

AN ORDINANCE CREATING CHAPTER 8 OF TITLE 4 OF THE TOWN OF JONES CITY CODE OF ORDINANCES, PROVIDING FOR MEDICAL MARIJUANA ESTABLISHMENTS; ESTABLISHING LICENSE AND PERMIT REQUIEIMENTS; RESTRICTING LOCATION; PROVIDING FOR CONDITIONS OF OPERATION; PROVIDING FOR REPEALER, CODIFICATION, AND SEVERABILITY; DECLARING AN EMERGENCY

WHEREAS, the State of Oklahoma has authorized the growth, processing, and sale of marijuana for medical purposes, and the citizens of the Town of Jones City who are in need of medical marijuana should be able to obtain and use marijuana without fear of criminal prosecution under limited and specified circumstances;

NOW THEREFORE, BE IT ORDAINED BY THE TRUSTEES:

That the Town of Jones City Code of Ordinances should be and the same is hereby amended by adding a new Title 4, Chapter 8, Medical Marijuana, Sections 4-8-1 through 4-8-17, to read as follows:

Sec. 4-8-1 Definitions.

- A. Caregiver License:** A license that grants a caregiver licensed by the State of Oklahoma and the Town of Jones the same rights as the holder of a Personal License.
- B. Commercial Medical Marijuana Growing and/or Processing Facilities:** An entity licensed by the State of Oklahoma and the Town of Jones City as a medical marijuana dispensary, grower, processor, or researcher to grow or process medical marijuana in excess of twelve (12) plants. Growing includes the cultivation, manufacturing, processing, packaging, and distribution of marijuana and marijuana products. Processing includes including but not limited to: drying, cleaning, curing, packaging, and extraction of active ingredients to create medical marijuana, medical marijuana products or concentrates.
- C. Medical Marijuana Wholesale and/or Storage Facility:** Any wholesale or storage establishment licensed by the State of Oklahoma and the Town of Jones City that acquires, possesses, stores, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid medical marijuana dispensary license.
- D. Medical Marijuana Growing Facility for Personal Use:** Any facility or structure used by an individual licensed by the State of Oklahoma and the Town of Jones City to grow up to twelve (12) plants within a single residence for personal medical use.
- E. Medical Marijuana Establishment:** Any Retail Medical Marijuana Establishments, Commercial Medical Marijuana Growing and/or Processing Facilities, Medical Marijuana Wholesale and/or Storage Facilities, Medical Marijuana Growing Facilities for Personal Use, and any other entity licensed by the State of Oklahoma and the Town for

the sale, usage, growth, processing, acquisition, storage, delivery, transfer, transport, supply, or dispensation of medical marijuana, medical marijuana products, and medical marijuana supplies.

F. Personal License: A license that grants the holder the right to:

1. Consume marijuana legally;
2. Legally possess up to three (3) ounces of marijuana on their person;
3. Legally possess up to six (6) mature marijuana plants;
4. Legally possess up to six (6) seedling plants;
5. Legally possess one (1) ounce of concentrated marijuana;
6. Legally possess seventy-two (72) ounces of edible marijuana; and,
7. Legally possess up to eight (8) ounces of marijuana in their residence.

G. Retail Medical Marijuana Establishments: An entity that has been licensed by the State of Oklahoma and the Town of Jones City, which allows the entity to purchase medical marijuana from an entity licensed by the State of Oklahoma and sell medical marijuana only to qualified patients, or their parents, legal guardians, and/or caregivers.

H. The Town hereby adopts all other terms and definitions as established by State law or Department of Health regulations. In the event of a conflict between any definitions contained herein, the definition promulgated by the State or the Department of Health shall prevail.

Sec. 4-8-2 Personal Licenses

- A.** All holders of a medical marijuana license issued by the State of Oklahoma are required to obtain a Personal License from the Town Clerk.
- B.** The Town Board of Trustees will establish by resolution a fee to obtain the applicable Personal License. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of Personal Licenses.

Sec. 4-8-3 Caregiver Licenses

- A.** All holders of a Caregiver License issued by the State of Oklahoma are required to obtain a Caregiver License from the Town Clerk.
- B.** The Town Board of Trustees will establish by resolution a fee to obtain the applicable Personal License. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of Personal Licenses.

Sec. 4-8-4 Business license and permit requirements.

- A.** All operators of Medical Marijuana Establishments are required to obtain a Medical Marijuana Establishment permit and a business license from the Town Clerk.

- B. The Town Board of Trustees will establish by resolution a fee to obtain the applicable Medical Marijuana Permit. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of Retail Medical Marijuana Establishments.

Sec. 4-8-5 Conditions of operation.

- A. Buildings where marijuana is stored or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises.
- B. All Medical Marijuana Establishments must collect the applicable sales tax on all sales.
- C. Medical Marijuana Establishments which sell or dispense Marijuana to Personal Licensees or Caregiver Licensees shall be closed on Christmas Day, Thanksgiving Day, July 4th and New Year's Day.
- D. Any violations of this section will result in the revocation of the applicable Medical Marijuana permit.
- E. All Medical Marijuana Establishments shall be located within an entirely enclosed and secure structure, as required by the Rules and Regulations of the Department of Health, as may be amended from time to time.
- F. It is the intent of the Town Board of Trustees that nothing in the Medical Marijuana Ordinance be construed to:
 - 1. Allow persons to engage in conduct that endangers or causes a public nuisance;
 - 2. Allow the use of marijuana for non-medical purposes; or
 - 3. Allow any activity that is otherwise illegal and not permitted by state law.

Sec. 4-8-6 Retail Medical Marijuana Establishments

- A. Retail Medical Marijuana Establishments are hereby allowed within the municipal boundaries of The Town of Jones City.
- B. The facility must acquire a permit for the facility and a business license from the Town Clerk. The Municipal Governing body will establish by resolution a fee to obtain the permit for a Retail Medical Marijuana Facility.
- C. A Retail Marijuana Permit will not be granted to any applicant where the proposed location is located outside a commercially zoned area of the Corporate Town limits of Jones City, or within a restricted area as hereinafter set forth.
- D. A Retail Marijuana Permit will not be granted to any applicants where the proposed location would be located within one-thousand (1,000') feet of any private or public preschool, elementary, secondary, vocational or trade school, college or university;

- E. For the distance requirements outlined in this ordinance, the distances described shall be computed by direct measurement in a straight line from the nearest entrance of a building described in Subsection D above to the nearest property line of the building or unit in which the proposed Retail Marijuana Establishment would be located.

Sec. 4-8-7 Marijuana growing facilities for personal medical use

- A. Medical Marijuana Growing Facilities for Personal Use are hereby allowed within the municipal boundaries of Jones City and persons wishing to utilize these facilities are required to obtain a permit from the Town Clerk.
- B. The Town Board of Trustees will establish by resolution a fee to obtain the Medical Marijuana Growing Facilities for Personal Use Permit. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of Medical Marijuana Growing Facilities for Personal Use.
- C. All Medical Marijuana Growing Facilities for Personal Use shall be subject to security provisions as stated herein prior to the granting of a permit. Failing to comply with security provisions as stated herein will result in revocation of the permit.
- D. Any access or entry point to residential facilities used for marijuana cultivation for personal medical use must be secured by lock and key or equivalent, at all times except when the residential facility is actively being supervised in person by the permit holder.
- E. Growing marijuana for personal medical use shall be limited to the interior of a single private residence.
- F. Growing marijuana shall not be visible from any public right of way.
- G. The growing area including any lighting, plumbing or electrical components used shall comply with municipal building and fire codes. The growing area must be properly ventilated so as not to create humidity, mold or other related problems. Lighting shall not exceed 1000 watts per light. The use of gas products (CO₂, butane, etc.) or CO₂ and ozone generators in the growing area is prohibited.
- H. Growing marijuana shall not be conducted in a manner that constitutes a public nuisance. A public nuisance may be deemed to exist if growing marijuana produces light, glare, heat, noise, odor or vibration that is detrimental to public health, safety or welfare or interferes with the reasonable enjoyment of life and property.
- I. The primary use of the residential property in which marijuana is grown shall remain at all times a residence, with legal and functioning cooking, eating, sleeping and sanitation/bathing facilities with proper ingress and egress. No room shall be used for growing marijuana where such cultivation will impair or prevent the primary uses of cooking, eating, sleeping or sanitation/bathing.

- J. If the residence is rented, consent of the property owner shall be obtained prior to any cultivation commencing. This consent must be evidenced by a signed and notarized statement from the property owner permitting the growth of marijuana in the residence.
- K. Cultivated marijuana must be used exclusively pursuant to a valid state-issued license. Any other or unapproved usage shall result in revocation of the license.

Sec. 4-8-8 Commercial marijuana growing facilities:

- A. Commercial Marijuana Growing Facilities are hereby allowed within the municipal boundaries of The Town of Jones City.
- B. The facility must acquire a permit for the facility and a business license from the Town Clerk. The Town Board of Trustees body will establish by resolution a fee to obtain the permit for a Commercial Marijuana Growing Facility.
- C. A Commercial Marijuana Facilities Permit will not be granted to any applicants where the proposed location would be located within one thousand (1,000) feet of any private or public preschool, elementary, secondary, vocational or trade school, college or university.
- D. For the distance requirements outlined in this ordinance, the distances described shall be computed by direct measurement in a straight line from the nearest entrance of a building described in Subsection C above to the nearest property line of the building or unit in which the proposed Commercial Marijuana Growing Facility would be located.
- E. The facility must be an enclosed structure and shall be located in an area zoned commercial, industrial, or agricultural.
- F. The facility shall have a security fence at least six (6) feet in height and with limited access. The gates to the secure area must be locked at all times.
- G. The facility must be constructed in such a manner that the growing of the marijuana plants cannot be seen by the public from a public right of way.
- H. The growing area, including any lighting, plumbing or electrical components, used shall comply with municipal building and fire codes. The growing area must be properly ventilated so as not to create humidity, mold or other related problems.
- I. Growing marijuana shall not be conducted in a manner that constitutes a public nuisance. A public nuisance may be deemed to exist if growing marijuana produces light, glare, heat, noise, odor or vibration that is detrimental to public health, safety or welfare or interferes with the reasonable enjoyment of life and property.

Sec. 4-8-9 Wholesale marijuana facilities.

- A. Wholesale Marijuana Facilities are allowed in the Town of Jones City and each facility must acquire a permit and business license from the Town Clerk. The Town Board of

Trustees will establish by resolution a fee to obtain the permit for a Wholesale Marijuana Facility.

- B.** Wholesale Marijuana Facilities Permits will not be granted to any applicants where the proposed location is located outside a commercially zoned area of the Town limits of Jones City.
- C.** Wholesale Marijuana Facilities Permit will not be granted to any applicants where the proposed location would be located within one thousand (1,000) feet of any private or public preschool, elementary, secondary, vocational or trade school, college or university;
- D.** For the distance requirements outlined in this ordinance, the distances described shall be computed by direct measurement in a straight line from the nearest entrance of a building described in Subsection C above to the nearest property line of the building or unit in which the proposed Wholesale Marijuana Facility would be located.

Sec. 4-8-10 Marijuana storage facilities.

- A.** Marijuana Storage Facilities, other than in a retail outlet, are hereby allowed within the municipal boundaries of Jones City, Oklahoma, and must acquire a business license from the Town Clerk. The Town Board of Trustees will establish by resolution a fee to obtain the Marijuana Storage Facilities Permit. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of Marijuana Storage Facilities.
- B.** Marijuana Storage Facilities Permit will not be granted to any applicant where the proposed location is located outside a commercially zoned area of the corporate Town limits of Jones City.
- C.** A Marijuana Storage Facilities Permit will not be granted to any applicants where the proposed location would be located within one thousand (1,000) feet of any private or public preschool, elementary, secondary, vocational or trade school, college or university;
- D.** For the distance requirements outlined in this ordinance, the distances described shall be computed by direct measurement in a straight line from the nearest entrance of a building described in Subsection C above to the nearest property line of the building or unit in which the proposed Marijuana Storage Facility would be located.
- E.** Buildings where marijuana is stored or dispensed must be equipped with ventilator/air filtration
- F.** so that no odors are detectable off premises.
- G.** Storage facilities must remain locked at all times when not in operation. The facility must have an electronic security system and have an appropriate security fence that must be at least six (6) feet tall around the facility.
- H.** The storage facility must collect the applicable sales tax on all sales.

- I. Any violations of this section will result in the revocation of the Marijuana Storage Facility permit.

Sec. 4-8-11 Permit inspections and other requirements.

- A. Applicants for any license contained herein shall be required to possess a valid State of Oklahoma issued medical marijuana license prior to making application for the town license.
- B. All permits outlined in this ordinance will be subject to inspection of the facilities by an authorized Town inspector prior to issuance.
- C. The inspection prior to a permit decision will occur at a time scheduled and approved by both the applicant and the Town inspector.
- D. The applicant will be required to be present during the inspection.
- E. The smell or noxious odor emitted from smoking or consumption of marijuana by a person possessing a valid state issued medical marijuana license shall be treated as a public nuisance.
- F. Smoking, vaping, or using marijuana shall be prohibited on all Town property including vehicles, buildings, parks or other facilities.
- G. All structures, equipment and apparatuses shall comply with all building and fire codes adopted by the State of Oklahoma and the Town of Jones City.
- H. A Medical Marijuana Business License Application shall be filled out and signed by the property and business owner and submitted to the Town Clerk prior to scheduling an inspection.
- I. The license fee shall be paid at the time the application is submitted and shall be non-refundable to the applicant.

Sec. 4-8-12 Surveillance

- A. All Medical Marijuana Establishments shall utilize surveillance cameras to provide twenty-four (24) hour monitoring of all marijuana plants, including mature plants, seedling plants, and seeds, and all products containing marijuana located at the Medical Marijuana Establishment.
- B. Camera placement shall be inspected by the Town inspector to confirm that the camera(s) provide sufficient field of view and clarity to comply with the requirements of this Section.
 - 1. The Town inspector shall be authorized to order the placement of additional cameras, or the movement of cameras presently installed to meet with the requirements of this Section.

- C. All camera(s) must provide sufficient clarity to identify all products contained within the view of the camera(s).
- D. The surveillance system must be maintained and operated from a secured location, such as a locked cabinet or operation room.
 - 1. If an operation room is used, the room must be secured to prevent unauthorized entry and to restrict access only to authorized personnel.
- E. The surveillance system must record an accurate date and time stamp on recorded events. The displayed date and time must not significantly obstruct the recorded view.
- F. Each camera required by the standards in this Section must be installed in a manner that will prevent it from being readily obstructed, tampered with, or disabled.
- G. The surveillance system must:
 - 1. Have the capability to display all camera views on a monitor;
 - 2. Include sufficient numbers of recording devices to record the views of all cameras required by this Section; and,
 - 3. Record all camera views.
- H. A periodic inspection of the surveillance systems must be conducted. When a malfunction of the surveillance system is discovered, the malfunction and necessary repairs must be initiated within seventy-two (72) hours.
 - 1. If a dedicated camera malfunctions, alternative security procedures, such as additional supervisory or security agents, must be implemented immediately.

Sec. 4-8-13 Revocation or Suspension of Municipal Issued Marijuana License

- A. The Town Clerk or a designee shall revoke or suspend a license issued under this Section on any of the following grounds:
 - 1. The license was procured by fraudulent conduct or false statement of a material fact or a fact concerning the applicant was not disclosed at the time of his application, and such fact would have constituted just cause for refusal to issue the license;
 - 2. Violation of Town ordinance, State law, or Department of Health regulations governing medical marijuana.
- B. Prior to suspension or revocation, the permittee shall be given notice of the proposed action to be taken and shall have an opportunity to be heard before the Town Board of Trustees. If an employee has been designated by the Town Board Trustees, such employee shall make a report to the Town Board of Trustees together with a recommendation as to whether the license should be suspended or revoked.

Sec. 4-8-14 Codification.

The Town Clerk is hereby directed to enter the added sections into the appropriate place in The Town Code of Jones City, Oklahoma, as authorized and approved by this Ordinance.

Sec. 4-8-15 Severability.

If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

Sec. 4-8-16 Repealer.

All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

Sec. 4-8-17 Emergency Clause.

An immediate necessity existing for the preservation of the public peace health and safety, an emergency is hereby declared to exist by reason of which this ordinance shall be in full force and effect from and after its passage, approval and publication or posting.

PASSED AND APPROVED and the emergency clause voted on separately this 4th day of January, 2019.

TOWN OF JONES CITY


Ray Poland
Mayor