

ORDINANCE NO. 990

**AN ORDINANCE OF THE CITY OF CLINTON
ESTABLISHING A NEW CHAPTER IN TITLE 4
FOR THE REGULATION OF MEDICAL MARIJUANA
CULTIVATION, MEDICAL MARIJUANA DISPENSARY,
AND MEDICAL MARIJUANA PROCESSORS;
REPEALING ORDINANCES IN CONFLICT;
PROVIDING FOR SEVERABILITY; AND DECLARING
AN EMERGENCY.**

WHEREAS, on June 26, 2018, the people of Oklahoma considered and approved State Question 788 which will permit the cultivation, processing, and retail sale of Medical Marijuana; and

WHEREAS, local jurisdictions such as Clinton have the opportunity to amend their Municipal Code to permit or disallow such uses to the extent which they are preempted by Title 63, Sections 420-426 of the Oklahoma Statutes; and

WHEREAS, the Council of the City of Clinton finds that the regulation of the cultivation, processing and retail sale of medical marijuana is necessary for the public health, safety, and welfare of Clinton.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLINTON OKLAHOMA:

SECTION 1.

That Title 4, Chapter 7, § 4-7-1 of the Clinton City Code shall be established to read as follows:

4-7-1 Definition of Terms

1. "Medical Marijuana Cultivation" means an establishment licensed under Title 63, Section 422 of the Oklahoma Statutes whereby the growing of medical marijuana is conducted on the premises and then sold to a licensed retailer or processor.
2. "Medical Marijuana Dispensary" means an establishment licensed under Title 63, Section 421 of the Oklahoma Statutes whereby the retail sale of medical marijuana is conducted on the premises.
3. "Medical Marijuana Processor" means an establishment licensed under Title 63, Section 423 of the Oklahoma Statutes, whereby marijuana plants are processed (packaged) into concentrates, edible, and other forms for consumption.

SECTION 2.

That Title 4, Chapter 7, § 4-7-2 of the Clinton City Code shall be established to read as follows:

4-7-2 Medical Marijuana Licenses

1. All operators of Retail Marijuana Establishments are required to obtain a Retail Marijuana Establishment permit from the City Clerk.
2. The Municipal Governing body will establish by resolution a fee to obtain the Retail Marijuana Establishment Permit. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of retail marijuana establishments.
3. A Retail Marijuana Establishment Permit will not be granted to any applicants where the proposed location would be located within one thousand (1,000) feet of any of the following uses:
 - a. private or public preschool, elementary, secondary, vocational or trade school, college or university;
 - b. any library or museum;
 - c. any public playground;
 - d. any child care center;
 - e. any place of worship or religious assembly;
 - f. any public park, pool, or recreation facility.
4. 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 proposed Medical Marijuana Dispensary to the nearest entrance of the building or unit described above.
5. Buildings where marijuana is stored or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises.
6. Any violations of this section will result in the revocation of the Retail Marijuana Establishments permit.
7. It is the intent of the City of Clinton, Oklahoma that nothing in the Retail Marijuana Establishment 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.

SECTION 3.

That Title 4, Chapter 7, § 4-7-3 of the Clinton City Code shall be established to read as follows:

4-7-3 Prohibited Facilities

1. Medical Marijuana Cultivator Facilities are hereby prohibited within the municipal boundaries of the City of Clinton, Oklahoma.
2. Medical Marijuana Processors are hereby prohibited within the municipal boundaries of the City of Clinton.

SECTION 4.

All Ordinances, or parts of Ordinances, in conflict with the provisions of this Ordinance are hereby repealed and replaced.

SECTION 5.

If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter, or section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance.

SECTION 6.

An emergency is hereby declared to exist and this Ordinance shall be in full force and effect immediately from and after its passage, approval and publication.

PASSED, APPROVED and ADOPTED THIS _____ day of _____, 2018.

MAYOR

CITY CLERK