, and manufacture only; and the same shall only be resold to other persons permitted by this section to resell, or dispense or distribute controlled substances in the course of a licensed manufacturing or wholesale business, a licensed professional practice, or a licensed pharmaceutical business. A licensed manufacturer or wholesaler permitted to possess controlled substances in this subsection (d) may also be a licensed pharmacist and may dispense or distribute narcotic drugs upon written prescription as provided herein, but shall not consume or permit to be consumed any controlled substances except upon written prescription as herein provided.
 - d. All controlled substances in the possession of any person convicted of a violation of this section, shall be seized by, confiscated by, and forfeited to the chief of police, who shall make proper disposition thereof.
 - e. This section shall not apply to the administering or distributing or dispensing of any medicinal preparation that contains in one (1) fluid ounce, or if a solid or semi-solid preparation in one (1) avoirdupois ounce, not more than one(1) grain of codeine or any of its salts. Provided that the preparation administered or distributed or dispensed shall contain some drug or drugs of medicinal qualities in addition to those possessed by the controlled substance alone. Such preparation shall be administered, distributed, or dispensed in good faith and not for the purpose of evading this subsection. However, no person shall administer, dispense, or sell, under the exemption of this section, any preparation included in this subsection, when he knows, or can by reasonable diligence ascertain, that such administering, dispensing, or selling will provide the person to whom or for whose use such preparation is administered, dispensed or sold, within any forty-eight (48) consecutive hours, with more than four (4) grains of codeine or any of its salts.
 - f. The provisions of this section restricting the possession and control of controlled substances shall not apply to common carriers or warehousemen engaged in lawfully transporting or storing such controlled substances, or to any employee of such common carriers or warehousemen within the scope of is employment, or to public officers or employees in the performance of official duties requiring possession or control of controlled substances, or to persons aiding such officers or employees in performance of such duties.
- 3. No person shall possess, or have under his/her control, any amount of synthetic cannabinoid, sometimes known as K-2, K-3, or Spice.
 - a. It is unlawful for any person to sell, offer to sell, or publicly display for sale any synthetic cannabinoid.
 - 4. Any person who violates this section is guilty of a misdemeanor and upon conviction may

be imprisoned for not more than ninety (90) days, fined not more than five hundred dollars (\$500.00), or both.

2.308-3 POSSESSION OF DRUG PARAPHERNALIA

1. Except as authorized by Article XIV, Section 1 of the Missouri Constitution, it is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, re-pack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this article.
2. Any person who violates this section is guilty of a misdemeanor and upon conviction may be imprisoned for not more than ninety (90) days, fined not more than five hundred dollars (\$500.00), or both.

2.308-4 MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA

1. Except as authorized by Article XIV, Section 1 of the Missouri Constitution, it is unlawful for any person to deliver, possess with intent to deliver, sell or advertise for sale, or manufacture with intent to deliver, drug paraphernalia, knowing it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, re-pack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this article.
2. Any person who violates this section is guilty of a misdemeanor and upon conviction may be imprisoned for not more than ninety (90) days, fined not more than five hundred dollars (\$500.00), or both.

2.308-5 DELIVERY OF DRUG PARAPHERNALIA TO A MINOR

Except as authorized by Article XIV, Section 1 of the Missouri Constitution, any person eighteen (18) years of age or over who violates section 2.308-4 by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years his junior is guilty of a special offense and upon conviction may be imprisoned for not more than ninety (90) days, fined not more than five hundred dollars (\$500.00), or both.

2.308-6 DELIVERY OF A SIMULATED DRUG OR SIMULATED CONTROLLED SUBSTANCE TO ANY PERSON

1. It shall be unlawful for any person to deliver any simulated drug or simulated controlled substance to another person.
2. Any person who violates this section is guilty of a misdemeanor and upon conviction may be imprisoned for not more than ninety (90) days, fined not more than five hundred dollars (\$500.00), or both.

2.308-7 INHALATIONS OR INDUCING OTHERS TO INHALE SOLVENT FUMES TO CAUSE CERTAIN REACTIONS – EXCEPTIONS

1. No person shall intentionally smell or inhale the fumes of any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their

iso-analogues or induce any other person to do so, for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of senses or nervous system, or for the purpose of, in any manner, changing, distorting or disturbing the audio, visual or mental processes; except that this Section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

2. Any person who violates this section is guilty of a misdemeanor and upon conviction may be imprisoned for not more than ninety (90) days, fined not more than five hundred dollars (\$500.00), or both.

2.308-8 INDUCING, OR POSSESSION WITH INTENT TO INDUCE, SYMPTOMS BY USE OF SOLVENTS AND OTHER SUBSTANCES, PROHIBITED.

1. As used in this Section "*alcohol beverage vaporizer*" means any device which, by means of heat, a vibrating element, or any method, is capable of producing a breathable mixture containing one (1) or more alcoholic beverages to be dispensed for inhalation into the lungs via the nose or mouth or both.
2. No person shall intentionally or willfully induce the symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction, or dulling of the senses or nervous system, distortion of audio, visual or mental processes by the use or abuse of any of the following substances:
 - a. Solvents, particularly toluol;
 - b. Ethyl alcohol;
 - c. Amyl nitrite and its iso-analogues;
 - d. Butyl nitrite and its iso-analogues;
 - e. Cyclohexyl nitrite and its iso-analogues;
 - f. Ethyl nitrite and its iso-analogues;
 - g. Pentyl nitrite and its iso-analogues;
 - h. Propyl nitrite and its iso-analogues; and
 - i. Aerosol propellants.
3. This Section shall not apply to substances that have been approved by the United States Food and Drug Administration as therapeutic drug products or are contained in approved over-the-counter drug products or administered lawfully pursuant to the order of an authorized medical practitioner.
4. No person shall intentionally possess any solvent, particularly toluol, amyl nitrite, butyl nitrite, cyclohexyl nitrite, ethyl nitrite, pentyl nitrite and propyl nitrite and their iso-analogues for the purpose of using it in the manner prohibited by Section 2.308-7 and this Section.
5. No person shall possess or use an alcoholic beverage vaporizer.
6. Nothing in this Section shall be construed to prohibit the legal consumption of intoxicating liquor.
7. Any person who violates this section is guilty of a misdemeanor and upon conviction may be

imprisoned for not more than ninety (90) days, fined not more than five hundred dollars (\$500.00), or both.

2.308-9 FAILURE TO PRODUCE MEDICAL MARIJUANA IDENTIFICATION CARD

1. Any person in possession of medical marijuana shall, immediately upon request of any law enforcement officer, produce a valid identification card issued by the Missouri Department of Health and Senior Services, or its successor, authorizing them, as a qualifying patient or primary caregiver, or employee of a licensed medical marijuana facility, to access medical marijuana as provided by Missouri law. Any person who fails to produce such identification card shall be guilty of the offense of failure to produce a medical marijuana identification card.
2. Any person who violates this section is guilty of a misdemeanor and upon conviction may be imprisoned for not more than ninety (90) days, fined not more than five hundred dollars (\$500.00), or both.

2.308-10 CONSUMPTION OF MEDICAL MARIJUANA IN PUBLIC

1. No person shall administer medical marijuana in public.
2. For the purpose of this Section, “administer” shall have the definition set forth in Section XIV, Section 1 of the Missouri Constitution.
3. For the purpose of this Section, the phrase “in public” shall mean any place other than:
 - a. The residence of the qualifying patient or primary caregiver administering medical marijuana, or the residence of another person when the person in control of the property has consented to the administering of medical marijuana; or
 - b. A licensed medical marijuana facility with the consent of the person(s) in charge of that facility.
4. Any person who violates this section is guilty of a misdemeanor and upon conviction may be imprisoned for not more than ninety (90) days, fined not more than five hundred dollars (\$500.00), or both.

2.308-11 DISPOSAL OF MEDICAL MARIJUANA

1. No person shall dispose of medical marijuana or medical marijuana-infused products except in the manner prescribed by 19 CSR 30-95.
2. Any person who violates this section is guilty of a misdemeanor and upon conviction may be imprisoned for not more than ninety (90) days, fined not more than five hundred dollars (\$500.00), or both.

2.308-12 CONSPIRACY

It shall be unlawful for any person to agree with any other person to engage in conduct which constitutes an offense under Section 2.308 regulation of controlled substances, when the purpose of such agreement is to promote or facilitate the commission of the offense.

1. A person shall be convicted of conspiracy to commit an offense only if an overt act in pursuance of such conspiracy is alleged and proved to have been done by him or by a person

with who he conspired. A person may not be convicted of conspiracy if, after conspiring to commit the offense, he prevented the accomplishment of the objectives of the conspiracy under circumstances manifesting a renunciation of his criminal purpose.

2. If a person conspires to commit a number of offenses, he is guilty of only one (1) offense of conspiracy so long as such multiple offenses are the object of the same agreement.
3. A person may not be charged, convicted or sentenced on the basis of the same course of conduct of both the actual commission of an offense and a conspiracy to commit that offense.
4. For the purpose of any applicable statute of limitations:
 - a. A conspiracy is a continuing course of conduct which terminates when the offense or of offenses which are its object are committed or the agreement that they be committed is abandoned by the defendant and by those with whom he conspired;
 - b. If an individual abandons the agreement, the conspiracy is terminated as to him only if he advises those with whom he has conspired of his abandonment or he informs law enforcement authorities of the existence of the conspiracy and his participation in it.
6. Any person who violates this section is guilty of a misdemeanor and upon conviction may be imprisoned for not more than ninety (90) days, fine not more than five hundred dollars (\$500.00), or both.

SECTION 2: That Section 2.410-26 Driving While Intoxicated be repealed and replaced with the following:

2.410-26 DRIVING WHILE INTOXICATED

1. A person commits the offense of "Driving while Intoxicated" if he operates a motor vehicle within the city limits of Odessa while in an intoxicated or drugged condition. As used in this Subchapter, the term "drive", "driving", "operates", or "operating" means physically driving or operating or being in actual physical control of a motor vehicle. As used in this Subchapter, a person is in an "intoxicated condition" when he is under the influence of alcohol, a controlled substance, or drug, or any combination thereof. For the purposes of determining the alcoholic or drug content of a person's blood under this Subchapter, the test shall be conducted in accordance with the provisions of Section 2.410-29 of the City of Odessa Code of Ordinances and Sections 577.020 to 577.041, RSMo.
2. Driving while Intoxicated is punishable by a fine of up to Five Hundred Dollars (\$500.00) and/or up to ninety (90) days in jail. No person convicted of or pleading guilty of the offense of driving while intoxicated shall be granted a suspended imposition of sentence for such offense, unless such person shall be placed on probation for a minimum of two years. [RSMo 577.010]

SECTION 3: That Section 2.410-27 Driving with Excessive Blood Alcohol Content be repealed and replaced with the following:

2.410-27 DRIVING WITH EXCESSIVE BLOOD ALCOHOL CONTENT

1. A person commits the offense of "Driving with Excessive Blood Alcohol Content" if he operates a motor vehicle within in the city limits of Odessa with eight-hundredths of one

percent (.08) or more by weight of alcohol in his blood. As used in this Subchapter, percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters of blood or two hundred ten liters of breath and may be shown by chemical analysis of the person's blood, breath, saliva, or urine. For the purposes of determining the alcoholic content of a person's blood under this Subchapter, the test shall be conducted in accordance with the provisions of Section 2.410-29 of the Odessa Municipal Code and Sections 577.020 to 577.041, RSMo.

2. Driving with Excessive Blood Alcohol Content is punishable by a fine of up to Five Hundred Dollars (\$500.00) and/or up to ninety (90) days in jail.

SECTION 4: That Section 2.410.28 Driving Under the Influence of Marijuana be added to the Police Code as follows:

2.410.28 DRIVING UNDER THE INFLUENCE OF MARIJUANA

1. A person commits the offense of "Driving Under the Influence of Marijuana" if he operates a motor vehicle within the city limits of Odessa while under the influence of any amount of marijuana. For the purposes of determining the marijuana, or drug content of a person's blood under this Subchapter, a chemical test shall be conducted in accordance with the provisions of Section 2.410-29 of the Odessa Municipal Code, consistent with Sections 577.020 to 577.041, RSMo.
2. Driving Under the Influence of Marijuana is punishable by a fine of up to Five Hundred Dollars (\$500.00) and/or up to ninety (90) days in jail.

SECTION 5: That Section 2.410-29 Chemical Test for Alcohol/Drug Content – Consent Implied – Administered – When – How – Videotaping of Chemical or Field Sobriety test Admissible Evidence be added to the Police Code as follows:

2.410-29 CHEMICAL TEST FOR ALCOHOL/DRUG CONTENT – CONSENT IMPLIED – ADMINISTERED – WHEN – HOW VIDEOTAPING OF CHEMICAL OR FIELD SOBRIETY TEST ADMISSIBLE EVIDENCE

1. This Section and Section 577.020, RSMo, shall be known as the Alan Woods Law.
2. Pursuant to Section 577.020, RSMo, any person who operates a motor vehicle upon the public highways of this City shall be deemed to have given consent, subject to the provisions of Sections 577.020 to 577.041, RSMo, to a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:
 - a. If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was operating a motor vehicle while in an intoxicated condition;
 - b. If the person is under the age of twenty-one (21), has been stopped by a Law Enforcement Officer, and the Law Enforcement Officer has reasonable grounds to believe that such person was operating a motor vehicle with a blood alcohol content of two hundredths of one percent (0.02%) or more by weight;

- c. If the person is under the age of twenty-one (21), has been stopped by a Law Enforcement Officer, and the Law Enforcement Officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the State or any political subdivision of the State, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one percent (0.02%) or greater;
- d. If the person is under the age of twenty-one (21), has been stopped at a sobriety checkpoint or roadblock, and the Law Enforcement Officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one percent (0.02%) or greater; or
- e. If the person, while operating a motor vehicle, has been involved in a motor vehicle collision or accident which resulted in a fatality or a readily apparent serious physical injury as defined in Section 556.061, RSMo, or has been arrested as evidenced by the issuance of a uniform traffic ticket for the violation of any State law or County or municipal ordinance with the exception of equipment violations contained in Chapters 306 or 307, RSMo, or similar provisions contained in County or municipal ordinances.

The test shall be administered at the direction of Law Enforcement Officer whenever the person has been stopped, detained or arrested for any reason.

- 3. The implied consent to submit to the chemical tests listed in Subsection 2 of this Section shall be limited to not more than two (2) such tests arising from the same arrest, stop, detention, incident or charge.
- 4. To be considered valid under the provisions of Sections 577.020 to 577.041, RSMo, chemical analysis of the person's breath, blood, saliva or urine shall be performed, according to methods approved by the Missouri Department of Health and Senior Services by licensed medical personnel or by a person possessing a valid permit issued by the Missouri Department of Health and Senior Services for this purpose.
- 5. The person tested may have a physician, or a qualified technician, chemist, registered nurse or other qualified person at the choosing and expense of the person to be tested, administer a test in addition to any administered at the direction of a Law Enforcement Officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test taken at the direction of a Law Enforcement Officer.
- 6. Upon the request of the person who is tested, full information concerning the test shall be made available to such person. Full information is limited to the following:
 - a. The type of test administered and the procedures followed;
 - b. The time of the collection of the blood or breath sample or urine analyzed;
 - c. The numerical results of the test indicating the alcohol content of the blood and breath and urine;
 - d. The type and status of any permit which was held by the person who performed the test;
 - e. If the test was administered by means of a breath testing instrument, the date of the most recent maintenance of such instrument.

Full information does not include manuals, schematics or software of the instrument used to test the person or any other material that is not in the actual possession of the City.

Additionally, full information does not include information in the possession of the manufacturer of the test instrument.

7. Any person given a chemical test of the person's breath pursuant to Subsection 2 of this Section or a field sobriety test may be videotaped during any such test at the direction of the Law Enforcement Officer. Any such video recording made during the chemical test pursuant to this Subsection or a field sobriety test shall be admissible as evidence for a violation of any municipal ordinance or any license revocation or suspension proceeding pursuant to the provisions of Chapter 302, RSMo.

SECTION 6: That Section 2.410-28 Setting Speed Limits of Trains be renumbered to read as follows:

Section 2.410-30 Setting Speed Limits of Trains.

SECTION 7: This Ordinance shall be in full force and effect from and after its passage and approval.

SECTION 8: The provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

SECTION 9: All existing ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of the conflict.

READ TWICE by title only and adopted by the Board of Aldermen of the City of Odessa, Missouri, and approved by the Mayor of Odessa this ____ day of _____, 2019.

Adam R. Couch, Mayor

(SEAL)

ATTEST:

Peggy Eoff, City Clerk