



CITY OF JACKSON
MAYOR & BOARD OF ALDERMEN STUDY SESSION
Monday, August 19, 2024 at 6:20 PM
Board Chambers, City Hall, 101 Court St.

AGENDA

DISCUSSION ITEMS

- [1.](#) August 14th Planning & Zoning Commission report
- [2.](#) August 12th Park Board report
- [3.](#) Request by the Roman Catholic Diocese of Springfield-Cape Girardeau to complete the abandonment of East Jefferson Street
- [4.](#) Amendment to Chapter 5 (Alcoholic beverages) of the Code of Ordinances - public intoxication
- [5.](#) Amendments to Chapter 45 (Offenses) of the Code of Ordinances - marijuana
6. Discussion of previously tabled items (unspecified)
7. Additional items (unspecified)

Posted on 08/16/2024 at 4:00 PM.

MEMO



TO: Mayor Hahs and Members of the Board of Aldermen
FROM: Larry Miller, Building & Planning Manager
DATE: August 15, 2024
SUBJECT: P&Z Meeting

These are the items that were on the P&Z Agenda.

- **Consider a request to approve a Land Exchange Certification for transferring .046 Acres from 2457 Smith Trail to 2403 Smith Trail, as submitted by Jennifer Ewert.**

The P&Z Commission approved this with a vote of 7 ayes, 0 nays, and 2 absentees. The Board of Aldermen requires no action.

- **Amendments to Chapter 58 (Annexation) and Chapter 65 (Zoning) of the City Code - applications for voluntary annexation + zoning**

The P&Z Commission approved this with a vote of 7 ayes, 0 nays, and 2 absentees.

- **P&Z was given a draft of the Comprehensive Plan to review.**



CITY OF JACKSON

PLANNING & ZONING COMMISSION MEETING AGENDA

Wednesday, August 14, 2024 at 6:00 PM

City Hall, 101 Court Street, Jackson, Missouri

Regular Members

Bill Fadler
Tony Koeller
Michelle Weber
Tina Weber

Harry Dryer, Chairman

Eric Fraley, Alderman Assigned
Mike Seabaugh, Alderman Assigned
Steve Stroder, Alderman Assigned
Larry Miller, Staff Liaison

Regular Members

Angelia Thomas
Heather Harrison
Russ Wiley
Travis Niswonger

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

1. Approval of the June 12, 2024 minutes.

PUBLIC HEARINGS

OLD BUSINESS

NEW BUSINESS

2. Consider a request to approve a Land Exchange Certification for transferring .046 Acres from 2457 Smith Trail to 2403 Smith Trail, as submitted by Jennifer Ewert.
3. Amendments to Chapter 58 (Annexation) and Chapter 65 (Zoning) of the City Code - applications for voluntary annexation + zoning

CONSIDER A MOTION TO ADD ITEMS TO THE AGENDA

ADJOURNMENT

This agenda was posted at City Hall on August 2, 2024, at 12:00 PM.

JOURNAL OF THE PLANNING & ZONING COMMISSION
CITY OF JACKSON, MISSOURI
WEDNESDAY, JUNE 12, 2024, 6:00 P.M.
REGULAR MEETING
CITY HALL COUNCIL ROOM, 101 COURT STREET, JACKSON, MISSOURI

The Planning and Zoning Commission met in regular session, with Chairman Harry Dryer presiding. Commissioners Tony Koeller, Angelia Thomas, Russ Wiley, and Travis Niswonger were present. Commissioners Bill Fadler, Michelle Weber, Tina Weber, and Heather Harrison. Building and Planning Manager Larry Miller was present as staff liaison. Alderman Mike Seabaugh, Eric Fraley, and Steve Stroder were present. Mike Haynes and Zach Mabery were the citizens in attendance.

ELECTION OF CHAIRMAN AND SECRETARY

Tony Koeller made a motion nominating Harry Dryer as chairman for 2024-25. Angelia Thomas seconded the motion, which was unanimously approved.

Harry Dryer motioned to nominate Tony Koeller as secretary for 2024-25. Russ Wiley seconded the motion, which was also unanimously approved.

Newly elected Chairman Harry Dryer chaired the remainder of the meeting.

APPROVAL OF MINUTES

Approval of the April 10, 2024)
regular meeting minutes)

The minutes of the previous meeting were unanimously approved on a motion by Commissioner Tony Koeller, seconded by Commissioner Angelia Thomas.

PUBLIC HEARINGS

None)

OLD BUSINESS

None)

NEW BUSINESS

Consider a request to approve a Land)
 Exchange Certification for transferring)
 .05 acres from Bainbridge Rd and .10)
 acres from 1816 Bainbridge Rd to)
 1812 Bainbridge Rd, as submitted by)
 Angela D. Jeffers.)

Chairman Harry Dryer asked for a staff report.

Mr. Larry Miller explained that Ms. Jeffers was starting to replace her fence when she discovered the fence wasn't on her property. She talked with her neighbors, who also thought it was her property, and they agreed to a land exchange.

Commissioner Tony Koeller motioned to approve the Land Exchange as submitted.
 Commissioner Russ Wiley seconded the request, which was approved.

Vote: 5 ayes, 0 nays, 0 abstentions, 4 absent

Request approval of a Final Plat for East)
 Main Crossroads Commercial Subdivision)
 submitted by)
 Michael K and Linda J Haynes.)

Chairman Harry Dryer asked for a staff report.

Mr. Larry Miller explained to the commission where the property was located and that Mr. Haynes asked for two variances. The first variance is from the requirement to submit a preliminary plat, and the second is to defer stormwater detention and sanitary sewer plans until the building phase of design.

Chairman Harry Dryer asked for the applicant to come forward to speak on the request.

Mr. Mike Haynes from 13275 Lakewood Drive, Ste. Genevieve, MO, explained that he owns the property and would like to sell Hubbard Enterprises 1.2 acres so they can build on it. He told the Commission that Zach Mabery from Hubbard Enterprises was here to answer any questions about the building.

Commissioner Tony Koeller asked Mr. Haynes why the variances were needed before the building process. Mr. Haynes said Koehler Engineering recommended the variances to speed up the process. Commissioner Tony Koeller asked if the property sale was contingent on the requested variances. Mr. Haynes said he didn't think so; it would help streamline things.

Mr. Zach Mabery from 70 E School St. Bonne Terre, MO 63628, confirmed it would help streamline the process. He said approving the plat and variances allows them to keep moving forward.

More discussion was had about the variances and the process.

Chairman Harry Dryer requested a motion to approve the final plat of Main Crossroads Commercial Subdivision submitted by Michael K and Linda J Haynes based on the variance from the requirement to submit a preliminary plat.

Commissioner Tony Koeller moved to approve the request, which Commissioner Angelia Thomas seconded. The request was approved.

Vote: 5 ayes, 0 nays, 0 abstentions, 4 absent

Chairman Harry Dryer requested a motion to approve a variance request to defer stormwater detention and sanitary sewer plans until the building phase of design.

Commissioner Tony Koeller moved to approve the request, which Commissioner Angelia Thomas seconded. The request was approved.

Vote: 5 ayes, 0 nays, 0 abstentions, 4 absent

ADDITIONAL ITEMS

None)

ADJOURNMENT

Consider a motion to adjourn)

Commissioner Travis Niswonger motioned to adjourn, seconded by Commissioner Tony Koeller, and unanimously approved.

Vote: 5 ayes, 0 nays, 0 abstentions, 4 absent

Respectfully submitted,

Tony Koeller
Planning and Zoning Commission Secretary

Attest:

Larry Miller
Building and Planning Manager

NOTE: ACTION (IF ANY) ON LAND EXCHANGE CERTIFICATIONS, COMPREHENSIVE PLAN, AND MAJOR STREET PLAN IS FINAL APPROVAL; ALL OTHER ACTION TAKEN BY THE PLANNING AND ZONING COMMISSION SERVES AS A RECOMMENDATION TO THE BOARD OF ALDERMEN AND NOT AS FINAL APPROVAL OF THE ITEMS CONSIDERED AT THIS MEETING

Staff Report

ACTION ITEM: Consider a request to approve a Land Exchange Certification for transferring .046 Acres from 2457 Smith Trail to 2403 Smith Trail, as submitted by Jennifer Ewert.

APPLICANT: Jennifer Ewert

APPLICANT STATUS: Owner of 2403 Smith Trail

PURPOSE: Land Exchange Certification

SIZE: .046 Acres

PRESENT USES: Residential

PROPOSED USE: Residential

ZONING: R-1 Single Family

SURROUNDING LAND USE: North, South, East - R-1 Single Family and West – R-2 Single Family

HISTORY: N/A

TRANSPORTATION AND PARKING: All required street frontage and parking exist.

APPLICABLE REGULATIONS: Land Subdivision Regulations (Chapter 57)

2009 COMPREHENSIVE PLAN: Single-Family Residential

MAJOR STREET PLAN: Does not affect the major street plan

FLOODPLAIN INFORMATION: Not in a Flood Plain 29030232E Dated 9-11-2009.

PHYSICAL CHARACTERISTICS: Various Sizes

COMMENTS: N/A

ACTION REQUIRED: The commission shall approve or deny this request based on the Land Subdivision Regulations. The Board of Alderman requires no action.

LAND EXCHANGE CERTIFICATION APPLICATION FORM

City of Jackson, Missouri



DATE OF APPLICATION: 7/19/2024

ADDRESS OF GRANTING PROPERTY: 2457 Smith Trail Road Jackson, MO 63755

ADDRESS OF RECEIVING PROPERTY: 2403 Smith Trail Road Jackson, MO 63755

GRANTING PROPERTY OWNERS (all legal property owners as listed on current deed, including trusts, LLCs, etc):

Property Owner Name(s): Kevin & Jamie Leragar

Mailing Address: 2457 Smith Trail Road

City, State ZIP: Jackson, MO 63755

RECEIVING PROPERTY OWNERS (all legal property owners as listed on current deed, including trusts, LLCs, etc):

Property Owner Name(s): Richard Muller & Jennifer Ewert

Mailing Address: 2403 Smith Trail Road

City, State ZIP: Jackson, MO 63755

ENGINEER / SURVEYING COMPANY: Richards Land Surveying

Engineer / Surveyor Contact: Kelly Snell

Mailing Address: 1813 Greenbrier Drive

City, State ZIP: Cape Girardeau

Contact's Phone: 573-450-5361

CONTACT PERSON HANDLING APPLICATION:

Contact Name: Jennifer Ewert

Mailing Address: 2403 Smith Trail Road

City, State ZIP: Jackson, MO 63755

Contact's Phone: 417-343-6174

Contact's Email Address (if used): mimod2000@gmail.com

APPLICATION FOR (check one):

- ☐ Division of land into no more than four lots, all of which are 3 acres or greater in size
☐ Division of land for cemetery usage
☒ Lot line adjustment between adjoining lots
☐ Transfer to adjoining property to improve ingress or egress
☐ Combination or re-combination of previously platted lots. Total number of lots may not be increased and all resulting lots apply with the Land Subdivision Regulations

REASON FOR REQUEST (use additional pages if needed):

Lot line for 2403 Smith Trail is with (14) inches of roof overhang and angles behind house.

CURRENT ZONING: (circle all that apply)

- | | |
|---|--|
| <input checked="" type="checkbox"/> R-1 (Single-Family Residential) | <input type="checkbox"/> C-1 (Local Commercial) |
| <input type="checkbox"/> R-2 (Single-Family Residential) | <input type="checkbox"/> C-2 (General Commercial) |
| <input type="checkbox"/> R-3 (One- And Two-Family Residential) | <input type="checkbox"/> C-3 (Central Business) |
| <input type="checkbox"/> R-4 (General Residential) | <input type="checkbox"/> C-3 (Central Business) |
| <input type="checkbox"/> MH-1 (Mobile Home Park) | <input type="checkbox"/> C-4 (Planned Commercial) |
| <input type="checkbox"/> O-1 (Professional Office) | <input type="checkbox"/> I-1 (Light Industrial) |
| <input type="checkbox"/> CO-1 (Enhanced Commercial Overlay) | <input type="checkbox"/> I-2 (Heavy Industrial) |
| | <input type="checkbox"/> I-3 (Planned Industrial Park) |

LEGAL DESCRIPTION OF TRACT: Submit a copy of the most current deed for the property being divided.

OWNER SIGNATURES:

I state upon my oath that all of the information contained in this application is true. (Signatures of all persons listed on the current property deed and the authorized signer(s) for any owning corporation or trust.)

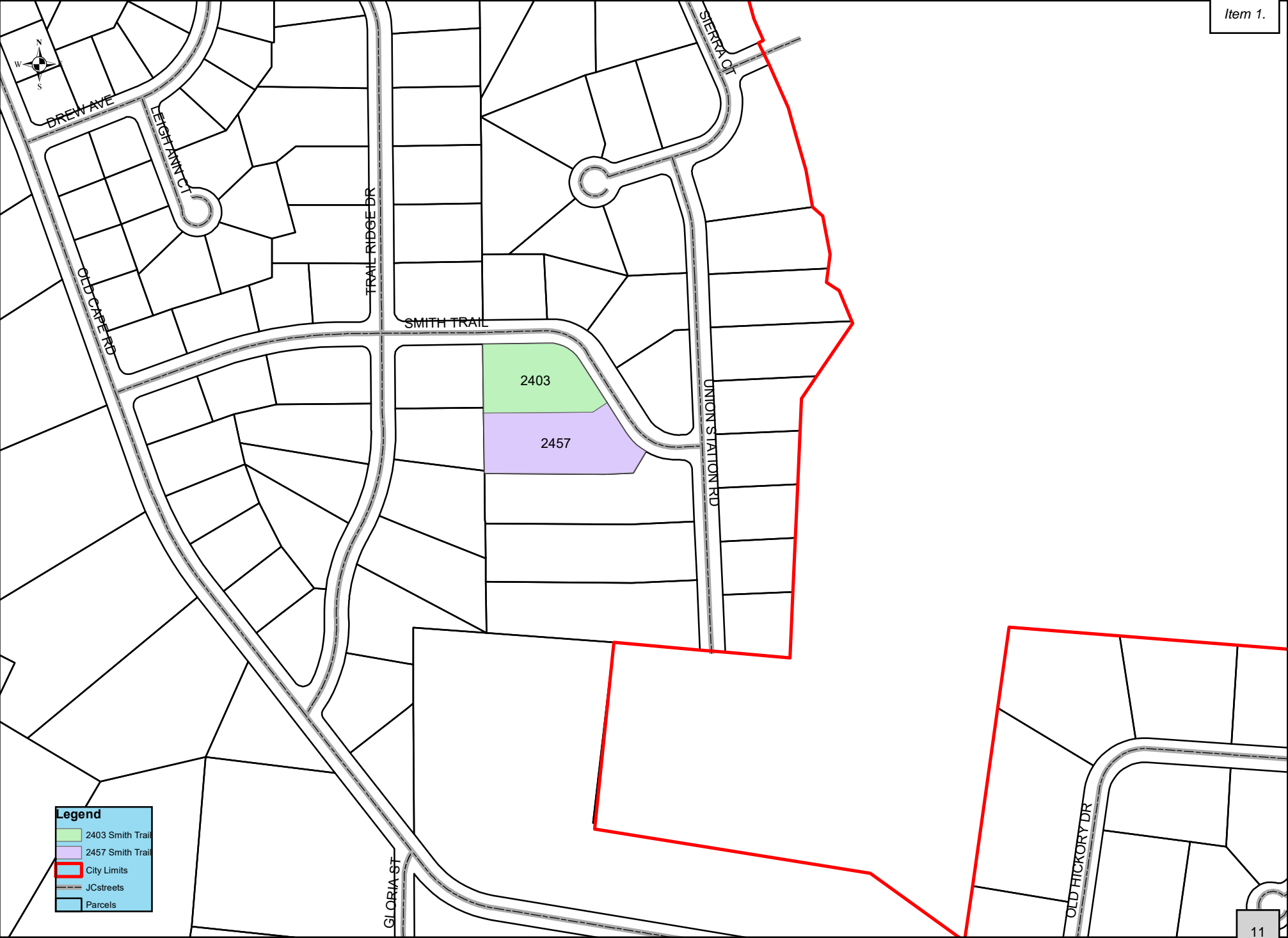
Jennifer Lynn Levert
 David E. Muller
 David E. Muller
 David E. Muller

Please submit the completed application along with the applicable application fee to:

Building & Planning Manager
 City of Jackson
 101 Court Street
 Jackson, MO 63755
 Ph: 573-243-2300 ext. 29
 Fax: 573-243-3322
 Email: permits@jacksonmo.org

Transferring Property of 2457 Smith Trail to 2403 Smith Trail

Item 1.



PARENT PARCEL IS: JAMIE E. AND KEVIN D. LENAGAR, LOCATED IN DOCUMENT #2024-02046 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI.

LAND EXCHANGE PLAT FOR JENNIFER EWERS

PART OF LOT NUMBERED FOUR (4) OF EAST RIDGE PLACE SUBDIVISION IN THE CITY OF JACKSON, COUNTY OF CAPE GIRARDEAU

FOR: JENNIFER EWERT
CAPE GIRARDEAU COUNTY, MO.

Item 1.

RICHARDS LAND SURVEY
1813 GREENBRIER DR., CAPE GIRARDEAU, MISSOURI
PHONE & FAX: (636) 338-7473

DESCRIPTION

0.046 AC. (TO BE TRANSFERRED FROM DOC. #2024-02046 TO DOC. #2013-09403)

A PARCEL OF LAND BEING PART OF LOT NUMBERED FOUR (4) OF EAST RIDGE PLACE SUBDIVISION, AS SHOWN IN PLAT BOOK #24, AT PAGE #38 OF THE LAND RECORDS OF CAPE GIRARDEAU COUNTY, MISSOURI, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCE at a 1/2" Iron Rod at the Southwest Corner of Lot Numbered Five (5) of said East Ridge Place Subdivision; thence N.89°33'05"E., along the South Line thereof, a distance of 115.34 feet to a 1/2" Iron Rod and the POINT OF BEGINNING; thence continue N.89°33'05"E., a distance of 108.13 feet to a 1/2" Iron Rod; thence departing from said South Line, S.57°54'24"W., a distance of 71.21 feet to a 1/2" Iron Rod; thence N.52°16'06"W., a distance of 60.44 feet to the POINT OF BEGINNING. Containing 0.046 acres, more or less, in Cape Girardeau County, Missouri, dated July of 2024. Subject to existing Easements of Record if any.

REFERENCES

DOCUMENT #2024-02046 (PARENT PARCEL)
DOCUMENT #2013-09403 (ADJOINER)
DOCUMENT #2004-14122 (ADJOINER)
DOCUMENT #2019-11521 (ADJOINER)
DOCUMENT #2007-17214
(EAST RIDGE SUBDIVISION)
PLAT BOOK #16, PAGE #32
(TRAIL RIDGE III SUBDIVISION)
AERIAL PHOTOGRAPHS

LEGEND

- SET 1/2" ROD AND CAP
- FOUND 1/2" IRON ROD
- FOUND 5/8" IRON ROD
- CALCULATED CORNER POSITION
- AS NOTED
- BOUNDARY LINE
- EXISTING UTILITY LINES
- SETBACK LINES
- RIGHT-OF-WAY LINES
- ROADWAY CENTERLINE
- ▨ TRANSFER TRACT

BEARINGS ARE REFERENCED
TO MISSOURI GRID NORTH
BY G.P.S. OBSERVATIONS
(NAD 83) (EAST ZONE)

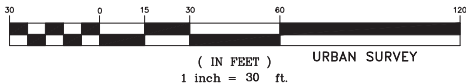
This is to certify that I, a Missouri Land Surveyor, have surveyed the property described in the above caption as shown by the annexed Plat, which Survey is true and correct and was executed to the best of my ability, in conformance with the current Minimum Standards for Property Boundary Surveys in the State of Missouri. Given under my hand and seal at Cape Girardeau, Missouri this 25th day of July, A.D. 2024.

KELLY K. SNELL, MO. P.L.S. #2017017647

FILED FOR RECORD THIS _____ DAY OF _____ 2024 IN
THE OFFICE OF THE RECORDER OF DEEDS IN CAPE GIRARDEAU COUNTY
AT JACKSON, MISSOURI. DOCUMENT NO. _____

ANDREW DAVID BLATTNER, RECORDER OF DEEDS

GRAPHIC SCALE



LOT #3

LOT #7

LOT #8

LOT #9

LOT #6

LOT #83

LOT #82

TRAIL RIDGE III SUBDIVISION
(PLAT BOOK #16, PAGE #32)

SMITH

LOT #5

(NOW OR FORMERLY)
RICHARD MULLER & JENNIFER EWERT
DOCUMENT #2013-09403

2403 SMITH TRAIL

TRAIL

LOT #4

(NOW OR FORMERLY)
JAMIE D. & KEVIN E. LENAGAR
DOCUMENT #2024-02046

0.046 AC.

2,020 SQ. FT.
PART OF DOCUMENT
#2024-02046

POINT OF COMMENCEMENT
THE SOUTHWEST CORNER OF
LOT #5 OF EAST RIDGE PLACE
SUBDIVISION (PLAT BOOK #24,
AT PAGE #38 OF THE LAND
RECORDS OF CAPE GIRARDEAU
COUNTY, MISSOURI.
(FOUND 1/2" IRON ROD)

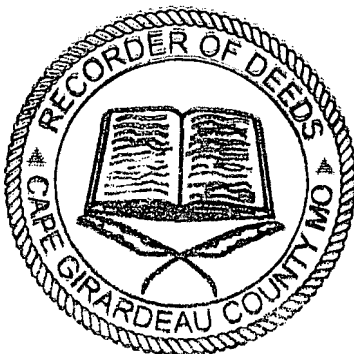
POINT OF BEGINNING

ET



8 0 7 2 0 0 2
Tx:4049255

Item 1.



**DOCUMENT #
2013-09403**

**SCOTT R CLARK
RECORDER OF DEEDS
CAPE GIRARDEAU COUNTY, MO
RECORDED ON
07/22/2013 08:12 AM
REC FEE: 27.00
PAGES: 2**

005863

**GENERAL WARRANTY DEED
(LIMITED LIABILITY COMPANY)**

This Indenture is made this 17th day of July, 2013, by and between Brandon O. Williams Development, LLC, a Missouri Limited Liability Company ("Grantor"), of the County of Cape Girardeau, Missouri, and Richard E. Muller and Jennifer Lyn Ewert, husband and wife ("Grantee"), of the County of Cape Girardeau, Missouri, whose address in said County is:

2403 Smith Trail, Jackson, MO 63755

WITNESSETH, that Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations paid to them by the Grantee, the receipt of which is hereby acknowledged, does by these present GRANT, BARGAIN AND SELL, CONVEY AND CONFIRM unto the Grantee and Grantee's heirs, successors and assigns, the following described Real Estate lying, being and situated in the County of Cape Girardeau, and State of Missouri, to wit:

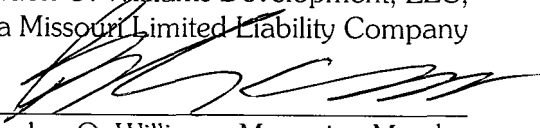
***Lots Five (5) of East Ridge Place Subdivision in the City of Jackson,
County of Cape Girardeau as shown by plat recorded as Document #
2007-17214.***

Subject to terms, conditions, restrictions, reservations, and easements of record, if any.

TO HAVE AND TO HOLD the same, together with all and singular rights, privileges, and appurtenances thereto belonging or in anywise appertaining unto the Grantee and unto Grantee's heirs, successors and assigns forever. Grantor hereby covenants that Grantor is lawfully seized of an indefeasible Estate in Fee in the premises herein conveyed; that Grantor has good right to convey the same; that said premises are free and clear of any encumbrance done or suffered by Grantor or those under whom Grantor claims, and that Grantor will WARRANT AND DEFEND the title to the said premises unto the said Grantee and Grantee's heirs, successors and assigns forever against the lawful claims and demands of all persons whomsoever.

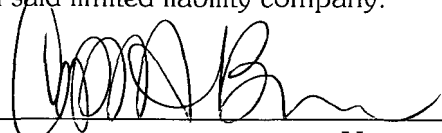
In WITNESS WHEREOF, the Grantor has caused these presents to be signed on its behalf by the below duly authorized agent of said Grantor on the day and year first above written.

Brandon O. Williams Development, LLC,
a Missouri Limited Liability Company

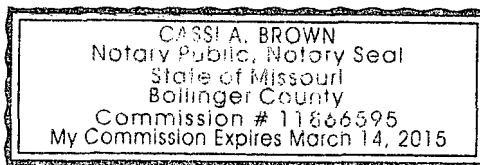
BY: 
Brandon O. Williams, Managing Member

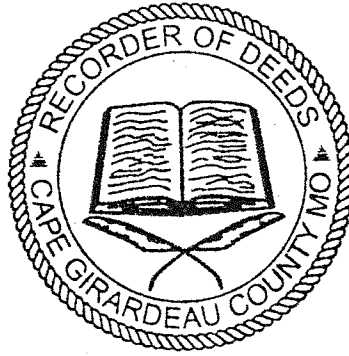
State of Missouri
County of Cape Girardeau } ss.

On this 17th day of July, 2013, before me personally appeared, Brandon O. Williams, to me personally known, who, being by me duly sworn, did say that he is the Managing Member of Brandon O. Williams Development, LLC, a Missouri Limited Liability Company, and that said instrument was signed in behalf of said limited liability company, by authority of its Articles of Organization and Operating Agreement, and acknowledged to me that he/she executed the same for the purposes therein stated and as the free act of deed of said limited liability company.


Notary Public

My Commission Expires: _____





ANDREW DAVID BLATTNER
RECORDER OF DEEDS
CAPE GIRARDEAU COUNTY, MO
eRECORDED ON
03/22/2024 08:34:23 AM
REC FEE: 27.00
PAGES: 2

GENERAL WARRANTY DEED

THIS INDENTURE, made on the **21st day of March, 2024** by and between **Charity Jacobs, a single person and Randy E. Jennings Jr., a single person**, of the County of Cape Girardeau, in the State of Missouri, **Grantors**, and **Jamie D. Lenagar and Kevin E. Lenagar, a married couple**, of the County of Cape Girardeau, in the State of Missouri, **Grantees** (mailing address of said first named grantee is 2457 Smith Trail, Jackson, MO 63755):

WITNESSETH, That the said Grantors, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration to them paid by the said Grantees, the receipt of which is hereby acknowledged, do by these presents, Grant, Bargain and Sell, Convey and Confirm unto the said Grantees, their heirs and assigns, the following described Lots, Tracts or Parcels of Land, lying, being and situate in the County of **Cape Girardeau** and State of Missouri, to-wit:

Lot Four (4) of East Ridge Place Subdivision in the City of Jackson, County of Cape Girardeau as shown by plat recorded as Document No. 2007-17214 in the land records of Cape Girardeau County, Missouri.

SUBJECT to any and all restrictions, reservations, easements, zoning restrictions and rights-of-way of record or now in effect.

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the Rights, Privileges, Appurtenances and Immunities thereto belonging, or in anywise appertaining, unto the said Grantees, and unto their heirs and assigns, FOREVER, the said Grantors hereby covenanting that they are lawfully seized of an indefeasible Estate in Fee in the premises herein conveyed; that they have good right to convey the same; and that the said premises are free and clear of any encumbrance done or suffered by them or those under whom they claim, and that they will WARRANT AND DEFEND the title to the said premises unto the said Grantees, and unto their heirs and assigns, FOREVER, against the

lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, the said Grantors have hereunto set their hands the day and year first above written.



Charity Jacobs



Randy E. Jennings Jr.

STATE OF MISSOURI

)
) SS.
)

COUNTY OF CAPE GIRAREAU

On this 21st day of March, 2024, before me appeared Charity Jacobs, a single person and Randy E. Jennings Jr., a single person, to me known to be the persons described in and who executed the foregoing General Warranty Deed and acknowledged that they executed the same as their free act and deed.

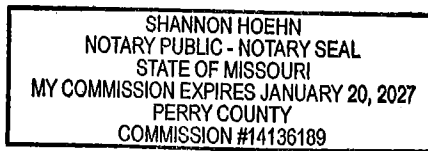
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal at my office in said County and State the day and year first above written.



Shannon Hoehn

Notary Public

My commission expires: **01/20/27**



MEMO



TO: Members of the Planning and Zoning Commission

FROM: Larry Miller, Building & Planning Manager

DATE: July 31, 2024

SUBJECT: Amendments to Chapter 58 (Annexation) and Chapter 65 (Zoning) of the City Code - applications for voluntary annexation + zoning

- The Mayor and Board of Alderman wanted to know how the Planning and Zoning Commission felt about an annexation application that included what type of zoning they wanted. This would eliminate the process of going through Planning and Zoning for a rezoning.
- The process will be discussed and how it will benefit the applicant.

Jackson Park Board



August 12, 2024
6:00 pm

Regular Meeting | Civic Center

Agenda

Board Members Present

Recognition Of Visitors:

Reading Of Previous Meeting Minutes

Old Business

1) American Rescue Funds Project Updates

New Business

1) Jackson Street Hockey Rink Project

2) Pavilion 2 Replacement Design

Civic Center Report

Parks & Recreation Director's Report

Adjournment



City of Jackson

TO: Mayor and Board of Aldermen

FROM: Janet Sanders, Director of Public Works

DATE: August 16, 2024

RE: Abandonment of East Jefferson Street

Deacon Al Stoverink will be at the study meeting to request finalization of the abandonment of East Jefferson Street between South Hope Street and South Ohio Street to facilitate the redevelopment of the Immaculate Conception Church/School campus. In 2018, the City entered an agreement with the church to abandon this street in the future, once certain conditions had been met. The church is now in the process of meeting those conditions and would like to move forward with completion of the abandonment.

Attached is a copy of the ordinance containing the agreement between the City and Roman Catholic Diocese of Springfield-Cape Girardeau and the recent extension of the time limit.



**Roman Catholic Diocese of Springfield-Cape Girardeau for the Abandonment of
East Jefferson Street between South Hope Street and South Ohio Street**

BILL NO. 18-93

ORDINANCE NO. 18-90

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF JACKSON, MISSOURI, TO EXECUTE A CONTRACT BY AND BETWEEN THE CITY OF JACKSON, MISSOURI AND THE *ROMAN CATHOLIC DIOCESE OF SPRINGFIELD-CAPE GIRARDEAU*, RELATIVE TO THE *ABANDONMENT OF EAST JEFFERSON STREET BETWEEN SOUTH HOPE STREET AND SOUTH OHIO STREET UPON THE CAMPUS OF THE IMMACULATE CONCEPTION CATHOLIC CHURCH AND SCHOOL*; FURTHER SAID ORDINANCE SHALL AUTHORIZE AND DIRECT THE CITY CLERK TO ATTEST THE SIGNATURE OF THE MAYOR.

WHEREAS, the Mayor and Board of Aldermen have been presented a contract marked Exhibit A and attached hereto and incorporated herein as if fully set forth; and

WHEREAS, the Mayor and Board of Aldermen of the City of Jackson, Missouri, deem it advisable to enter into said contract.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF JACKSON, MISSOURI, AS FOLLOW:

Section 1. That the Mayor and Board of Aldermen of the City of Jackson, Missouri, approve the contract marked Exhibit A and attached hereto and incorporated herein as if fully set forth between the City of Jackson, a municipal corporation, and the **Roman Catholic Diocese of Springfield-Cape Girardeau**. It is the belief of the Mayor and Board of Aldermen, that it is in the best interest of the citizens of the City of Jackson, Missouri, that the City enters into said contract.

Section 2. That the Mayor is hereby authorized and directed to execute said contract for and on behalf of the City of Jackson, Missouri.

Section 3. That the City Clerk of the City of Jackson is hereby authorized and directed to attest to the signature of the Mayor on the attached contract.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. That this Ordinance shall take effect and be in force from and after its passage and approval.

FIRST READING: December 17, 2018.

SECOND READING: December 17, 2018.

PASSED AND APPROVED this 17th day of December, 2018, by a vote of 8 ayes, 0 nays, 0 abstentions and 0 absent.

(SEAL)

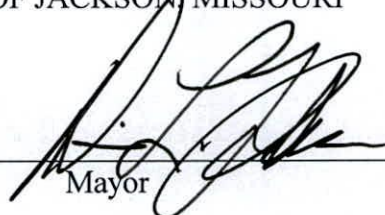
ATTEST:



City Clerk



CITY OF JACKSON, MISSOURI

BY: 

Mayor

AGREEMENT

THIS AGREEMENT is made and entered into this 17th day of December, 2018, by and between ***CITY OF JACKSON, MISSOURI, a municipal corporation***, hereinafter referred to as “City,” and ***ROMAN CATHOLIC DIOCESE OF SPRINGFIELD-CAPE GIRARDEAU, a Missouri corporation***, hereinafter referred to as “Diocese,” **WITNESSETH:**

WHEREAS, the City owns and maintains a city street known as East Jefferson Street between South Hope Street and South Ohio Street; and

WHEREAS, the Diocese owns property on both sides of East Jefferson Street; and

WHEREAS, the Diocese desires to expand its facilities and provide greater safety for its school, students, congregation, and visitors; and

WHEREAS, the parties have entered into certain agreements concerning East Jefferson Street; and

WHEREAS, the parties desire to memorialize the agreements between them in writing.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein and other good and valuable consideration, the adequacy and sufficiency of which are hereby acknowledged, it is mutually covenanted and agreed as follows:

1. The City agrees to abandon East Jefferson Street between South Hope Street and South Ohio Street subject to the terms and conditions set forth in this Agreement. The Diocese will submit to the City a design for the construction of its facilities and will obtain all necessary building permits. If the design meets all of the requirements set forth herein for police, fire, and utilities, then the abandonment date will be set for a date certain. The abandonment shall be contingent upon the Diocese beginning construction within three months of the abandonment.

2. In the event the Diocese has not begun construction within five years of the date of this Agreement, then this Agreement shall expire. It is provided, however, that the parties may agree to extend this Agreement upon approval of the extension by both the City and the Diocese.

3. The Diocese will at all times provide full access to all city utilities currently located in or upon the East Jefferson Street right-of-way. These city utilities shall include, but not be limited to, electric, sewer, water, and telecommunications. The City retains the right to maintain, operate, repair, and replace, by itself or by any licensee or holder of a franchise from the City, any poles, wires, pipes, conduits, sewer mains, water mains, surface water drainage easements, or any other facility or equipment for the maintenance and operation of any utility and/or surface water drainage now located in said area or portion thereof vacated.

4. The Diocese agrees that any design for a new Diocese facility or school facility or any other facility shall be designed in a manner to allow access by all emergency services, including police services, fire services, ambulance services, and active shooter response teams. The Diocese shall submit all designs to the City for approval by the City in regard to the issue of access for emergency services.

5. At the time of the abandonment of East Jefferson Street, the City shall retain an easement of sufficient width, but at least fifteen feet wide, for all city utilities including, but not limited to, electric, sewer, water, and telecommunications. The easement retained may be used for current city utilities and for the expansion and upgrade of any current city utilities and any future city utilities. The Diocese will pay all design, survey, and construction costs that may be needed to map the existing city utilities within East Jefferson Street and will pay the cost of relocating or removing any city utilities in the event the construction design requires utility relocation or removal.

6. The parties agree that this Agreement shall be approved by the governing Diocese prior to the City's abandonment of East Jefferson Street.

7. This Agreement contains the entire agreement of the parties hereto with respect to the subject matter hereof and can be altered, amended, or modified only by written instrument executed by all such parties. This Agreement sets forth the entire agreement between the parties and no custom, act, forbearance, or words or silence at any time, gratuitous or otherwise, shall impose any additional obligation or liability upon either party or waive or release either party from any default or the performance or fulfillment of any obligation or liability or operate as against either party as a supplement, alteration, amendment, or change of any terms or provisions set forth herein unless set forth in a written instrument duly executed by such party. The failure of either party to exercise any rights or remedies shall not release the other party from its obligations hereunder.

8. This Agreement shall be governed by and construed in accordance with the laws of the State of Missouri.

9. This Agreement shall be binding upon and shall inure to the benefit of the undersigned parties and their respective heirs, legal representatives, distributees, successors, and assigns.

10. Words of any gender used in this Agreement shall be construed to include any other gender, and words in the singular shall include the plural and vice versa, unless the context requires otherwise.

11. In case any one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respects, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein.

12. The rights and remedies provided by this Agreement are cumulative and the use of any one right or remedy by either party shall not preclude or waive its right to use any or all other available remedies. Said rights and remedies are given in addition to any other rights the parties may have by law, statute, ordinance, or otherwise.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.



CITY:

CITY OF JACKSON, MISSOURI

By: _____

Dwain Haas, Mayor

ATTEST:

Liza Walker, City Clerk

DIOCESE:

ROMAN CATHOLIC DIOCESE OF
SPRINGFIELD-CAPE GIRARDEAU

By: _____

Bishop Edward M. Rice, President

ATTEST:

Thomas E. Reidy, Secretary

ADDENDUM TO AGREEMENT

THIS ADDENDUM, effective as of the date on which all parties hereto execute this Addendum, amends and supplements that Agreement by and between **CITY OF JACKSON, MISSOURI** ("City") and **ROMAN CATHOLIC DIOCESE OF SPRINGFIELD-CAPE GIRARDEAU**, ("Diocese") with the effective date of December 17, 2018 (the "Agreement").

WHEREAS, City and Diocese wish to extend the date by which construction must begin as stated in paragraph two (2) of the Agreement.

NOW, THEREFORE, for adequate consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree to amend the Agreement as follows:

2. In the event the Diocese has not begun construction within seven (7) years of the date of this Agreement, then this Agreement shall expire. It is provided, however, that the parties may agree to extend this Agreement upon approval of the extension by both the City and the Diocese.

City and Diocese acknowledge that they have read and agreed to the terms and conditions of this Addendum, and they understand it will become legally binding upon signing.


DATE: 08/21/2023

City of Jackson, Missouri


Dwain Halls, Mayor



ATTEST:


Liza Walker, City Clerk

DATE: 8-7-23

Roman Catholic Diocese of Springfield-Cape Girardeau

By: Edward M. Rice

Print: *Edward M. Rice

Title: Bishop

MEMORANDUM

To: Mayor, Board of Aldermen, and Staff

From: Curt Poore

Subject: Public Intoxication

The City has a code that makes it unlawful for any person to drink alcohol on public streets, parking lots, alleys, highways, thoroughfares, and sidewalks (unless a permit has been issued for a special event). That code also makes public intoxication unlawful in those same locations. That is a problem because a state statute (§67.305) prohibits a City from having an ordinance that makes public intoxication unlawful.

In order to correct this ordinance, I have attached Section 5.7 with proposed changes. I have also attached a proposed ordinance to adopt these changes.

You may be wondering what the police can do with a person intoxicated in public (who is not otherwise committing a crime). Although arrest and prosecution of such an individual is not allowed, state law does permit the police to take the intoxicated person to the person's residence, to any available treatment service, or to any other appropriate facility, including a jail to be held in custody not to exceed twelve (12) hours (think Otis on the Andy Griffith show). The City has adopted this language in Section 5-5 of the Code of Ordinances.

Sec. 5-7. Consumption of alcoholic beverages in public places ~~and public intoxication.~~

- (a) It shall be unlawful for any person to drink intoxicating liquor or nonintoxicating beer upon the public streets, parking lots, alleys, highways, thoroughfares, or sidewalks within the city unless the city has issued appropriate permits for activities that allow consumption at specific events.
- ~~(b) It shall be unlawful for any person to be in an intoxicated condition upon the public streets, parking lots, alleys, highways, thoroughfares, or sidewalks within the city. A person is in an intoxicated condition when he or she is under the influence of alcohol, a controlled substance, or drug, or any combination thereof, so as to be impaired in his or her ability to safely walk in the areas set forth in this subsection. (See RSMo 577.001).~~

(Ord. No. 2981, § 2, 3-5-90; Ord. No. 16-14, § 1, 2-1-16)

Ord. No. 16-14, § 1, adopted Feb. 1, 2016, changed the title of § 5-7 from "Consumption of alcoholic beverages in public places" to read as herein set out.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES OF THE CITY OF JACKSON, MISSOURI, RELATIVE TO ALCOHOLIC BEVERAGES; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

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

Section 1. That Chapter 5, Article I, Section 5-7, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

“Sec. 5-7. Consumption of alcoholic beverages in public places.

It shall be unlawful for any person to drink intoxicating liquor or nonintoxicating beer upon the public streets, parking lots, alleys, highways, thoroughfares, or sidewalks within the city unless the city has issued appropriate permits for activities that allow consumption at specific events.”

Section 2. It is the intent of the Mayor and Board of Aldermen and it is hereby ordained that this ordinance shall become and be made a part of the Code of Ordinances of the City of Jackson, Missouri, and that sections of this ordinance may be renumbered to accomplish such intention.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 4. That this ordinance shall take effect and be in force from and after its passage and approval.

Section 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: _____.

SECOND READING: _____.

PASSED AND APPROVED this _____ day of _____, 2024, by a vote
of _____ ayes, _____ nays, _____ abstentions and _____ absent.

CITY OF JACKSON, MISSOURI

(SEAL)

BY: _____
Mayor

ATTEST:

City Clerk

MEMORANDUM

To: Mayor, Board of Aldermen, and Staff

From: Curt Poore

Subject: Amendments to Codes related to Marijuana

With the passage of the constitutional amendment allowing recreational marijuana, amendments to the City code are necessary to decriminalize marijuana. The state constitution does allow the City to incorporate some restrictions into its code. The restrictions I am recommending are attached. Those sections in blue are new or added language. Those sections in red are deleted language. Those sections in black are holdovers from the current ordinance.

The primary objectives are:

1. Prohibit people from smoking marijuana in public and in particular at Homecomers or other such events.
2. Prohibit people from smoking marijuana in cars as it is a real danger to the public (leads to impaired driving).
3. Prohibit minors from using marijuana in any manner.

JPD officers need the authority to stop (or at least ticket) the above referenced behavior should it occur in their presence. However, the constitution allows only for civil penalties under these circumstances. I recommend handling these tickets the same as any other but the Judge will be limited to the amount of a civil penalty for punishment which, in most cases, is \$100.00. A civil penalty is not the same as a criminal fine and the violator will not face the possibility of a jail sentence nor a criminal conviction.

Sec. 45-906. Controlled substances; definitions; prohibited acts.

A. Definitions for the purpose of this section:

1. "Controlled substance" means a drug, substance or immediate precursor as referred to in Schedules I through V, listed in Chapter 195, Revised Statutes of Missouri, except marijuana as defined by Article XIV of the Constitution of Missouri.
 2. "Drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance or an imitation controlled substance in violation of Chapter 195, Revised Statutes of Missouri.
- B. 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, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance as set forth in RSMo 195.017.
- C. It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.
- D. It is unlawful for any person to use, or to possess with intent to use, an imitation controlled substance in violation of this chapter.
- E. It is unlawful for any person to place in any newspaper, magazine, handbill or other publication, or to post or distribute in any public place, any advertisement or solicitation with reasonable knowledge that the purpose of the advertisement or solicitation is to promote the distribution of imitation controlled substances.
- ~~(e) It is unlawful for any person to possess or have under his control thirty-five (35) grams or less of marijuana or five (5) grams or less of hashish.~~
- ~~(f) It is unlawful for any person to deliver or possess with intent to deliver less than twenty-five (25) grams of marijuana or less than five (5) grams of hashish for no remuneration.~~
- ~~(g) It is not unlawful for a qualifying patient to have in his/her possession marijuana that has been legally prescribed to said qualifying patient by a licensed healthcare professional and dispensed to said qualifying patient by a licensed medical marijuana dispensary facility. It is not unlawful for a primary caregiver as defined by the State of Missouri Department of Health and Senior Services to have in his/her possession marijuana that has been legally prescribed by a licensed healthcare professional and dispensed by a licensed medical marijuana facility to a qualifying patient who has designated the person as the primary caregiver in an identification card issued by the State of Missouri. Legally dispensed~~

~~marijuana shall be kept in a container delineated as medical marijuana under the laws of the State of Missouri.~~

(Ord. No. 2649, § 2(21-906), 5-6-84; Ord. No. 19-33 , § 1, 5-20-19)

State law reference(s)—Similar provisions, RSMo 195.202.

Sec. 45-907. - Marijuana.**A. Definitions for the purpose of this section:**

1. To “Smoke Marijuana” means inhaling, exhaling, burning, or possessing any lighted cigar, cigarette, pipe, bong, or any other device used for the delivery of marijuana. This specifically includes the use of an electric or electronic smoking device, that creates an aerosol of vapor, in any manner, or in any form.
2. To “Consume Marijuana” means to ingest marijuana, by any means other than smoking. This includes, but is not limited to ingesting edibles, marijuana infused drinks, and eating food prepared with marijuana as an ingredient.
3. “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.
4. All other definitions contained in this section are the same as used in Article XIV of the Missouri Constitution.

B. Marijuana use in a Vehicle:

1. No person shall smoke, consume, or be under the influence of marijuana while they are operating or are in physical control of any motor vehicle or other motorized form of transportation.
2. No person shall smoke marijuana within a motor vehicle or other motorized form of transportation, whether or not the vehicle is being operated.
3. Marijuana may not be stored or transported in any motor vehicle or other motorized form of transportation, unless it is stored in a sealed, odor-proof package, container, or receptacle.

C. Minors:

1. No person under the age of twenty-one (21) years may use, consume, smoke, possess, purchase, or attempt to purchase marijuana.
2. No person shall distribute, deliver, or sell with or without consideration, marijuana to any person under the age of twenty-one (21) years.

D. Public Use of Marijuana:

1. No person shall smoke or consume marijuana in any public place.

2. No person shall possess, smoke, or consume marijuana or possess marijuana accessories on the grounds of a public or private preschool, daycare, elementary school, secondary school, institution of higher education, vocational training facility, or on a school bus.

3. No person shall possess or consume marijuana on the grounds of a correctional facility.

E. Marijuana Cultivation and Distribution:

1. No person shall grow, cultivate, distribute, deliver, sell, possess or manufacture with the intent to distribute, deliver or sell marijuana unless specifically licensed or otherwise authorized to do so under Missouri law or Article XIV of the Missouri Constitution.

2. No person shall grow or cultivate any marijuana plant in an unlocked space or any place that is visible by normal, unaided vision from a public place.

F. No person shall possess marijuana, marijuana products, or marijuana plants in excess of the weight or quantity limitations of Missouri law or Article XIV of the Missouri Constitution.

G. It shall be a rebuttable presumption that products, containers, or packages labeled as containing marijuana actually contain marijuana and need not be tested to verify the presence of marijuana. A defendant may challenge the presumption that marijuana is present, but the burden of proof of such challenge shall be on the defendant.

H. Penalties:

1. A person under the age of twenty-one (21) years who violates this section shall be subject to a civil penalty not to exceed \$100 and forfeiture of marijuana. Any such person shall be provided the option of attending up to four hours of drug education or counseling in lieu of the civil penalty. This limitation shall only apply to violations related to public consumption and possession of three ounces or less of marijuana.

2. A person over the age of twenty-one (21) years who violates this section is subject to a civil penalty not to exceed \$100.

3. A person who grows or cultivates marijuana in violation of this section is subject to a civil penalty not to exceed \$250 and forfeiture of the marijuana.

4. A person of any age who possesses more than the weight or quantity of marijuana as authorized by Article XIV Missouri Constitution is subject to the following:

- a. For the first violation, a civil penalty of \$250 and forfeiture of the marijuana.
- b. For the second violation, a civil penalty of \$500 and forfeiture of the marijuana.

- c. For the third or subsequent violation, a civil penalty of \$1000 and forfeiture of the marijuana.
- d. The civil penalty may be satisfied by the performance of community service. The rate of pay down shall be either \$15 per hour, or the minimum wage of the State of Missouri that is effective at the time of judgment, whichever is greater.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES OF THE CITY OF JACKSON, MISSOURI, RELATIVE TO MARIJUANA; AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

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

Section 1. That Chapter 45, Article IX, Division 1, Section 45-906, of the Code of Ordinances of the City of Jackson, Missouri, is hereby amended to read as follows:

“Sec. 45-906. Controlled substances; definitions; prohibited acts.

A. Definitions for the purpose of this section:

1. “Controlled substance” means a drug, substance or immediate precursor as referred to in Schedules I through V, listed in Chapter 195, Revised Statutes of Missouri, except marijuana as defined by Article XIV of the Constitution of Missouri.

2. “Drug paraphernalia” means all equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance or an imitation controlled substance in violation of Chapter 195, Revised Statutes of Missouri.

B. 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, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance or an imitation controlled substance as set forth in RSMo 195.017.

C. It is unlawful for any person to place in any newspaper, magazine, handbill or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia.

D. It is unlawful for any person to use, or to possess with intent to use, an imitation controlled substance in violation of this chapter.

E. It is unlawful for any person to place in any newspaper, magazine, handbill or other publication, or to post or distribute in any public place, any advertisement or solicitation with reasonable knowledge that the purpose of the advertisement or solicitation is to promote the distribution of imitation controlled substances.”

Section 2. That Chapter 45, Article IX, Division 1, Section 45-907, of the Code of Ordinances of the City of Jackson, Missouri, is hereby added as follows:

“Sec. 45-907. Marijuana.

A. Definitions for the purpose of this section:

1. To “Smoke Marijuana” means inhaling, exhaling, burning, or possessing any lighted cigar, cigarette, pipe, bong, or any other device used for the delivery of marijuana. This specifically includes the use of an electric or electronic smoking device, that creates an aerosol of vapor, in any manner, or in any form.

2. To “Consume Marijuana” means to ingest marijuana, by any means other than smoking. This includes, but is not limited to ingesting edibles, marijuana infused drinks, and eating food prepared with marijuana as an ingredient.

3. “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.

4. All other definitions contained in this section are the same as used in Article XIV of the Missouri Constitution.

B. Marijuana use in a Vehicle:

1. No person shall smoke, consume, or be under the influence of marijuana while they are operating or are in physical control of any motor vehicle or other motorized form of transportation.

2. No person shall smoke marijuana within a motor vehicle or other motorized form of transportation, whether or not the vehicle is being operated.

3. Marijuana may not be stored or transported in any motor vehicle or other motorized form of transportation, unless it is stored in a sealed, odor-proof package, container, or receptacle.

C. Minors:

1. No person under the age of twenty-one (21) years may use, consume, smoke, possess, purchase, or attempt to purchase marijuana.

2. No person shall distribute, deliver, or sell with or without consideration, marijuana to any person under the age of twenty-one (21) years.

D. Public Use of Marijuana:

1. No person shall smoke or consume marijuana in any public place.

2. No person shall possess, smoke, or consume marijuana or possess marijuana accessories on the grounds of a public or private preschool, daycare, elementary school, secondary school, institution of higher education, vocational training facility, or on a school bus.

3. No person shall possess or consume marijuana on the grounds of a correctional facility.

E. Marijuana Cultivation and Distribution:

1. No person shall grow, cultivate, distribute, deliver, sell, possess or manufacture with the intent to distribute, deliver or sell marijuana unless specifically licensed or otherwise authorized to do so under Missouri law or Article XIV of the Missouri Constitution.

2. No person shall grow or cultivate any marijuana plant in an unlocked space or any place that is visible by normal, unaided vision from a public place.

F. No person shall possess marijuana, marijuana products, or marijuana plants in excess of the weight or quantity limitations of Missouri law or Article XIV of the Missouri Constitution.

G. It shall be a rebuttable presumption that products, containers, or packages labeled as containing marijuana actually contain marijuana and need not be tested to verify the presence of marijuana. A defendant may challenge the

presumption that marijuana is present, but the burden of proof of such challenge shall be on the defendant.

H. Penalties:

1. A person under the age of twenty-one (21) years who violates this section shall be subject to a civil penalty not to exceed \$100 and forfeiture of marijuana. Any such person shall be provided the option of attending up to four hours of drug education or counseling in lieu of the civil penalty. This limitation shall only apply to violations related to public consumption and possession of three ounces or less of marijuana.

2. A person over the age of twenty-one (21) years who violates this section is subject to a civil penalty not to exceed \$100.

3. A person who grows or cultivates marijuana in violation of this section is subject to a civil penalty not to exceed \$250 and forfeiture of the marijuana.

4. A person of any age who possesses more than the weight or quantity of marijuana as authorized by Article XIV Missouri Constitution is subject to the following:

- a. For the first violation, a civil penalty of \$250 and forfeiture of the marijuana.
- b. For the second violation, a civil penalty of \$500 and forfeiture of the marijuana.
- c. For the third or subsequent violation, a civil penalty of \$1000 and forfeiture of the marijuana.
- d. The civil penalty may be satisfied by the performance of community service. The rate of pay down shall be either \$15 per hour, or the minimum wage of the State of Missouri that is effective at the time of judgment, whichever is greater.”

Section 3. It is the intent of the Mayor and Board of Aldermen and it is hereby ordained that this ordinance shall become and be made a part of the Code of Ordinances of the City of Jackson, Missouri, and that sections of this ordinance may be renumbered to accomplish such intention.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion

shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 5. That this ordinance shall take effect and be in force from and after its passage and approval.

Section 6. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

FIRST READING: _____.

SECOND READING: _____.

PASSED AND APPROVED this _____ day of _____, 2024, by a vote of _____ ayes, _____ nays, _____ abstentions and _____ absent.

CITY OF JACKSON, MISSOURI

(SEAL)

BY: _____
Mayor

ATTEST:

City Clerk