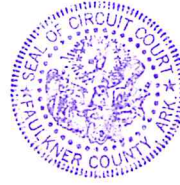


3



**L201910416**  
CERTIFICATE OF RECORD  
FAULKNER CO, AR FEE \$25.00  
RECORDED: 07-16-2019 02:26:31 PM  
CRYSTAL TAYLOR  
CIRCUIT CLERK  
BY: NICOLE SPILLER, D.C.

**City of Conway, Arkansas**  
**Ordinance No. O-19-65**

**ORDINANCE**  
**3 Pages**

**AN ORDINANCE RECOGNIZING THE ARKANSAS MEDICAL MARIJUANA AMENDMENT; ADDRESSING VIOLATIONS; DECLARING AN EMERGENCY AND FOR ALL OTHER PURPOSES.**

Whereas, the City of Conway has adopted the Arkansas State Criminal Code via Ordinance No. O-81-25 as amended and codifying in City Code §1.32.04 per A.C.A §§ 14-55-501-502 authorizing municipalities to prohibit and punish any act, which the laws of the State of Arkansas make a misdemeanor, and to prescribe penalties for all offenses in violating any ordinance of said city not exceeding the maximum for similar offenses against state laws by the statues of this state; and

Whereas, the State of Arkansas through a statewide vote approved the use of marijuana for medicinal purposes for qualifying conditions after being issued a registry identification card via a state constitutional amendment, Arkansas Constitution Amendment 98, also known as the Arkansas Medical Marijuana Amendment of 2016 (hereinafter the "Amendment"); and

Whereas; the Amendment provides an affirmative defense to the use and possession of marijuana as long as the person using or possessing marijuana is acting in accordance and compliance with Amendment; and

Whereas, the Amendment also enumerates prohibitions in §6 and provides for the removal of the affirmative defense protections if the Amendment is violated wherein leaving the violator to be prosecuted per the Arkansas Criminal Code under the Uniform Controlled Substance Act.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:**

Section 1. That the Arkansas Medical Marijuana Amendment of 2016 (Ark. Const. Amend. 98), including amendments thereto both presently and hereafter passed is hereby adopted to and made a part of the Conway City Code for the City of Conway, Arkansas for the purpose of maintaining the peace and dignity of the City of Conway, Arkansas, and its citizens.

Section 2. That any violation of Arkansas Medical Marijuana Amendment of 2016 (Ark. Const. Amend. 98) relating specifically and exclusively to valid cardholders' use and possession of medical marijuana shall be a violation of this Ordinance and subject to the penalties as stated herein.

Section 3. The minimum fines and penalties for the violation of this Ordinance shall be as follows:

<u>Offense #</u>	<u>Mandatory Minimum Fine</u>
1	\$250.00

2	\$500.00
3	\$750.00
All subsequent offenses	\$1,000.00

The minimum fine levels of this Ordinance shall not be less than the minimum fines for the violation of the same offenses under Arkansas State Law when prosecuted as an ordinance violation of this City and all other minimum penalties under Arkansas State Law are hereby adopted into this Ordinance. Furthermore, in no event will the penalties imposed for violation of this Ordinance exceed the maximum penalties for a violation of the same offenses under Arkansas State Law when prosecuted as an ordinance violations of this City.

Section 4. Subject to Constitutional protections, this Ordinance shall in no way limit or restrict law enforcement from carrying out their duties, applying for or executing search warrants, conducting searches, seizing property, conducting investigations or any other law enforcement activity as it relates to violation of the Amendment or criminal statute.

Section 5. Violations of the Amendment may still be investigated, charged and pursued according to Arkansas Uniform Controlled Substance Act or any other applicable Arkansas State Statute and be subject to prosecution and full range of penalties thereunder.

Section 6. If any clause, sentence, paragraph, section or other portion of this Ordinance or any State Statute incorporated herein by reference be found to be unconstitutional or invalid or inoperative by a court of competent jurisdiction, such findings shall not affect the validity of the remainder of this Ordinance or its incorporated provisions, nor shall any proceeding attacking any portion of this Ordinance operate to affect any portion of the remainder of said Ordinance not specifically attacked in said proceeding.

Section 7. It is ascertained and declared that in order to provide for effective enforcement of the criminal and traffic offenses committed within the City of Conway, Arkansas for the protection and preservation of the public peace, welfare, safety, and property of the citizens that the foregoing Ordinance be passed and adopted; that an emergency exists; and that this Ordinance shall take effect and be in force from and after its passage and publication.

Passed this 25<sup>th</sup> day of June, 2019.

Approved:

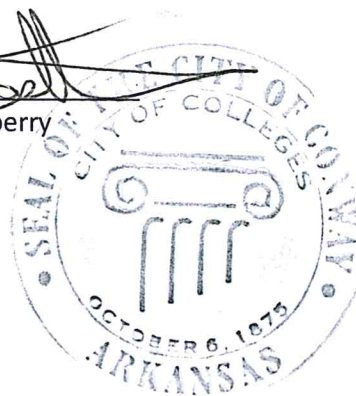
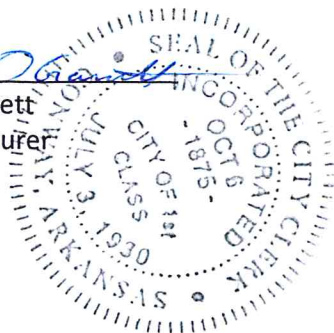


Mayor Bart Castleberry

Attest:



Michael O. Garrett  
City Clerk/Treasurer



**CERTIFICATE**

**STATE OF ARKANSAS  
COUNTY OF FAULKNER  
CITY OF CONWAY**

I, Michael Garrett, the duly elected, qualified, and acting: Clerk-Treasurer of the City of Conway, Arkansas, do hereby certify that the attached and foregoing is a true and correct copy of an ordinance presented to the City Council of the City of Conway, Arkansas, at a meeting of that body held on the 25<sup>th</sup> day of June, 2019 same is duly recorded in the minutes of meeting of said Council.

Witness, my hand, and seal of the City of Conway, Arkansas this 28<sup>th</sup> day of June, 2019.

  
**CITY CLERK-TREASURER**

