

## **BILL NO. 23-021**

---

AN ORDINANCE AMENDING THE CODE OF ORDINANCES BY REPEALING SECTION 1-13. PENALTIES FOR CODE, ORDINANCE VIOLATIONS. AND ENACTING IN LIEU THEREOF A NEW SECTION 1-13. PENALTIES FOR CODE, ORDINANCE VIOLATIONS DEALING GENERALLY WITH MAKING CERTAIN AMENDMENTS TO PROVIDE FOR ADULT USE MARIJUANA AND TO ENHANCE THE CLARITY OF THE PROVISION.

NOW, THEREFORE, be it ordained by the City Council of the City of Lee's Summit, Missouri, as follows:

SECTION 1. That Sec. 1-13. Penalties for Code, ordinance violations of the Code of Ordinances of the City of Lee's Summit, Missouri be and hereby is repealed and a new Sec. 1-13. Penalties for Code, ordinance violations be enacted in lieu thereof to read as follows:

### **Sec. 1-13. Penalties for Code, ordinance violations.**

- A. Whenever in this Code or in any ordinance of the City any act is prohibited or is made or declared to be unlawful, an offense, a crime, a misdemeanor, an infraction or an ordinance violation or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this Code or any ordinance shall be punishable by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment not exceeding ninety (90) days, or both such fine and imprisonment, or subject to a civil penalty except as provided in Subsections B and C of this section. Each day any violation of this Code or of any ordinance continues shall constitute a separate offense.
- B. Should a minor traffic violation, as defined by RSMo 479.350, as amended, result in a fine and court cost being assessed, the amount of fine and court cost shall not exceed that allowed by RSMo. 479.353, as amended, of two hundred and twenty-five dollars (\$225.00).
- C. Should a municipal ordinance violation, as defined by RSMo 479.350, as amended, result in a fine and court cost being assessed, the amount of fine and court cost shall not exceed that allowed by RSMo 479.353, as amended, for municipal ordinance violations committed within a twelve month period beginning with the first violation: two hundred dollars (\$200.00) for the first violation, two hundred seventy five dollars (\$275.00) for the second violation, three hundred fifty dollars (\$350.00) for the third violation, and four hundred fifty dollars (\$450.00) for the fourth and any subsequent violations.
- D. The penalty for marijuana violations as referenced in Article XIV Section 2.10 of the Missouri Constitution, as amended, shall be punishable as a civil penalty as provided therein. Any other marijuana violation shall be punishable as provided by subsection A herein.
- E. Should additional ordinance violation limits be added to RSMo 479.350 and 479.353, as amended, then the limits on those offenses shall apply.

**BILL NO. 23-021**

---

F. Should any penalty specifically provided for by this Code of Ordinance or any specific statute be declared invalid by a court of competent jurisdiction then the general penalty provisions of subsection A above shall apply.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage, adoption, and approval by the Mayor.

SECTION 3. Should any section, sentence, or clause of this Ordinance be declared invalid or unconstitutional, such declaration shall not affect the validity of the remaining sections, sentences or clauses.

PASSED by the City Council of the City of Lee's Summit, Missouri, this \_\_\_\_day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
*Mayor William A. Baird*

ATTEST:

\_\_\_\_\_  
*City Clerk Trisha Fowler Arcuri*

APPROVED by the Mayor of said city this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
*Mayor William A. Baird*

ATTEST:

\_\_\_\_\_  
*City Clerk Trisha Fowler Arcuri*

APPROVED AS TO FORM:

\_\_\_\_\_  
*City Attorney Brian W. Head*