



From City Council meeting . . . to Business Council MEMBERS ONLY

Prepared by Rich Groves, Executive Director
North Kansas City Business Council
February 7, 2023

Note: As a reminder, the notes below represent topics that, in my judgement, might be of interest to the business community. It does not include everything that was on the agenda.

Work Session/Special Meeting – 6:00 p.m.

Amendment 3 Update – as it relates to marijuana smoking

Bottom line of this presentation and discussion is that there are a few – but not a lot – of changes to make sure City ordinances keep pace with the introduction of recreational marijuana beyond medical marijuana.

8.50 – Health and Safety

- 8.50.120 – Prohibition of smoking in enclosed places of employment and all enclosed public places – Prohibition of smoking on sidewalks abutting hospitals.

Action item – Can be left alone and interpret “included, but not limited to” to include marijuana smoke or add this term to this code”

8.60 Possession of Marijuana

Current Code: The regulations require that the cultivation take place in a facility that is enclosed, locked, and equipped with security devices. The regulations also limit the number of plants that can be at one location and more:

Business

- Besides requirements from the State, requiring medical marijuana businesses to obtain a City business license following Chapter 5.04.
- Buffer requirement – Marijuana businesses shall remain a minimum of 300 feet from an existing elementary or secondary school, licensed child daycare center, or church.
- Outdoor operations or storage are prohibited.
- Hours of operation – no distribution of marijuana shall occur upon the premises or by delivery from the premises between the hours of 10:00 p.m. and 8:00 a.m.
- Prohibitions against being a public nuisance by creating noxious odors, extreme heat, or intrusive lighting.
- If the Department of Health certificate is revoked, the City’s registration would be revoked as well.
- Display of Licenses is required.



9.24.030 Possession of Drugs and 9.24.040 Possession of Marijuana

- 9.24.030 - This section of code basically regulates the illegal possession of drugs included in Schedules I through V of the Uniform Controlled Substance Act. Marijuana is still listed as a Schedule I controlled substance by the federal government.
- Article XIV, Section 2 did not repeal or replace any of chapter 579 of the Missouri Revised Statutes, that regulate the Possession of Drugs in Missouri. It created an umbrella of constitutional protections where someone may not be held criminally liable for some of activities outlines in chapter 579.
- 9.24.040 – Possession of Marijuana was created in 2019 to account for the lawful possession of Medical Marijuana.

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17.12.040 F. Medical Marijuana (Business)

No building shall be constructed, altered, or used for a medical marijuana facility without complying with the following regulations.

- **Buffer Requirement.** No medical marijuana business shall be located within three hundred (300) feet of an existing elementary or secondary school, licensed child day care center, or church. Measurements shall be made in a straight line, without regard to intervening structures, from the nearest point on the exterior building wall of the school, childcare center, or church, to the nearest point on the property line containing the medical marijuana business.
- **Outdoor Operations or Storage Prohibited.** All operations and all storage of materials, products, or equipment shall be within a fully enclosed building. No outdoor operations or storage shall be permitted.
- **Onsite Usage Prohibited.** No marijuana may be smoked, ingested, or otherwise consumed on the premises of a medical marijuana business.

17.12.040 F. Medical Marijuana (Business)

Continued:

- Hours of Operation. All medical marijuana businesses shall be closed to the public, no persons not employed by the business shall be on the premises, and no sales or distribution of marijuana shall occur upon the premises or by delivery from the premises between the hours of 10:00 p.m. and 8:00 a.m.
- Display of Licenses Required. The medical marijuana license issued by the State of Missouri shall be displayed in an open and conspicuous place on the premises.
- **Residential Dwelling Units Prohibited.** No medical marijuana business shall be located in a building that contains a residence.
- Ventilation Required. All medical marijuana businesses shall install and operate a ventilation system that will prevent any odor of marijuana from leaving the premises of the business. No odors shall be detectable by a person with a normal sense of smell outside the boundary of the parcel on which the facility is located.
- Site Plan Review Required. A site plan meeting the requirements of this title shall be submitted for review and approval subject to the procedures of Section 17.08.030. The site plan shall include a description of the ventilation system to be used to contain odors within the building.

Will You Be Able To Smoke Marijuana in Public?

- Smoking marijuana is prohibited wherever smoking tobacco is prohibited, according to Amendment 3.



- The penalty for smoking in public in an area that is not designated for smoking will result in a civil penalty and no more than a \$100 fine.



- The infraction will be civil and not criminal.

ALDOT

Who gets to open a dispensary or cultivation facility?

- The State licensing: DHSS will create a lottery process to select which applicants will receive licenses.
- Some people with felony convictions would be barred from getting a license.
- For dispensaries, cultivation facilities or marijuana product facilities, owners cannot own more than 10% of the state's market.

Strategic Plan Discussion

As an extension of the presentation and discussion about the Strategic Plan in an earlier City Council meeting City Council members were encouraged to suggest what future priorities are important for them for City staff to pursue.

No recommendations were voted on. Future actions requiring City funding will become topics of future City Council meetings.

Regular Session – 7:05 p.m.

Comments from the Public

David Zimmer with Newmark Zimmer Commercial Real Estate who is also a member of the North Kansas City Levee District spoke about the potential use of the riverfront levee for shared use (walk/bike) trail. He discourages spending any money on this topic because the levee was built in a specific way for the sole purpose of keeping river water out of North Kansas City. He said that is not a safe space for recreational uses.

Agenda Items

10th Ave Sidewalk/Crosswalk

Approval was given for additional engineering work by the on-call engineer costing \$40 thousand to study the requirements for work being done to install a crosswalk and sidewalk infrastructure at 10th and Atlantic between buildings of Atlas Tube (formerly known as Exltube).

Matching Grant for Feasibility Study for Use of Levee for Walk/Bike Trail

The proposal to commit \$21,000 as the City's portion of a matching grant with MARC was discussed. MARC will commit \$54,000 of federal funds for this. Passed 6-1.

The full agenda for this meeting with links to critical documents is available on the City's website www.nkc.org under the heading of Agendas and Minutes. As always, additional details about City Council agenda topics are often available as attachments on the City's website www.nkc.org and later as <https://www.youtube.com/watch?v=Z-6WpmTG2Ss> part of the approved minutes.