

**ORDINANCE NO. 1365**

**AN ORDINANCE OF THE CITY OF YUKON,  
OKLAHOMA, AMENDING 214-3, LOCATIONS  
RESTRICTIONS AND ADDING 214-7A, COMMERCIAL  
PROCESSING FACILITIES ALL A PART OF CODE  
SECTION 214 TO THE YUKON CITY CODE; PROVIDING  
FOR SEVERABILITY AND THE REPEAL OF  
CONFLICTING ORDINANCES; AND DECLARING AN  
EMERGENCY**

NOW THEREFORE, BE IT ORDAINED BY THE City Council of the City Of Yukon,  
Oklahoma:

That amended Sections of Section 214 to the Code which shall read as follows, to-wit:

**RETAIL MARIJUANA ESTABLISHMENTS**

**SECTION 1:**

**214-1        DEFINITION:** Retail Marijuana Establishments are defined as any retail  
marijuana establishment licensed by the State of Oklahoma.

**214-2        BUSINESS LICENSE AND PERMIT REQUIREMENTS:**

- A.    All operators of Retail Marijuana Establishments are required to obtain a Retail  
Marijuana Establishment permit and a business license from the Development  
Services Director.
- B.    The Retail Marijuana Establishment Permit fee shall be six hundred dollars  
(\$600.00) per year. The fee shall be used to offset municipal expenses covering  
costs related to licensing, inspection, administration and enforcement of retail  
marijuana establishments.
- C.    A Retail Marijuana Establishment Permit will not be granted to any applicant  
where the proposed location is located outside a commercially zoned area of the  
Corporate City limits of Yukon.

**214-3        LOCATION RESTRICTIONS:**

- A.    A Retail Marijuana Establishment Permit will not be granted to any applicant  
where the proposed location would be located within three hundred (300) feet of  
any of the following uses:
  - 1.    Any library or museum;
  - 2.    Any public playground;

3. Any child care center;
4. Any place of worship or religious assembly;
5. Any public park, pool, or recreation facility;
6. Any juvenile or adult halfway house, correctional facility or substance abuse rehabilitation or treatment center;
7. Within three hundred (300) feet of another medical marijuana or retail marijuana establishment.
8. One Thousand (1,000) feet of any private or public school, preschool, elementary, secondary, high school, vocational or trade school, college or university.

- B. For the distance requirements outlined in this ordinance, the distances described shall be computed by direct measurement in a straight line from the nearest entry of the parcel of land on which the above described use is located to the nearest of property line of the building or unit in which the proposed retail marijuana establishment would be located.

**214-4 CONDITIONS OF OPERATION:**

- A. Buildings where marijuana is stored or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises.
- B. The retail establishment must collect the appropriate 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 Retail Marijuana Establishment permit.
- E. It is the intent of the City of Yukon 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.

**MARIJUANA FACILITIES ALLOWED**

**214-5 COMMERCIAL MARIJUANA GROWING FACILITIES:** Commercial Marijuana Growing Facilities are not allowed within the municipal boundaries of Yukon, Oklahoma.

## **WHOLESALE MARIJUANA FACILITIES**

**214-6 WHOLESALE MARIJUANA FACILITIES:** Wholesale Marijuana Facilities are not allowed within the municipal boundaries of City of Yukon, Oklahoma.

## **MARIJUANA STORAGE FACILITIES**

**214-7 MARIJUANA STORAGE FACILITIES:** Marijuana Storage Facilities other than in a retail outlet are not allowed within the municipal boundaries of Yukon, Oklahoma.

## **MARIJUANA PROCESSING FACILITIES**

**214-7(A) MARIJUANA PROCESSING FACILITIES:** Marijuana Processing Facilities are not allowed within the municipal boundaries of Yukon, Oklahoma.

## **214-8 MARIJUANA GROWING FACILITIES FOR PERSONAL USE**

- A. All owners of Marijuana Growing Facilities for Personal Medical Use are required to obtain a permit from the Development Services Director.
- B. Marijuana Growing Facilities for Personal Medical Use Permit fee shall be two hundred forty dollars (\$240.00) per year. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of Marijuana Growing Facilities for Personal Medical Use.
- C. All Marijuana Growing Facilities for Personal Medical Use shall be subject to security provisions as stated herein prior to the granting of a permit. Failure to comply with security provisions as stated herein will result in revocation of the permit.
- D. 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.
- E. Growing marijuana for personal medical use shall be limited to the interior of a single private residence.
- F. Growing marijuana shall not be visible from the public right of way.

- G. The growing area including any lighting, plumbing or electrical components used shall comply with municipal building and fire codes. The growing area must be properly ventilated so as not to create humidity, mold or other related problems. Lighting shall not exceed one thousand (1,000) watts per light. The use of gas products (CO2, butane, etc.) or CO2 and ozone generators in the growing area is prohibited.
- H. 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.
- I. 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.
- J. If the residence is rented consent of the property owner shall be obtained in writing 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 a residence.
- K. Marijuana grown for personal use may not be given, sold or traded to a third party.

**214-9 PERMIT INSPECTIONS AND OTHER REQUIREMENTS:**

- A. All permits outlined in this ordinance will be subject to inspection 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.
- E. Other regulations: Smoking or using marijuana shall be prohibited on all city property including vehicles, buildings, parks or other facilities.

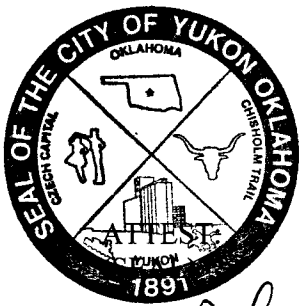
**SECTION 2. CODIFICATION.** The City Clerk is hereby directed to enter the added section into the appropriate place in The Yukon City Code of Yukon, Oklahoma, as authorized and approved by this Ordinance.

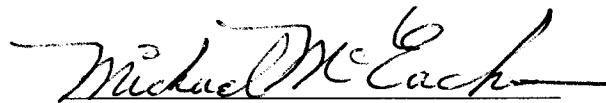
**SECTION 3. SEVERABILITY.** If any provision, paragraph, word, section or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.


**SECTION 4. REPEALER.** All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

**SECTION 5. EMERGENCY CLAUSE.** An immediate necessity existing for the preservation of the public peace health and safety, an emergency is hereby declared to exist by reason of which this ordinance shall be in full force and effect from and after its passage, approval and publication or posting.

**PASSED AND APPROVED** this 18th day of September, 2018, with the Emergency Clause passed separately.



  
MAYOR

  
CITY CLERK