



City of Piedmont

Commercial Marijuana Establishment

Expires: December 31st of each year

Please check all that apply for your business:

License Category	Initial Fee	Renewal Fee
<input type="checkbox"/> Commercial Grower	\$1,500.00	\$1,500.00
<input type="checkbox"/> Retailer	\$600.00	\$600.00
<input type="checkbox"/> Processor	\$2,500.00	\$2,500.00

Required Material

- Fee based on fee schedule
- Copy of State Tax Commission License
- Copy of Valid Driver's License
- City and State approved facilities
- Copy of Valid Oklahoma Medical Marijuana Authority License

Date: _____ Owner's Name: _____

Company Name: _____

Physical Addresses	Mailing Address (If Different)
Street: _____	Street: _____
City: _____	City: _____
State: _____ Zip Code: _____	State: _____ Zip Code: _____

Phone Number: _____ Cell Phone Number: _____

Fax Number: _____ E-Mail Address: _____

Signature Printed Name Date

*****OFFICE USE ONLY*****

Paid Receipt #: _____
 Unpaid Community Development

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF PIEDMONT, OKLAHOMA: (1) AMENDING PART 9 THE PIEDMONT CODE OF ORDINANCES BY ADDING NEW CHAPTER 4 CREATING PERMITTING AND LICENSING REQUIREMENTS FOR RETAILERS, COMMERCIAL GROWERS, PROCESSORS AND PERSONAL USERS OF MEDICAL MARIJUANA, ESTABLISHING PERMIT FEES, AND ESTABLISHING LOCATION RESTRICTIONS AND CONDITIONS OF OPERATION AND SITTING PERMIT FEES FOR RETAILERS, COMMERCIAL GROWERS AND PROCESSORS; AND (2) AMENDING CHAPTER 4 OF THE PIEDMONT ZONING ORDINANCE TO INCLUDE USES WITHIN ZONING DISTRICTS FOR RETAILERS, COMMERCIAL GROWERS AND PROCESSORS OF MEDICAL MARIJUANA; AND (4) DECLARING REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE COUNCIL FOR THE CITY OF PIEDMONT, OKLAHOMA, THAT:

Section 1: ENACTMENT.

Part 9 of the Municipal Code of the City of Piedmont, Oklahoma, is hereby amended by adding new Chapter 4 to read as set forth below:

CHAPTER 4. - MEDICAL MARIJUANA

DIVISION 1. - GENERALLY

Sec. 9-401. - Definitions.

When used in this Code, words and phrases shall have the meaning as defined pursuant to the rules adopted by the Oklahoma State Department of Health, Oklahoma Administrative Code Section 310:681-1-1, et seq., and as they may be amended from time to time.

Sec. 9-402. - Restrictions on Marijuana.

The growing, possession, processing, transporting, sale, or use of marijuana within the City is limited to that authorized by this Chapter 4, and by state law, 63 Okla. Stat. § 420A, *et seq.* Any growing, possession, processing, transporting, sale, or use of marijuana within the City that is not authorized in, or without having obtained the applicable permit provided in this Chapter, shall constitute an offense and, upon conviction, shall be punished as authorized in Section 1-8 of this Code.

Sec. 9-403. - Restrictions applicable to all permits.

All permits issued pursuant to this Chapter 4 shall be displayed in a conspicuous place at all times on the permitted premises. No permit holder may consent to or allow the use or display of the permit by a person other than the person to whom the permit was issued. No person may use a permit or exercise any privileges granted by the permit except at the place, address, premises or location for which the permit is issued. Permits issued cover only the person or entity named in the permit and shall not be refundable or transferable.

Sec. 9-404. - Permit inspections and other requirements.

- (a) All permits provided for in this Chapter are subject to inspection of the facilities by an authorized municipal inspector prior to issuance.
- (b) The inspection prior to a permit decision will occur at a time scheduled and approved by both the applicant and the municipal inspector.
- (c) The applicant will be required to be present during the inspection.
- (d) 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.

Sec. 9-405. - Prohibited acts.

- (a) No commercial marijuana establishment shall allow the consumption of alcohol, medical marijuana, or medical marijuana products on the premises.
- (b) No commercial marijuana establishment shall employ any person under the age of eighteen (18).

Sec. 9-406. - Smoking on City property prohibited.

Smoking or using marijuana shall be prohibited on all City property, including but not limited to vehicles, buildings, parks or other facilities.

Secs. 9-407- 9-219. - Reserved.

DIVISION 2. - MEDICAL MARIJUANA RETAILER PERMITS.

Sec. 9-420. - Business license and permit requirements.

- (a) All Retailers of Medical Marijuana are required to obtain a Medical Marijuana Retailer permit and a business license from the City Clerk which shall be valid for one year or part thereof in the instance of a new license and renewed annually thereafter on January 1 of each year.
- (b) The Medical Marijuana Retailer permit fee shall be the amount set forth in section 9-490 of this Code. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of retail marijuana establishments.
- (c) A Medical Marijuana Retailer permit will not be granted to any applicant where the proposed location is located outside an approved zoning district as set forth in Part 4 of the City of Piedmont, Oklahoma Zoning Ordinance, or within a restricted area as hereinafter set forth.

Sec.9-421. - Location restrictions.

- (a) A Medical Marijuana Retailer permit will not be granted to any applicant where the proposed location would be a located prohibited by state law.
- (b) The location must be within commercial or industrial zoned property.
- (c) Factory Industrial Group F1 buildings must be located in Commercial or Industrial Zoning Districts.

Sec. 9-422. - Conditions of operation.

- (a) Buildings where medical marijuana is stored or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises.
- (b) The Medical Marijuana Retailer establishment must collect and remit the applicable sales tax on all sales.
- (c) The hours of operation shall be between the hours of 9:00 AM to 9:00 PM Monday through Saturday. Operations shall be closed on Sundays as well as Christmas, Thanksgiving, July 4th and New Year's Day.
- (d) Any violations of this section will result in the revocation of the Medical Marijuana Retailer permit.

(e) It is the intent of the City that nothing in the Medical Marijuana Retailer ordinances 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.

Secs. 9-423- 9-439. - Reserved.

DIVISION 3. - MARIJUANA COMMERCIAL GROWER PERMITS.

Sec. 9-440. - Business license and permit requirements.

(a) All Commercial Growers of Marijuana are required to obtain a Marijuana Commercial Grower permit and a business license from the City Clerk which shall be valid for one year or part thereof in the instance of a new license and renewed annually thereafter on January 1 of each year.

(b) The Marijuana Commercial Grower permit fee shall be the amount set forth in section 9-490 of this Code. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of retail marijuana establishments.

(c) A Marijuana Commercial Grower permit will not be granted to any applicant where the proposed location is located outside an approved zoning district as set forth in Part 4 of the City of Piedmont, Oklahoma Zoning Ordinance, or within a restricted area as hereinafter set forth.

Sec. 9-441. - Location restrictions.

(a) A Marijuana Commercial Grower permit will not be granted to any applicant where the proposed location would be a location prohibited by state law.

(b) Factory Industrial Group F1 buildings must be located in Commercial or Industrial Zoning Districts.

Sec. 9-442. - Conditions of operation.

(a) A Marijuana Commercial Grower permit will not be granted to any applicant where the proposed location is located outside an approved zoning district as set forth in Part 4 of the City of Piedmont, Oklahoma Zoning Ordinance or within a restricted area as hereinafter set forth.

(b) Growing of marijuana pursuant to a Marijuana Commercial Grower permit shall

be within an enclosed structure: The facility shall have a security fence at least 10 feet in height and with limited access. The gates to the secure area must be locked at all times.

- (c) The Marijuana Commercial Grower 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.
- (d) The growing area, including any lighting, plumbing or electrical components used shall comply with City building, fire and other applicable codes.
- (e) 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.
- (f) It is the intent of the City that nothing in the Medical Marijuana Retailer ordinances 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.

Secs. 9-443- 9-459. - Reserved.

DIVISION 4. - MARIJUANA PROCESSOR PERMITS.

Sec. 9-460.- Business license and permit requirements.

- (a) All Marijuana Processors are required to obtain a Marijuana Processor permit and a business license from the City Clerk which shall be valid for one year or part thereof in the instance of a new license and renewed annually thereafter on January 1 of each year.
- (b) The Marijuana Processors permit fee shall be the amount set forth in section 9-490 of this Code. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of marijuana processing facilities.
- (c) A Marijuana Processors permit will not be granted to any applicant where the proposed location is located outside an approved zoning district as set forth in Part 4 of the City of Piedmont, Oklahoma Zoning Ordinance, or within a

restricted area as hereinafter set forth.

Sec. 9-461. - Location restrictions.

- (a) A Marijuana Processors permit will not be granted to any applicant where the proposed location would be a located prohibited by state law.
- (b) The location must be within industrially zoned property.

Sec. 9-462. - Conditions of operation.

- (a) Buildings where marijuana processing occurs must be equipped with ventilation/air filtration systems so that no odors are detectable off premises.
- (b) The Marijuana Processor facility must collect the applicable sales tax on all sales.
- (c) The hours of operation shall be between the hours of 9:00 AM to 9:00 PM Monday through Saturday. Operations shall be closed on Sundays as well as Christmas, Thanksgiving, July 4th and New Year's Day.
- (d) Any violations of this section will result in the revocation of the Marijuana Processor permit.
- (e) It is the intent of the City that nothing in the Medical Marijuana Retailer ordinances 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.
- (f) Processing 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 ten feet (10) tall around the facility.

Secs. 9-463- 9-479. - Reserved.

DIVISION 5. - MARIJUANA GROWING FACILITIES FOR PERSONAL MEDICAL USE.

Sec. 9-481. Marijuana growing facilities for personal medical use.

- (a) All owners of Marijuana Growing Facilities for Personal Medical Use are

required to conform to state law.

- (b) 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.
- (c) Growing marijuana for personal medical use shall be limited to the interior of a residentially zoned building.
- (d) Growing marijuana shall not be visible from the public right of way.
- (e) 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.
- (f) 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.
- (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 the residence.
- (h) Cultivated marijuana must be used exclusively pursuant to a valid state issued medical marijuana license. Any other or unapproved usage shall result in revocation of the license.

Secs. 9-482- 9-490. - Reserved. DIVISION 6. PERMIT FEES

Sec. 9-490 Permit fees

Permit fees shall be prorated on a per month basis if permit is issued effective any month other than January of each year. Permits are issued on an annual basis and must be renewed and corresponding fee paid by January 1 of each year.

(a) Annual Marijuana Business and Personal Use Permits.

- (1) Medical Marijuana Retailer Permit \$600.00

(2) Marijuana Commercial Grower Permit\$1,500.00

(3) Marijuana Processor Facilities Permit \$2,500.00

Section 2: ENACTMENT.

Chapter 4 of the City of Piedmont, Oklahoma, Zoning Ordinance is hereby amended by adding the uses listed above to the existing Table of Permitted Uses.

Section 6. REPEALER

All former ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 7. SEVERABILITY

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

Section 8. EMERGENCY

It being immediately necessary for the preservation of the public health, peace and safety of the City of Mustang and the inhabitants thereof, an emergency is hereby declared to exist by reason whereof, this Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

PASSED AND APPROVED with the Emergency Clause voted upon separately and passed and approved this _____ day of _____, 2019.

Mayor

Attest:

City Clerk

Approved as to form this _____ day of _____, 2019.

City Attorney