

**ORDINANCE NO. 09-19-18-06**

**AN ORDINANCE AMENDING SECTION 6-66 OF THE CUSHING CITY CODE REGULATING RETAIL MARIJUANA ESTABLISHMENTS WITHIN CITY LIMITS; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

WHEREAS the People of the State of Oklahoma have passed State Question 788, legalizing the use of marijuana for medical purposes;

WHEREAS the Citizens of the City of Cushing have a vested interested to exercise the rights granted to them and to be safe in their persons and property;

WHEREAS the government of the City of Cushing has a duty to provide for the betterment of the health, safety, morals, and general welfare of its residents;

NOW THEREFORE, BE IT NOW ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF CUSHING AS FOLLOWS:

Section 1. Cushing City Code Section 6-66 Amended. That the Cushing City Code is hereby amended as follows, which such sections read as follows:

**ARTICLE 8 Retail Marijuana Establishments**

**§ 6-66 Retail Marijuana Establishments.**

1. All operators of Retail Marijuana Establishments are required to obtain a Retail Marijuana Establishment permit from the Municipal Clerk. Retail Marijuana Establishment is defined as any retail marijuana establishment licensed by the State of Oklahoma.
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. Permits shall be valid for a period of one year and shall expire on June 30. Before issuance of any City Retail Marijuana Establishment Permit, applicant must first provide proof of a valid state marijuana dispensaries' license.
4. A Retail Marijuana Establishment Permit will not be granted to any applicants where the proposed location would be located within one thousand feet (1000') of a Private or public preschool, elementary, secondary, vocational or trade school or two hundred (200') feet of any of the following uses when they are primarily and regularly used for such purposes:
  - a. Any library or museum;
  - b. Any child care center;
  - c. Any place of worship or religious assembly;
  - d. Any public playground, park, pool, or recreation facility;
  - e. Any juvenile or adult halfway house, correctional facility or substance abuse rehabilitation or treatment center.
5. For the distance requirements outlined in this ordinance, the distances described shall be computed by measurement from the nearest perimeter wall of the building or unit used as described in paragraph 4, or in the case of those properties described in 4(d) of this section, the perimeter fence or boundary to the nearest perimeter wall of the building or unit in which the proposed retail marijuana establishment would be located. Such measurement shall be via established public roadways or sidewalks.

6. Retail Marijuana Establishments may only operate in districts with a commercial zoning designation.
7. Buildings where marijuana is stored or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises.
8. Buildings or units housing Retail Marijuana Establishments shall be equipped with adequate lighting to illuminate the building or unit and shall have adequate security measures designed to prevent theft and other crimes.
9. Any violation of this section will result in the revocation of the Retail Marijuana Establishments permit.
10. It is the intent of the City of Cushing, 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.
11. Any state law, regulation, or rule regulating the operation of Retail Marijuana Establishment ("dispensaries") is hereby adopted and incorporated into this ordinance; all definitions related to marijuana, as defined by the Oklahoma statutes are also hereby adopted and incorporated into this ordinance.

Section 2. Severability. Severability is intended throughout and within the provisions of the ordinance. If any provision, including any exception, part, phrase, or term, or the application thereof to any persons or circumstances is held invalid, the application to other persons or circumstances shall not be affected thereby and the validity of the ordinance in any and all other respects shall not be affected thereby.

PASSED, APPROVED AND ADOPTED this 19<sup>th</sup> day of September, 2018.

ATTEST:

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Brent Thompson, Vice Chairman  
Board of Commissioners

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Jerrica A. Worthy  
City Clerk

Approved as to Form:

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Jonathan Huseman  
City Attorney