

ORDINANCE NUMBER 2825

AN ORDINANCE OF THE CITY OF SAPULPA, OKLAHOMA, AMENDING PART 10, OFFENSES AND CRIMES, SECTION 10-502 BY REPEALING AND REPLACING SAME; PROHIBITING POSSESSION OF MARIJUANA AND OTHER DANGEROUS SUBSTANCES; PROVIDING FOR AN EFFECTIVE DATE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND PROVIDING THAT IF ANY PART OR PARTS OF THIS ORDINANCE ARE HELD INVALID OR INEFFECTIVE, THE REMAINING PORTIONS SHALL NOT BE AFFECTED; PROVIDING AN EFFECTIVE DATE AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL, CITY OF SAPULPA, OKLAHOMA:

Section 1. The Sapulpa City Code, Part 10, Offenses and Crimes, Section 10-502, Marijuana and Dangerous Substances, is hereby amended to read as follows:

ASECTION 10-502 MARIJUANA AND DANGEROUS SUBSTANCES PROHIBITED.

A. Definitions.

1. Marijuana means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil, or cake made from the seeds of such plant, any other compound, manufacture, salt derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil, or cake or the sterilized seed of such plant which is incapable of germination.
2. Dangerous substance means any drug or substance included in Schedules I through V of the Uniform Controlled Dangerous Substances Act found in 63 O.S.1991, " 2-101, et seq., including, but not limited to:
 - a. Cocaine and its derivatives;
 - b. Opiates and opium derivatives such as heroin, codeine, pethidine, and morphine;

- c. Hallucinogenic substances including lysergic acid diethylamide, marijuana (*Cannabis sativa* L.), including seed of mature plants, mescaline, psilocybin, and various types of methoxyamphetamines;
 - d. Stimulants such as amphetamines and methamphetamines; and
 - e. Barbiturates and other depressants such as amobarbital, secobarbital, pentobarbital, phenobarbital, methaqualone, phencyclidine, alprazolam, and diazepam.
- B. It is unlawful for any person to use, have, or possess any marijuana in any place in the City except as otherwise permitted by the Oklahoma Medical Marijuana Act, 63 O.S. ' 420, et. seq., as amended. It is unlawful for any person to use, have, or possess any dangerous substance (other than marijuana) in any place within the city except as legally prescribed by a physician licensed to practice in the state.
- C. It is unlawful for any person to appear or be upon or in any street, alley, place of business, or other public place within the city while under the influence of marijuana and/or any dangerous substance.
- D. Penalty. Unless otherwise expressly provided for in this Code or applicable state law, every person violating any provision of this section shall be guilty of an offense and, upon conviction, shall be punished by a fine of not less than Five Hundred Dollars (\$500.00); provided further that a subsequent offence may be punished by a fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment in the city jail for a period not to exceed ten (10) days, excluding costs, fees and assessments, or by both such fine and imprisonment; provided further, that possession of up to one and one-half (1.5) ounces of marijuana by persons who can state a medical condition, but are not in possession of a state-issued medical marijuana license, shall constitute a misdemeanor offense with a fine not to exceed Four Hundred Dollars (\$400.00).@

Section 2. All ordinances, or parts of ordinances, in conflict with this ordinance are repealed to the extent of conflict only.

Section 3. If any part or parts of this ordinance are held invalid or ineffective, the remaining portion shall not be affected but remain in full force and effect.

Section 4. Effective Date. This ordinance shall be in effect from and after November 1, 2019.

Section 5. EMERGENCY. Being immediately necessary that the provisions of this ordinance be put into full force and effect for the preservation of the public peace, health and safety of the City of Sapulpa, Oklahoma, an emergency is hereby declared to exist and this ordinance shall be in full force and effect after its passage, approval, and publication as required by law.

PASSED AND APPROVED in regular session this 21 day of October 2019, with emergency clause separately voted upon.

Reg Green, Mayor

ATTEST:

APPROVED AS TO FORM:

Shirley Burzio, City Clerk

David R. Widdoes, City Attorney