

ORDINANCE NO. 3750

AN ORDINANCE AMENDING TITLE 4 OF THE EDMOND MUNICIPAL CODE - BUSINESS LICENSES AND REGULATIONS BY ADDING NEW CHAPTER 4.90 MARIJUANA ESTABLISHMENT LICENSES, ADDING NEW SECTIONS 4.90.010 DEFINITIONS; 4.90.020 CERTIFICATES OF COMPLIANCE - LICENSE; 4.90.030 LICENSE REQUIRED - NON-TRANSFERABLE; 4.90.040 LICENSE RESTRICTIONS; 4.90.050 NO IMMUNITY; 4.90.060 INSPECTIONS; 4.90.070 REASONABLE SECURITY MEASURES; 4.90.080 APPLICATION REQUIREMENTS; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF EDMOND, OKLAHOMA:

SECTION 1. Title 4 of the Edmond Municipal Code - Business Licenses and Regulations is hereby amended to add New Chapter 4.90 to read as follows:

CHAPTER 4.90 MARIJUANA ESTABLISHMENT LICENSES

Section 4.90.010 Definitions. Those definitions set forth in the Oklahoma Medical Marijuana and Patient Protection Act and found at Title 63 Okla. Stat. §§420, et seq., shall be incorporated and applicable within this Chapter. Additionally, the following words, terms and phrases, when used in this Chapter, shall have the meaning ascribed to in this section, except where the context clearly indicates a different meaning:

- (a) Marijuana Establishment means those establishments listed in Section 4.90.020 herein, and including Medical Marijuana Businesses, as defined by applicable state law and regulation.
- (b) Medical Marijuana Storage Facility means a facility where medical marijuana is being stored only, as permitted by applicable state law and regulation, and which facility is at a location for which any

other Marijuana Establishment license has not already been obtained and is not open to the public.

Section 4.90.020 - Certificates of Compliance - License.

- (a) In accordance with Title 63 Okla. Stat. §427(E), every applicant for a business license from the Oklahoma Medical Marijuana Authority in which the applicant proposes to locate the applicant's place of business under the license within the corporate limits of the City of Edmond shall apply to the City Clerk for a certificate certifying that the applicant's existing or proposed operations under the license comply with all municipal zoning ordinances, fire codes, safety codes, or health codes, if applicable. For purposed of this section, the term business license includes any premises where marijuana or its by-products are licensed by the Oklahoma Medical Marijuana Authority to be cultivated, grown, sold, processed, stored or manufactured. The certificate of compliance or non-compliance required by the Section shall be signed by the City Clerk or designee. Applications for such certificates shall be in writing and shall contain information in such detail as the City Clerk may reasonably require describing the location and nature of the operations to be conducted under the license. If the licensee thereafter fails to maintain compliance with municipal zoning ordinances or with fire, safety, and health codes, the City Manager or designee shall notify the Oklahoma Medical Marijuana Authority promptly in writing setting forth details of non-compliance.
- (b) The fee for obtaining Certificates of Compliance licenses for medical marijuana related business shall be as indicated:
- | | |
|-----------------------------------|----------|
| (1) Dispensary | \$615.00 |
| (initial and renewal) | |
| (2) Grow Facility | \$750.00 |
| (initial and renewal) | |
| (3) Processing facility | \$750.00 |
| (initial and renewal) | |
| (4) Research Facility | \$750.00 |
| (initial and renewal) | |

- (5) Storage Facility (only required for locations where no other medical marijuana establishment license is obtained \$750.00 (initial and renewal)

Section 4.90.030 - License Required, Non-Transferable.

- (a) No person shall operate a Marijuana Establishment without having previously obtained a license as provided for in this Chapter. A license shall be required for each separate location or premises.

- (b) Any license issued pursuant to this Chapter is non-transferable to another person, entity, location or premise, or Marijuana Establishment, unless the applicant can establish transfer of its state license to the same person or entity to which the applicant requests the City of Edmond allow transfer. Where transfers, as permitted pursuant to this section, the fee set forth in Section 4.90.020(b) shall be applicable.

Section 4.90.040 - License Restrictions. No license shall be allowed pursuant to this Chapter to any Marijuana Establishment that does not also obtain a license from the applicable state department or authority in accordance with state law. Any license issued pursuant to this Chapter shall be deemed immediately revoked upon revocation or withdrawal of a license issued by the applicable state department or authority. Licenses shall be issued to an applicant for each type of state license received by any applicant for each location. The fee set forth in Section 4.90.020(b) shall be remitted for each such license renewal.

Section 4.90.050 No Immunity. Issuance of a license pursuant to this Chapter does not create an exception, defense or immunity to any person or entity in regard to any potential criminal liability the person or entity may have relating to the production, distribution, or possession of marijuana in violation of municipal, state or federal law.

Section 4.90.060 Inspections. All Marijuana Establishments shall permit the City of Edmond permitting staff or authorities, or anyone authorized to inspect the premises of the Marijuana Establishment

pursuant to the provisions of the Edmond Municipal Code and/or as required by state law or regulation.

Section 4.90.070 Reasonable Security Measures. All applicants for a Marijuana Establishment license shall implement and maintain appropriate security measures in order to deter and prevent unauthorized access to or entrance into areas or spaces containing marijuana by persons or entities not licensed to possess or distribute marijuana under state law or regulation, and to prevent the theft or diversion of marijuana.

Section 4.90.080 Application Requirements. All applicants for a medical marijuana license pursuant to this Chapter shall complete and provide all information required by form provided by the City Clerk. Information included with or following the submittal of the application shall include, but not be limited to:

- (a) All information required by the City Clerk to complete any Certificate of Compliance or the submittals to applicable state departments or authorities for each location;
- (b) A copy of all information submitted to the applicable state department or authority by the applicant regarding each type of state license sought for each location; and
- (c) A copy of any license issued to the applicant by the applicable state department or authority for each location.

All information so received by the City of Edmond shall be treated in accordance with the Oklahoma Medical Marijuana and Patient Protection Act, and found at Title 63 O.S. §§420, et seq.

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 3. SEVERABILITY. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason,

held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

PASSED AND APPROVED the 26th day of August, 2019.

Don O'Neil

MAYOR

Attest:

[Signature]
City Clerk



APPROVED as to form and legality this the 26th day of August, 2019.

[Signature]
CITY ATTORNEY

Proof of Publication

Oklahoma County, State of Oklahoma

(Notice as published)

Published In The Edmond Sun, Edmond, Oklahoma 73034, August 24, 2019.

Public Hearing and Consideration of Ordinance No. ___ Amending Title 4 of the Edmond Municipal Code - Business Licenses and Regulations by Adding New Chapter 4.90 Marijuana Establishment Licenses, Adding New Section 4.90.010 Definitions; 4.90.020 Certificates of Compliance - License; 4.90.030 License Required - Non-transferable; 4.90.040 License Restrictions; 4.90.050 No Immunity; 4.90.060 Inspections; 4.90.070 Reasonable Security Measures; 4.90.080 Application Requirements; and Providing for Repealer and Severability.

Case #Z19-00014 Public Hearing and Consideration of Ordinance No. ___ Rezoning from "A" Single Family Dwelling District to "C-3" High Density Multi-Family Residential located at 215 and 219 W. Main. (Reeser Rentals)

Case #Z19-00019 Public Hearing and Consideration of Ordinance No. ___ Rezoning from "E-1" General Commercial to "E-2" Open Display Commercial located at 2901, 2903, and 2905 Broadway Court. (Jennifer Spear)

Case #Z19-00013 Public Hearing and Consideration of Ordinance No. ___ Rezoning from "A" Single Family Dwelling District to "DRD" Downtown Residential District for property located at 20 and 22 E. Sixth Street. (Bonnie Thomas)

Case #Z19-00018 Public Hearing and Consideration of Ordinance No. ___ Rezoning from "G-A" General Agricultural to "R-2-A" Suburban Estate District located on the south side of Coffee Creek Road, west of Westminster Road. (Justin Robertson)

These ordinances will be considered in their entirety by the Edmond City Council on **August 26, 2019**, beginning at 5:30 PM in the City Council Chambers, 20 S. Litter.

Public Hearing and Consideration of Ordinances August 26, 2019 Case No:

Affidavit of Publication

State of Oklahoma, County of Oklahoma, ss: I, the undersigned publisher, editor or Authorized Agent of the Legal Notices, do solemnly swear that the attached advertisement was published in said paper as follows:

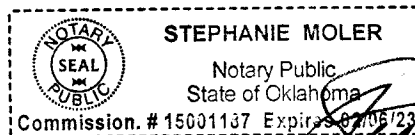
1st Publication August 24, 2019

That said newspaper is in the city of Edmond, Oklahoma County, Oklahoma, a Daily newspaper qualified to publish legal notices, advertisements and publications as provided in Section 106 of Title 25, Oklahoma Statutes 1971, as amended, and complies with all other requirements of the laws of Oklahoma with reference to legal publications.

That said Notice, a true copy of which is attached hereto, was published in the regular edition of said newspaper during the period and time of publications and not in a supplement, on the above

Signature

Subscribed and sworn before me on this 26th day of August 2019.



My commission expires February 6, 2023.

Notary Public

Commission # 15001187

Cost of Publication \$ 33.45

Ad # 00485712 Acct # 23133990

Publisher's Address:

The Edmond Sun
P. O. Box 2470
Edmond, OK 73034-7363

Proof of Publication

Oklahoma County, State of Oklahoma

Published in The Edmond Sun, Edmond, Oklahoma 73034, August 31, 2019.

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Case No:

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1st Publication

August 31, 2019

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That said Notice, a true copy of which is attached hereto, was published in the regular edition of said newspaper during the period and time of publications and not in a supplement, on the above

Signature

Subscribed and sworn before me on this 3rd day of September 2019.

STEPHANIE MOLER
Notary Public
State of Oklahoma
Commission. # 15001187 Expires 02/06/23

My commission expires February 6, 2023.

Notary Public

Commission # 15001187

Cost of Publication \$ 179.05

Ad # 00485890

Acct # 23133990

Publisher's Address:

The Edmond Sun
P. O. Box 2470
Edmond, OK 73034-7363

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PASSED AND APPROVED the 26th day of August, 2019.

/s/ Dan O'Neil
MAYOR

Attest:
/s/ Cinda Covell
City Clerk

APPROVED as to form and legality this the 26th day of August, 2019.

/s/ Steve Murdock
CITY ATTORNEY