

BILL NO. 19-190

AN ORDINANCE AMENDING CHAPTER 17, OFFENSES, ARTICLE VIII OF THE CODE OF ORDINANCES FOR THE CITY OF LEE'S SUMMIT, MISSOURI, TO UPDATE PROVISIONS REGARDING CONTROLLED SUBSTANCES AND COMPLY WITH ARTICLE XIV OF THE MISSOURI CONSTITUTION.

WHEREAS, Chapter 17 of the City of Lee's Summit ("City") Code of Ordinances ("Code") sets forth rules and regulations regarding criminal offenses; and,

WHEREAS, Article VIII of Chapter 17 of the Code deals with rules and regulations pertaining to controlled substances; and,

WHEREAS, on November 6, 2018, the voters of the State of Missouri approved Amendment 2 to the Missouri Constitution adding Article XIV to the Missouri Constitution, titled, "Right to Access Medical Marijuana" (the "Amendment"); and,

WHEREAS, despite the enactment of the Amendment, marijuana remains illegal under Federal Law and a controlled substance under Missouri law except where used strictly pursuant to the provisions of the Amendment as well as all rules and regulations promulgated by Department of Health and Senior Services related to medical marijuana; and,

WHEREAS, the City desires to amend provisions of the Code regarding offenses dealing with controlled substances in order to comply with the Amendment and rules and regulations promulgated by Department of Health and Senior Services related to medical marijuana; and,

WHEREAS, the City desires to update other portions of Article III of Chapter 17 of the Code to match updates in and better align with the Revised Statutes of Missouri that deal with drug paraphernalia and controlled substances.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. Chapter 17, Offenses, Article VIII, is hereby amended in the manner shown on the copy attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 2. It is the City Council's intention and is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, and the sections of this Ordinance may be renumbered as appropriate to accomplish such intention.

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.

SECTION 4. This Ordinance shall be in full force and effect from and after the date of its adoption, passage, and approval by the Mayor.

PASSED by the City Council of the City of Lee's Summit, Missouri, this _____ day of _____, 2019.

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ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED by the Mayor of said City this _____ day of _____, 2019.

ATTEST:

Mayor *William A. Baird*

City Clerk *Trisha Fowler Arcuri*

APPROVED AS TO FORM:

City Attorney *Brian W. Head*