

ORDINANCE NO. 41

AN ORDINANCE AMENDING AND RESTATING ORDINANCE 39 OF THE CODE OF ORDINANCES OF THE TOWN OF PINK, SO AS TO FURTHER COMPORT WITH STATE LAW 63 O.S. 420A ET SEQ. AND OAC 475: 20-1-4 ET SEQ.; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, the Board of Trustees has determined that establishing a provision in the Code of Ordinances regarding medical marijuana is necessary and in the best interest of the health and safety of the citizens of the Town of Pink, and for the efficient operations of municipal governance.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF PINK, OKLAHOMA, THE FOLLOWING:

Ordinance 39 of the Code of Ordinances is hereby amended and established to read as follows:

SECTION 3: COMMERCIAL MEDICAL MARIJUANA ESTABLISHMENTS – ANNUAL PERMIT REQUIRED

1. All Commercial Marijuana Growers, Commercial Marijuana Processors, Commercial Marijuana Transporters, Retail Marijuana Dispensaries, Licensed Packagers, Wholesale Facilities, and Research Facilities are required to obtain a permit from the Town Clerk or their designee. These establishments are defined as any medical marijuana establishment licensed by the State of Oklahoma. The Permit shall be issued by the Town upon the Applicant's proof and verification of the Applicant's License from the State Department pursuant to 63 O.S. § 420A et seq. and Title 310 of the Rules of the Oklahoma State Department of Health: 681-1 et seq., and payment of the Permit Fee.
2. The Board of Trustees will establish by resolution a fee to obtain the Permit for each of the above described entities. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of the above described entities.
3. A Permit will not be granted to any Applicant where the proposed location of the retail establishment would be located within one thousand (1,000) feet of any public or private school entrance.
4. A Permit will not be granted to any Applicant seeking to engage in Commercial Marijuana Growing, Commercial Marijuana Processing, Commercial Marijuana Transporting, Licensed Packaging, Wholesaling of Marijuana, and/or Researching of Marijuana where the Applicant's property line is located within three hundred (300) feet of any residential structure. This restriction shall not include residential structures located on the Applicant's property.

5. Buildings or transportation vehicles 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 permit, and a fine of \$200.00 per day while the violation exists.

7. Nothing in this Ordinance shall be construed to: 1) allow persons to engage in conduct that endangers or causes a public nuisance or 2) allow any activity that is otherwise illegal and not permitted by state law; in particular, the above municipal regulations in this section are intended to comport with, follow, but not exceed, those state regulations promulgated in 63 O.S. 420A et seq. and OAC 310-681-1 et seq.

SECTION 4: MARIJUANA GROWING FACILITIES FOR PERSONAL MEDICAL USE; SECURITY.

1. All in-process medical marijuana shall be returned to the storage area at the termination of the process. If the process is not terminated at the end of a workday (except where a continuous process or other normal manufacturing operation should not be interrupted), the processing area or tanks, vessels, bins or bulk containers containing medical marijuana shall be securely locked, with adequate security for the area or building.

2. Each building shall require a security alarm system, that upon unauthorized entry, shall transmit a signal directly to a central station protection company, or local or state police agency that has a legal duty to respond, or a 24-hour control station operated by the registrant, or to such other source of protection as the Town Trustees may approve.

3. Each building shall be equipped with self-closing, self-locking doors constructed of substantial material commensurate with the type of building construction, provided, however, a door which is kept closed and locked at all times when not in use and when in use is kept under direct observation of a responsible employee or agent of the registrant is permitted in lieu of a self-closing, self-locking door. Doors may be sliding or hinged. If doors hinges are mounted on the outside, such hinges shall be sealed, welded or otherwise constructed to inhibit removal. Locking devices for such doors shall be either of the multiple-position combination, keyless entry, or key lock type and;

(A) In the case of key locks, shall require key control which limits access to a limited number of employees, or;

(B) In the case of multiple-position combination or keyless entry systems, the system shall be limited to a minimum number of employees and can be changed upon termination of employment of an employee having knowledge of the combination.

4. Any outdoor or greenhouse facilities shall provide adequate security measures for the area or building including the following:

(A) The entire outdoor or greenhouse facility shall be surrounded by a sight obscuring wall or fence and entry gates. Acceptable fencing shall be a metal chain link fence with a wire diameter at least nine (9) gauge or larger, or another similarly secure material or wood. The fence shall measure at least eight (8) feet from the ground to the top of the fence. The fence may be at least six (6) feet of acceptable fencing with a top guard of fencing wire with sharp edges or points, such as barbed wire, to enhance the overall height of the fence to the minimum of eight (8) feet. All support posts shall be steel and securely anchored.

(B) All entry gates shall measure at least eight (8) feet from the ground to the top of the entry gate and shall be constructed of acceptable fencing. The entry gate may be at least six (6) feet of acceptable fencing with a top guard of fencing wire with sharp edges or points, such as barbed wire, to enhance the overall height of the entry gate to the minimum of eight (8) feet. All entry gates shall be kept closed and securely locked at all times when not in use and when in use shall be kept under direct observation of a responsible employee or agent of the registrant.

(C) The fence and entry gates shall be in good repair and obscure the outdoor or greenhouse facility so that it is not easily viewed from outside the fence or entry gates. The minimum for a sight-obscuring fence is a chain-link fence with woven slats in every row or available space of the fence.

5. The medical marijuana commercial growing, processing, packaging, and manufacturing areas shall be accessible only to an absolute minimum number of authorized employees. When it is necessary for employee maintenance personnel, nonemployee maintenance personnel, business guests, or visitors to be present in or pass through areas where controlled dangerous substances are present, the registrant shall provide for adequate observation of the area by an employee specifically authorized in writing.

6. The above municipal regulations in this section are intended to comport with, follow, but not exceed, those state regulations promulgated in 63 O.S. 420A et seq. and OAC 475:20-1-4 et seq.

7. Non-compliance with any portion of this Section will be considered a violation and will result in the revocation of the operation's Permit and a \$200.00 per day fine until the violation has been remedied.

SECTION 4. Severability:

If any one or more of the sections, sentences, clauses or part 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. It is hereby declared to be the intention of the City Commission of the Town of Pink that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 5. Emergency Clause:

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

PASSED AND APPROVED and the emergency clause voted on and approved separately this 12 day of July, 2021.

Attest: Natalie Owens
Natalie Owens, Town Clerk

Lisa Van Liew
Lisa Van Liew, Mayor

PASSED AND APPROVED and the emergency clause voted on separately this 12 day of July, 2021.

Lisa Van Liew
Lisa Van Liew, Mayor

ATTEST:

Natalie Owens
Natalie Owens, Town Clerk

(SEAL)

