

## ORDINANCE NO. 22-17

AN ORDINANCE CREATING SECTIONS 7-35-1-3501 THROUGH 7-35-1-3509, ARTICLE 7-35, DIVISION 7-35-1, CHAPTER 7, BUSINESS LICENSES, LAWTON CITY CODE, 2015; BY CREATING THE ARTICLE, CREATING DEFINITIONS FOR MEDICAL MARIJUANA FACILITIES, CIGAR BARS, HOOKAH BARS AND CONSUMPTION LOUNGES, CREATING LICENSING REQUIREMENTS, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

***BE IT ORDAINED*** by the Council of the City of Lawton, Oklahoma, that:

Section 1. The title of Article 7-35 is hereby created to read as follows:

**Article 7-35 – MEDICAL MARIJUANA FACILITIES, CIGAR BARS, HOOKAH BAR AND CONSUMPTION LOUNGES.**

Section 2. Section 7-35-1 is hereby created to read as follows:

**Division 7-35-1 – Medical Marijuana Facilities, Cigar Bars, Hookah Bars and Consumption Lounges.**

Section 3. Section 7-35-1-3501 is hereby created to read as follows:

**7-35-1-3501 – Definitions.**

- A. As used in this article, the following terms shall have the meanings respectively ascribed to them:
1. “Cigar Bar” means an establishment designated for smoking cigars, other tobacco products or accessories purchased on the premises or elsewhere;
  2. “Consumption Lounge” means an establishment where the inhalation, exhalation, and consumption of tobacco, nicotine, marijuana, or other lawful products used in a smoke or vaporized manner is allowed, such as a cigar bar, hookah lounge, and other similar establishments, that may engage in the sale of tobacco products, and the sale or rental of accessories for consumption;
  3. “Hookah Lounge” means an establishment where patrons may share shisha (flavored tobacco) from a communal hookah;
  4. “Oklahoma Medical Marijuana Authority (OMMA)” means the agency for the State of Oklahoma that is responsible for licensing, regulating, and administering the program as authorized by state law.
  5. “Medical Marijuana Facility” means any OMMA licensed business establishment where medical marijuana is grown, processed, dispensed, tested, possessed, or used for a medical purpose, including a commercial grower for growing, harvesting, and packaging medical marijuana for the purpose of selling medical marijuana to a dispensary, processor, or researcher; a medical marijuana dispensary that has purchased marijuana from a licensed processor or a licensed commercial grower, to sell medical marijuana only to qualified patients and caregivers; a medical marijuana processor that purchases marijuana from a licensed commercial grower to subsequently prepare, manufacture, package, sell and deliver medical marijuana products to a licensed dispensary or other processor, who may also

process marijuana received from a qualified patient into a medical marijuana concentrate, for a fee; or a medical marijuana transporter for transporting, storing, and distributing medical marijuana and medical marijuana products to and from the licensed premises of a licensed commercial grower or a licensed processor to a licensed dispensary, or another licensed commercial grower or another licensed processor.

Section 4. Section 7-35-1-3502 is hereby created to read as follows:

**7-35-1-3502 – Business License Required.**

- A. In accordance with Title 63 Oklahoma Statute §427(E), every applicant for a business license from the OMMA in which the applicant proposes to locate the applicant's place of business under the license within the corporate limits of the City of Lawton shall apply to the License & Permits Division for a business license certifying that the applicant's existing or proposed operation under the license comply with all municipal zoning ordinances, fire codes, safety codes, or health codes, if applicable.
- B. No person shall conduct, engage in, or operate in any manner a medical marijuana facility, a cigar bar, a consumption lounge, or a hookah bar within the city without having first obtained a business license as provided for in this article.
- C. A separate business license shall be required for each dispensary, grow, processor, or transporter in which a medical marijuana facility shall be operated in the City.
- D. The business license fee is provided for in the fee schedule.
- E. The Certificate of Compliance fee is provided for in the fee schedule.
- F. The business license, as provided for in this Article, shall be prominently displayed on the premises of the medical marijuana facility, a cigar bar, a consumption lounge, or a hookah bar.
- G. Any license issued pursuant to this section is non-transferable to another person, entity, location or premise, medical marijuana establishment, a cigar bar, a consumption lounge, or a hookah bar.
- H. Any entity, currently operating as of the approval date of this ordinance, June 14, 2022, shall have until August 31, 2022, with a grace period until September 15, 2022, to obtain their business license. Failure to obtain the license may result in the issuance of a citation as listed in Appendix A, Schedule of Fees and Charges.

Section 5. Section 7-35-1-3503 is hereby created to read as follows:

**7-35-1-3503 – Location of Medical Marijuana Facility.**

- A. The location of the medical marijuana facility, a cigar bar, a consumption lounge, or a hookah bar shall meet the requirements of Chapter 18, Planning and Zoning, Lawton City Code.
- B. The location of the medical marijuana facility shall meet the OMMA's operating requirements.

Section 6. Section 7-35-1-3504 is hereby created to read as follows:

**7-35-1-3504 – Application for a Business License.**

A. An applicant for a business license for a medical marijuana facility, a cigar bar, a consumption lounge, or a hookah bar shall submit an application to the City, through the License & Permits Division, requiring the following information:

1. Full name and address of the applicant;
2. The location at which the proposed medical marijuana facility, a cigar bar, a consumption lounge, or a hookah bar is to be operated;
3. A floor plan of the establishment;
4. A parking layout; and
5. A copy of the OMMA license (if applicable).

Section 7. Section 7-35-1-3505 is hereby created to read as follows:

**7-35-1-3505 – Review of Application.**

A. Upon applying for a business license for a medical marijuana facility, a cigar bar, a consumption lounge, or a hookah bar, the License and Permits Division shall investigate, or cause to be investigated, the proposed business location to determine:

1. If city ordinances concerning zoning are complied with and report the findings in writing;
2. If city ordinances concerning health and safety are complied with and report the findings in writing;
3. If city ordinances concerning fire prevention and safety are complied with and report the findings in writing; and
4. Completion of the annual Certificate of Compliance from OMMA (if applicable).
5. If an applicant requests to locate a business in an area that is not zoned for such purpose, then the applicant will need to submit a rezoning request to the City Planning Commission (CPC) pursuant to its authority as listed in Title 11 O.S. § 45-102.

Section 8. Section 7-35-1-3506 is hereby created as follows:

**7-35-1-3506 – Term of Business Licenses—Renewals.**

- A. Business licenses shall be issued for a period of one year and are continuously subject to review throughout the term of license.
- B. The business license shall expire on the anniversary date of issue each year.
- C. Application for renewal of such licenses shall be made in accordance with Section 7-1-1-109 of municipal code.
- D. Failure to renew the license as required in Section 7-1-1-109 shall result in its expiration and a late fee being added to the permit fee as required in Article A-7-1 of this code for reinstatement.

- E. The business license may be suspended, revoked, or refused for just cause or for any reason listed in Section 7-1-1-112 A1-5. Such action is authorized so long as there is credible evidence that the licensee or applicant has violated any portion of these sections or some other provision of City code.
- F. Licensees or applicants are required to receive notice of any suspension, revocation, or denial of an application for a license or a permit pursuant to Section 7-1-1-112 B-D.
- G. Licensees or applicants may appeal the decision of the hearing officer to suspend, revoke, or refuse the issuance of a business license directly to City Council pursuant to Section 7-1-1-112 E. The City Council's decision will constitute the final level of municipal judicial review.

Section 9. Section 7-35-1-3507 is hereby created as follows:

**7-35-1-3507 – Standards Required—Suspension or Revocation of the State License.**

- A. No medical marijuana facility shall be operated within the City unless the business possesses a valid license issued by the OMMA to do so, and all standards as established by the State are complied with.
- B. Upon suspension or revocation of the license issued by OMMA, the business license issued by the License & Permits division shall be empowered to immediately suspended or revoke the City issued business license until such a time as the OMMA can adjudicate the issue with the State-level permit.
- C. If a business fails to renew an existing business license operating in the city limits, the City shall immediately report such infraction to the Oklahoma Medical Marijuana Authority.

Section 10. Section 7-35-1-3508 is hereby created as follows:

**7-35-1-3508 – Compliance with the Mechanical Code.**

- A. Cigar bars, consumption lounges and hookah bars shall comply with the requirements of the most currently adopted version of the International Mechanical Code in regard to ventilation and exhaust.
- B. Complaints received by the City from patrons or adjacent property owners shall require an inspection of the premises to verify that the Mechanical Code is being adhered to and has the correct exhaust, ventilation and filters standards are being followed.
- C. Failure to comply with these requirements may result in the issuance of citations as listed in Section 7-35-1-3509.

Section 11. Section 7-35-1-3509 is hereby created as follows:

**7-35-1-3509 – Enforcement and Penalties.**

- A. Enforcement of this code shall be conducted by the License & Permits division of the Community Services department.
- B. Any licensee or applicant violating this code may also be issued citations for violating other sections of the code.

Section 12. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent

jurisdiction, said 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.

Section 13. Effective Date. The provisions of this ordinance shall become effective August 31, 2022.

**ADOPTED and APPROVED** by the Council of the City of Lawton, Oklahoma this 14th day of June, 2022.

---

STANLEY BOOKER, MAYOR

ATTEST:

---

TRACI L. HUSHBECK, CITY CLERK

**APPROVED** as to form and legality this 15<sup>th</sup> day of June, 2022.

---

JOHN RATLIFE, CITY ATTORNEY