

**REVISED ORDINANCE NO. 3684**

**AN ORDINANCE OF THE CITY OF VINITA, OKLAHOMA AMENDING TITLE 3, BUSINESS AND LICENSE REGULATIONS, ADDING CHAPTER 13, MEDICAL MARIJUANA, SECTIONS 13-1 DEFINITIONS, 13-2 GENERAL REQUIREMENTS, 13-3 MEDICAL MARIJUANA DISPENSARY ALLOWED AND LICENSE REQUIREMENTS, 13-4 COMMERCIAL MEDICAL MARIJUANA GROWING AND/OR PROCESSING FACILITIES ALLOWED AND LICENSE REQUIREMENTS, 13-5 MEDICAL MARIJUANA WHOLESALE AND/OR STORAGE FACILITIES ALLOWED AND LICENSE REQUIREMENTS, 13-6 MEDICAL MARIJUANA GROWING FOR PERSONAL USE ALLOWED AND LICENSE REQUIREMENTS; 13-7, PENALTY; AND FOR CODIFICATION, SEVERABILITY AND REPEALER, AND DECLARING AN EMERGENCY.**

NOW THEREFORE, BE IT ORDAINED BY THE City Council of the City of Vinita, Oklahoma:

**ARTICLE 1.** Title 3 shall be amended by adding Chapter 13 Medical Marijuana to the Vinita City Code, which shall read as follows, to-wit:

**Section 13-1. Definitions:**

- A. Medical Marijuana Dispensary: Any retail medical marijuana establishment licensed by the State of Oklahoma and the City of Vinita to sell or dispense medical marijuana or medical marijuana products.
- B. Commercial Medical Marijuana Growing and/or Processing Facilities: Any medical marijuana growing or processing facility licensed by the State of Oklahoma 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 City of Vinita 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 for Personal Use: Any individual licensed by the State of Oklahoma and the City of Vinita to grow up to twelve (12) plants within a single residence for personal medical use.
- E. The City 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.

**Section 13-2. General 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 city license.
- B. The license outlined in this ordinance will be subject to property inspection by an authorized City Inspector prior to issuance to insure compliance with all codes of the City.
- C. The property inspection will occur at a time scheduled and approved by both the applicant and the City Inspector.
- D. The applicant will be required to be present during the inspection.
- E. All structures, equipment and apparatuses shall comply with all building and fire codes adopted by the State of Oklahoma and the City of Vinita.
- F. A Medical Marijuana Business License Application shall be filled out and signed by the property and business owner and submitted to the City Clerk prior to scheduling an inspection.
- G. A nonrefundable license fee, as established in this Chapter, shall be paid at the time the application is submitted.
- H. The license fee shall be set according to and used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of this Article.
- I. For the distance requirements outlined in this ordinance, the distances described shall be computed by direct measurement in a straight line from the nearest property line of the parcel of land on which the use described in herein is located to the nearest property line of the building or unit in which the proposed retail marijuana establishment would be located.

- J. All Medical Marijuana Dispensary, Commercial Medical Marijuana Growing and/or Processing Facilities, and Medical Marijuana Wholesale and/or Storage Facility 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.
- K. License holder shall remit all required State and City sales taxes.
- L. It is the intent of the City of Vinita that nothing in the Medical Marijuana Ordinance be construed to:
1. Allow persons to engage in conduct that endangers the health, safety, or welfare of the Citizens of the City of Vinita, 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.
- M. Additional Regulations:
1. The smell of noxious odor emitted from smoking or consumption of medical marijuana by a person possessing a valid state issued medical marijuana license shall constitute a public nuisance.
  2. Smoking and vaping marijuana shall be prohibited on all city property including vehicles, buildings, parks or other facilities.
  3. Revocation or suspension of Municipal issued marijuana license; hearing.
    - a. The mayor or designee shall revoke or suspend a license issued under this section on any of the following grounds:
      - i. 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;
      - ii. Violation of City 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 mayor, or his designee. If an employee has been designated by the mayor, or his designee, such employee shall make a report to the mayor, or his designee, together with a recommendation as to whether the license should be suspended or revoked.
- 4. Any person or entity applying for or issued a license by the City of Vinita shall comply with all State law and Department of Health rules and regulations, as may be amended from time to time.
- 5. Revocation of the State issued license shall result in immediate revocation of the City issued license.

**Section 13.3. MEDICAL MARIJUANA DISPENSARY:** Medical Marijuana Dispensaries are hereby allowed within the municipal boundaries of Vinita, Oklahoma upon compliance with Section 13-2, issuance of a Retail Medical Marijuana Dispensary Business License and the following additional provisions.

- A. A Medical Marijuana Dispensary shall only be located within one of the following zoning districts.
  - 1. "C-1" Convenience Commercial District, upon approval of the Board of Adjustments;
  - 2. "C-2" Highway Commercial and Commercial Recreation District;  
or
  - 3. "C-3" General Commercial District.
- B. Medical Marijuana Dispensary Business License shall not be granted to any applicant where the proposed location would be located within one thousand (1000) feet of any public or private school.
- C. Conditions of Operation:
  - 1. Buildings where medical marijuana is stored or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises.
  - 2. The retail establishment must maintain a valid sales tax permit issued by the State of Oklahoma.

3. No on premises use of marijuana or its derivatives shall be allowed.
  4. Any violations of this section will result in the revocation of the Retail Medical Marijuana Business License.
- D. There shall be a business license fee in the amount of seven hundred, fifty dollars (\$750.00) and an annual renewal fee in the amount of seven hundred, fifty dollars (\$750.00). The annual business license will expire on June 30<sup>th</sup> and shall be renewed prior to July 1<sup>st</sup> each year. Failure to renew will result in a penalty fee of fifty percent (50%) of the annual fee and shall require re-inspection as required by City Code Title 3, Chapter 13, Section 13-2(B).

**Section 13-4. COMMERCIAL MEDICAL MARIJUANA GROWING AND/OR PROCESSING FACILITIES:** Commercial Medical Marijuana Growing and/or Processing Facilities are hereby allowed within the municipal boundaries of Vinita, Oklahoma upon compliance with Section 13-2 above, issuance of a Commercial Medical Marijuana Growing and/or Facility License and the following additional provisions.

- A. Commercial Medical Marijuana Growing and/or Processing Facility shall only be located within one of the following zoning districts.
1. "A" Agricultural District;
  2. "I-1" Light Industrial District; or
  3. "I-2" Heavy Industrial District.
- B. Conditions of Operation:
1. The facility shall be secure with limited access. The secure area must be locked at all times. A key or access code shall be provided to all emergency services (Fire, Police and EMS). Changing the code or key shall not be allowed without proper notification to all emergency services.
  2. The establishment must maintain a valid sales tax permit issued by the State of Oklahoma.
  3. The facility must be constructed in such a manner that the growing of medical marijuana plants cannot be seen by the public from the public right of way.

4. The growing area including any lighting, plumbing or electrical components used shall comply with all building and fire codes adopted by the State of Oklahoma and the City of Vinita.
  5. The growing area must be properly ventilated so as not to create humidity, mold or other related problems.
  6. Growing medical 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.
- C. There shall be a business license fee in the amount of seven hundred fifty dollars (\$750.00) and an annual renewal fee in the amount of seven hundred fifty dollars (\$750.00). The annual business license will expire on June 30<sup>th</sup> and shall be renewed prior to July 1<sup>st</sup> of each year. Failure to renew will result in a penalty of fifty percent (50%) of the annual fee and shall require re-inspection as required by City Code 13-2(B).

**Section 13-5. MEDICAL MARIJUANA WHOLESALE AND/OR STORAGE FACILITIES:** Medical Marijuana Wholesale and/or Storage Facilities are hereby allowed within the municipal boundaries of Vinita, Oklahoma upon compliance with Section 13-2, issuance of a Medical Marijuana Wholesale and/or Storage Facility License and the following additional requirements.

- A. Medical Marijuana Wholesale or Storage Facility shall only be located within one of the following zoning districts.
1. “A” Agricultural District;
  2. “I-1” Light Industrial District; or
  3. “I-2” Heavy Industrial District.
- B. Conditions of Operation:
1. The facility shall be secure with limited access. The secure area must be locked at all times. A key or access code shall be provided to all emergency services (Fire, Police and EMS). Changing the code or key shall not be allowed without proper notification to all emergency services.

2. Buildings where medical marijuana is stored or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises.
  3. The retail establishment must maintain a valid sales tax permit issued by the State of Oklahoma.
- C. There shall be a business license fee in the amount of seven hundred, fifty dollars (\$750.00) and an annual renewal fee in the amount of seven hundred fifty dollars (\$750.00). The annual business license will expire on June 30<sup>th</sup> and shall be renewed prior to July 1<sup>st</sup> of each year. Failure to renew will result in a penalty of fifty percent (50%) of the annual fee and shall require re-inspection as required by City Code Title 3, Chapter 13, Section 13-2(B).

**Section 13-6. MEDICAL MARIJUANA GROWING FOR PERSONAL USE:** Medical Marijuana Growing for Personal Use is hereby allowed within the municipal boundaries of Vinita, Oklahoma upon compliance with Title 3, Chapter 13, Section 13-2, issuance of a Medical Marijuana Growing for Personal Medical Use License and the following additional provisions.

- A. Any license issued to an individual for the growing of medical marijuana for personal use will be for the growing of medical marijuana at the individual's primary residence. The City Clerk shall be notified immediately upon any change of address of the licensee.
- B. Any access or entry point to residential facilities used for medical 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.
- C. Growing medical marijuana shall not be visible from the public right of way.
- D. 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 1,000 watts per light. The use of gas products (CO<sub>2</sub>, butane, etc.) or CO<sub>2</sub> and ozone generators in the growing area is prohibited.
- E. Growing medical 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.
- F. The primary use of the residential property in which medical 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.

- G. 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 a residence.
- H. Any individual licensed to grow marijuana for personal use shall have a License issued by the State of Oklahoma authorizing the use of medical marijuana. Said license shall be made available to any authorized City employee upon request.
- I. There shall be a license fee in the amount of fifty dollars (\$50.00) and an annual renewal fee in the amount of fifty dollars (\$50.00). The annual license will expire on June 30<sup>th</sup> and shall be renewed prior to July 1<sup>st</sup> each year. Failure to renew will result in a penalty fee of fifty percent (50%) of the annual fee and shall require re-inspection as required by City Code Section 13-2(B) above.

**Section 13-7. PENALTY:** In addition license revocation or suspension, a violation of any of the provisions contained in this chapter shall also be deemed an offense and punishable, as provided in this Code.

*Reserved Section 13-8 to 13-17*

**ARTICLE 2. CODIFICATION.** The City Clerk is hereby directed to enter the added section into the appropriate place in The Vinita City Code of the City of Vinita, Oklahoma, as authorized and approved by this Ordinance.

**ARTICLE 3. SEVERABILITY.** If any provision, paragraph, word, section or chapter 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.

**ARTICLE 4. REPEALER AND AMENDMENT.** 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 and amended accordingly so as to be consistent herewith.

**ARTICLE 5. 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 passage, approval and publication or posting.



PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF VINITA,  
OKLAHOMA, THIS 19<sup>th</sup> DAY OF March, 2019.



Ronnie L. Starks  
Ronnie Starks, Mayor

ATTEST:

Brian K Prince  
Brian Prince, City Clerk

Approved as to form and legality this 19<sup>th</sup> day of March, 2019.

Leonard M. Logan, IV  
Leonard M. Logan, IV, City Attorney