



## Board of Aldermen Request for Action

**MEETING DATE:** 2/7/2023

**DEPARTMENT:** Police Department

**AGENDA ITEM:** Bill No. 2975-23 - Repealing Ordinance Sections 205.1800 and 205.1810 and Replacing it with a New Ordinance Sections 205.1800 and 205.1810 Regarding Use, Consumption or Possession of Marijuana and Controlled Substances. 1<sup>st</sup> Reading

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**REQUESTED BOARD ACTION:**

A motion to approve Bill No. 2975-23, to repeal Sections 205.1800 and 205.1810 regarding use, consumption or possession of marijuana and controlled substances and enacting in its place new Sections 205.1800 and 205.1810 regarding use, consumption or possession of marijuana and controlled substances. First reading by title only.

**SUMMARY:**

With the passage of Amendment 3, regarding recreational marijuana, on November 8, 2022, the City's legal counsel has identified ordinances that need to be updated. Sections 205.1800 and 205.1810 are two of these ordinances.

**PREVIOUS ACTION:**

NA

**POLICY ISSUE:**

**FINANCIAL CONSIDERATIONS:**

N/A

**ATTACHMENTS:**

- |   |                                   |
|---|-----------------------------------|
| <input checked="" type="checkbox"/> Ordinance | <input type="checkbox"/> Contract |
| <input type="checkbox"/> Resolution           | <input type="checkbox"/> Plans    |
| <input type="checkbox"/> Staff Report         | <input type="checkbox"/> Minutes  |
| <input type="checkbox"/> Other:               |                                   |

**ORDINANCE REPEALING ORDINANCE SECTIONS 205.1800 AND 205.1810 REGARDING USE, CONSUMPTION OR POSSESSION OF MARIJUANA AND CONTROLLED SUBSTANCES AND ENACTING IN ITS PLACE NEW ORDINANCE SECTIONS 205.1800 AND 205.1810 REGARDING USE, CONSUMPTION OR POSSESSION OF MARIJUANA AND CONTROLLED SUBSTANCES**

WHEREAS Sections 205.1800 and 205.1810 currently reads as follows:

**Section 205.1800 Possession Of Marijuana Or Synthetic Cannabinoid. [**

A person commits the offense of possession of marijuana or any synthetic cannabinoid, as both terms are defined in Section 195.010, RSMo., if he or she knowingly possesses marijuana or any synthetic cannabinoid, except as authorized by Chapter 579, RSMo., Chapter 195, RSMo., Mo. Const. Art. XIV or this Chapter.

**Section 205.1810 Possession Of A Controlled Substance. [1]**

A person commits the offense of possession of a controlled substance, as defined in Section 195.010, RSMo., if he or she knowingly possesses a controlled substance, except as authorized by Chapter 579, RSMo., Chapter 195, RSMo., Mo. Const. Art. XIV or this Chapter.

WHEREAS, in lieu of the adoption of Section 2 of Missouri Constitutional Amendment XIV, changes are needed to the Ordinances to address use of Marijuana while operating or in a motor vehicle or other vehicles, which is still not authorized.

WHEREAS, changes need to be made to Sections 205.1800 and 205.1810 to address the "use" or "consumption" of marijuana while in such vehicles

WHEREAS the City of Smithville wishes to revise Sections 205.1800 and 205.1810 to read as follows:

**Section 205.1800 Possession Of Marijuana Or Synthetic Cannabinoid.**

A person commits the offense of **use of, consumption of or** possession of marijuana or any synthetic cannabinoid, as both terms are defined in Section 195.010, RSMo., if he or she knowingly possesses marijuana or any synthetic cannabinoid, except as authorized by Chapter 579, RSMo., Chapter 195, RSMo., Mo. Const. Art. XIV or this Chapter.

**Section 205.1810 Possession Of A Controlled Substance.**

A person commits the offense of use of, consumption of or possession of a controlled substance, as defined in Section 195.010, RSMo., if he or she knowingly possesses a controlled substance, except as authorized by Chapter 579, RSMo., Chapter 195, RSMo., Mo. Const. Art. XIV or this Chapter.

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

Effective Immediately Smithville City Ordinance Sections §205.1800 and 205.1810 regarding drugs are repealed, and new Sections 205.1800 and 205.1810 are adopted which shall read as follow:

**Section 205.1800 Possession Of Marijuana Or Synthetic Cannabinoid.**

A person commits the offense of use of, consumption of or possession of marijuana or any synthetic cannabinoid, as both terms are defined in Section 195.010, RSMo., if he or she knowingly possesses marijuana or any synthetic cannabinoid, except as authorized by Chapter 579, RSMo., Chapter 195, RSMo., Mo. Const. Art. XIV or this Chapter.

**Section 205.1810 Possession Of A Controlled Substance.**

A person commits the offense of use of, consumption of or possession of a controlled substance, as defined in Section 195.010, RSMo., if he or she knowingly possesses a controlled substance, except as authorized by Chapter 579, RSMo., Chapter 195, RSMo., Mo. Const. Art. XIV or this Chapter.

**PASSED AND ADOPTED** by the Board of Aldermen and **APPROVED** by the Mayor of the City of Smithville, Missouri, the 7th of February 2023.

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Damien Boley, Mayor

ATTEST:

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Linda Drummond, City Clerk

1<sup>st</sup> reading 02/07/2023

2<sup>nd</sup> reading 02/21/2023