



# City of Killeen

## Legislation Details (With Text)

|                       |  |                      |              |              |  |
|-----------------------|--|----------------------|--------------|--------------|--|
| <b>File #:</b>        | OR-22-022  | <b>Version:</b>      | 1            | <b>Name:</b> | Amendment to Marijuana Enforcement Ordinance |
| <b>Type:</b>          | Ordinance  | <b>Status:</b>       | Passed       |              |  |
| <b>File created:</b>  | 11/23/2022   | <b>In control:</b>   | City Council |              |  |
| <b>On agenda:</b>     | 12/6/2022  | <b>Final action:</b> | 12/6/2022    |              |  |
| <b>Title:</b>         | Consider an ordinance amending the Code of Ordinances Chapter 22, Article V - Marijuana Enforcement. |                      |              |              |  |
| <b>Sponsors:</b>      | City Council   |                      |              |              |  |
| <b>Indexes:</b>       |  |                      |              |              |  |
| <b>Code sections:</b> |  |                      |              |              |  |
| <b>Attachments:</b>   | 1. Ordinance, 2. Initiative Ordinance Petition, 3. Presentation                                      |                      |              |              |  |

| Date      | Ver. | Action By    | Action   | Result |
|-----------|------|--------------|----------|--------|
| 12/6/2022 | 1    | City Council | Approved | Pass   |

Consider an ordinance amending the Code of Ordinances Chapter 22, Article V - Marijuana Enforcement.

**DATE:** December 6, 2022

**TO:** Kent Cagle, City Manager

**FROM:** Holli Clements, City Attorney

**SUBJECT:** Amendment to Chapter 22, Article V - Marijuana Enforcement

### **BACKGROUND AND FINDINGS:**

On November 22, 2022, City Council canvassed the November 8 Special Election where the voters approved the initiative ordinance to eliminate low-level marijuana enforcement. City Council directed a moratorium on the ordinance until December 6, 2022 when Council would consider possible amendments to the ordinance.

City Council discussed the option of amending or removing Section 22-83 of the ordinance which prohibits Killeen police officers from considering the odor of marijuana or hemp to constitute probable cause for any search or seizure except in limited circumstances.

Based on that discussion and so that City Council will have the option to take action on this or other amendments, staff has prepared a draft ordinance removing Section 22-83. Rather than taking action on this item at this time, City Council may instead choose to discuss further options during the meeting or the workshop.

### **THE ALTERNATIVES CONSIDERED:**

The alternatives are:

1. Approve the amendment as presented to the Marijuana Enforcement Ordinance;
2. Approve additional or different amendments to the Marijuana Enforcement Ordinance; or
2. Do not approve amendments to the Marijuana Enforcement Ordinance at this time.

**Which alternative is recommended? Why?**

N/A

**CONFORMITY TO CITY POLICY:**

Section 110 of the City Charter authorizes amendment of an initiative ordinance.

**FINANCIAL IMPACT:**

**What is the amount of the expenditure in the current fiscal year? For future years?**

N/A

**Is this a one-time or recurring expenditure?**

N/A

**Is this expenditure budgeted?**

N/A

**If not, where will the money come from?**

N/A

**Is there a sufficient amount in the budgeted line-item for this expenditure?**

N/A

**RECOMMENDATION:**

Per City Council direction, staff recommends that City Council consider an ordinance amending Chapter 22, Article V - Marijuana Enforcement, of the Killeen Code of Ordinances.

**DEPARTMENTAL CLEARANCES:**

Legal

**ATTACHED SUPPORTING DOCUMENTS:**

Ordinance  
Initiative Ordinance Petition