

RESOLUTION NO. 2019-26

A RESOLUTION FOR THE FILING AND NOTIFICATION OF THE PUBLICATION OF THE 2019 BIENNIAL SUPPLEMENT OF PENAL AND OTHER ORDINANCES

WHEREAS, the City of Marietta has prepared the City's 2019 Biennial Supplement of Penal and Other Ordinances adopted by the City through October 7, 2019;

WHEREAS, the City is required every two years to publish its Biennial Supplement of Penal Ordinances and to deposit a copy of the Biennial Supplement of Penal Ordinances with the County Law Library pursuant to Sections 14-109 and 14-110 of Title 11 of the Oklahoma Statutes;

WHEREAS the City has also included in its Biennial Supplement other ordinances which have been adopted, as well as the Biennial Supplement adopted October 10, 2017;

WHEREAS, the City adopted its current Code, as amended, on January 9, 2006; and

WHEREAS, the City is required to adopt a resolution notifying the public of the publication of its 2019 Biennial Supplement pursuant to Section 14-110 of Title 11 of the Oklahoma Statutes and to file a copy of the resolution and the Office of the County Clerk;

NOW THEREFORE be it resolved by the City Council of the City:

THAT the public is hereby notified of the publication of the 2019 Biennial Supplement of Penal and Other Ordinances and that copies of the 2019 Biennial Supplement of Penal and Other Ordinances are available for review in the Office of the City Clerk; and

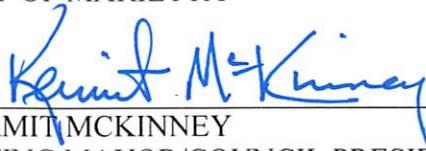
THAT the City Clerk shall cause one copy of this resolution to be filed with the Office of the County Clerk of Love County; and

THAT the City Clerk shall cause one copy of this Resolution to be filed with the Law Library of Love County; and

THAT the City Clerk shall keep at least one copy of the 2019 Biennial Supplement of Penal and Other Ordinances in the Office of the City Clerk for public use, inspection and examination.

Adopted this 8th day of October 2019 by the City Council of the City of Marietta.

CITY OF MARIETTA

BY: 
KERMIT MCKINNEY
ACTING MAYOR/COUNCIL PRESIDENT

ATTEST:


DOTTIE GWIN, CITY CLERK


CITY OF MARIETTA
BIENNIAL SUPPLEMENT
OF PENAL AND OTHER ORDINANCES

ADOPTED OCTOBER 8, 2019

INCLUDES THE BIENNIAL SUPPLEMENT ADOPTED OCTOBER 10, 2017

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Part 1

Biennial Supplement Adopted October 10, 2017

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Sec. 2-135. Office Management Department.

- (a) Except during any period(s) when the Council has appointed a City Administrator, as provided by Section 2-139, the Office Management Department shall be headed by the City Clerk who shall be the supervisor over the bookkeeping and court employees.
- (b) During any period(s) when the Council has appointed a City Administrator, the City Administrator shall be the supervisor over the bookkeeping and court employees.
- (c) This Section 2-135 shall not obviate the duties and obligations or limit the powers and authority of the City Clerk as prescribed by State law or other ordinance of the Code of Ordinances of the City of Marietta.

(Ordinance No. 2017-07-02; Amendment; Effective July 11, 2017)

Sec. 2-139. City Administrator.

The City Council may appoint a City Administrator who shall be an employee of the City of Marietta. Upon appointment by the City Council, the City Administrator shall be the supervisor over the employees of the Office Management Department, as well as supervisor of the Emergency Management Director, Chief of Police, Fire Chief and Director of Operations.

(Ordinance No. 2017-07-02; New; Effective July 11, 2017)

Sec. 18-26. Required; tax.

- (a) It shall be unlawful for any person to carry on, engage in, exercise or pursue any occupation, trade or business in the City without first having paid an occupation tax and having obtained a license from the City as provided in this article. The occupation, trade or business shall include any business wherein goods are manufactured or fabricated and any business where services are offered for profit or with intent to profit.
- (b) The amount of such occupation tax and license for each and every separate and distinct business, except for itinerant vendors which are licensed under article III of this chapter, shall be \$50.00 per year.

(Ordinance No. 2017-01-03; Amendment; Effective April 11, 2017)

Sec. 94-36. Criminal, environmental and traffic violations fine schedule.

(a) The City Council, by resolution or motion, shall establish from time to time a fee schedule for criminal, environmental and traffic violations within the City.

(b) The court may adopt rules to carry into effect this section. Payment of a fine under this section shall constitute a final determination of the cause against a defendant. If a defendant who has elected to pay a fine under this section fails so to do, such failure shall constitute a violation of this code.

(c) The schedule of fines and costs which may be paid in lieu of appearance is as follows:

BOND SCHEDULE

The bond amounts listed below include a \$69 court cost unless indicated by an asterisk (*). Violations displayed in *italics* reflect a general violation type and include other related violations.

CRIMINAL

All other criminal violations not specifically listed	\$269
Assault and Battery on Peace Officer	\$569
Attempt or Escape from Officer	\$569
Consume Low Point Beer / Alcohol in Public.....	\$169
<i>Disorderly Conduct / Disturbing the Peace</i>	\$169
False Impersonation of Peace Officer.....	\$169
Litter from Vehicle	\$169
Minor Possess Low Point Beer / Alcohol	\$169
Obstructing an Officer	\$569
Outraging Public Decency	\$169
Possession of Firearm on School Property	\$319
Reckless Conduct with a Firearm	\$369
Refusal of Minor to Disclose Place / Person Obtained.....	\$74
Refusal to Aid and Officer in Arrest.....	\$369
Trespass After Being Forbidden	\$169
Unlawful Possession of Marijuana	\$569
Unlawfully Furnish Weapon to Minor.....	\$369
Unlawfully Pointing a Firearm – Misdemeanor	\$569

ENVIRONMENT (code enforcement, animal control, and municipal permit and license violations)

All other environment violations not specifically listed	\$139
Breaking Pound.....	\$269
Violate Park Hours.....	\$100
Violate Time of Curfew	\$100

TRAFFIC

All other traffic violations not specifically listed.....	\$114
If involved in accident – original fine amount plus	\$169
Allow to Ride Outside Passenger Compartment.....	\$79
<i>Bicycle Violations</i>	\$94
<i>Driving Under the Influence</i>	\$569

<i>Driving Under Suspension</i>	\$369
Improper License Plate	\$139
Compose / Send / Read / Elec Message Vehicle in Motion.....	\$169
Cross Firehose without Consent	\$169
Display / Possess Counterfeit License	\$569
Fail to Comply After Striking Unattended Vehicle	\$269
<i>Fail to Comply with Compulsory Insurance Law</i>	\$139
Fail to Comply with Order of Police Officer	\$569
<i>Fail to Comply as Required at Accident Scene</i>	\$569
<i>Fail to Protect Child</i>	\$109
Fail to Report Change of Name or Address.....	\$139
Fail to Stop for School Bus Load / Unload.....	\$269
Failure to Yield to Emergency Vehicle.....	\$569
<i>Following an Emergency Vehicle</i>	\$569
Improper Backing on Roadway	\$139
Improper Parking in Handicap Designated Space	\$569
Improper Passing on Left in Marked Zone	\$139
Improper Passing on Right.....	\$139
Improper Parking / Stopping at Fire Station	\$169
Improper Parking / Stopping within 15' Hydrant	\$139
Improper Use of Another's License.....	\$369
<i>Improper Use of Flashing / Red / Blue Light</i>	\$569
<i>License Plate / Registration Violations</i>	\$139
Operate Unauthorized Vehicle on Roadway.....	\$139
Operate Vehicle at Speed Not Reasonable and Proper	\$169
Operate a Vehicle without a Valid License	\$269
Operate a Vehicle without Proper Endorsement.....	\$169
<i>Permit Unauthorized Person to Drive</i>	\$569
Reckless Driving.....	\$369
<i>Seat Belt Violations</i>	\$20*
Speeding	
1-10 MPH over Posted.....	\$109
1-10 MPH over Posted in School Zone	\$169
11-20 MPH over Posted.....	\$169
11-20 MPH over Posted in School Zone	\$269
21-30 MPH over Posted.....	\$269
21-30 MPH over in School Zone	\$369
31 MPH or More over Posted	\$369
31 MPH or More over Posted in School Zone.....	\$469
Train Blocking Streets	\$419
Unauthorized Use of a Motor Vehicle	\$569
Unlawfully Alter License Plate to Conceal Identity	\$169
Unlawfully Alter VIN or Engine Number	\$169
Unlawfully Move Vehicle of Another	\$169
Unlawfully Tampering with a Vehicle.....	\$169
Violate Designated Truck Route.....	\$225
Violation of License Restriction	\$139

(Ordinance No. 2016-01-04; Amendment; Effective April 12, 2016)

Sec. 98-151. No Water Wells Without Approval.

No person owning or controlling or in possession of any real property located within the City limits of the City shall drill, dig or otherwise develop a water well for private use within the City limits without first securing the approval of the Marietta Public Works Authority.

Sec. 98-153. Inspection.

At all reasonable times, and without notice, and as often as such officer may deem necessary, the Mayor or his duly authorized representative, or the Superintendent of the Marietta Public Works Authority or his duly authorized representative, shall have the right to inspect the premises on which a water well is being drilled or developed. If, upon said inspection, the operator of said well or the operator of the well being developed or drilled, is found to be violating any of the provisions of this ordinance, or the statements made in his application for permit to drill said well, or any of the ordinances of the City, or the statutes of the state, said inspector shall immediately order the shutting off of the water from such well, or order the stopping of the drilling or development of the well, or both, and order the shutting off of all water from the City mains until such violation is corrected. The remedies of this Section 98-153 shall be in addition to any criminal penalties provided for in Section 98-152.

(Ordinance No. 2016-03-11; Amendment; Effective November 8, 2016)

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Part 2

Biennial Supplement Adopted October 8, 2019

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2017-10-03	10/10/2017	Penal	11/10/2017	14-26	1
2017-11-04	11/14/2017	Penal	11/14/2017	1-13	5
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2017-11-06	11/14/2017	Penal	11/14/2017	30-3	8
2017-12-07	12/12/2017	Penal	12/12/2017	38-46	9
2018-01	7/12/2018	Penal	9/1/2018	Chap. 78	11
2018-02	8/14/2018	Admin.	9/14/2018	22-6	17
2018-03	8/14/2018	Annexation	8/14/2018	Not Applicable	19
2018-04	8/14/2018	Admin.	8/14/2018	2-76	21
2018-06	9/11/2018	Penal	9/11/2018	Chap. 6	22
2018-07	11/13/2018	Zoning	11/13/2018	Not Applicable	31
2018-08	11/13/2018	Zoning	11/13/2018	Not Applicable	33
2018-10	12/11/2018	Penal	12/11/2018	Chap. 7	34
2019-01	3/12/2019	Zoning	3/12/2019	Not Applicable	63
2019-03	4/9/2019	Zoning	4/9/2019	Matrix 2 App. A	67
2019-04	5/14/2019	Zoning	6/14/2019	Not Applicable	74
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2019-06	6/11/2019	Zoning	7/11/2019	Not Applicable	78
2019-07	7/11/2019	Admin.	7/11/2019	2-171; 2-172	80

ORDINANCE ADOPTING THE INTERNATIONAL RESIDENTIAL CODE, 2015 EDITION, INTERNATIONAL BUILDING CODE, 2015 EDITION, INTERNATIONAL EXISTING BUILDING CODE, 2015 EDITION, INTERNATIONAL FIRE CODE, 2015 EDITION, INTERNATIONAL FUEL GAS CODE, 2015 EDITION, INTERNATIONAL MECHANICAL CODE, 2015 EDITION, INTERNATIONAL MECHANICAL CODE, 2015 EDITION, INTERNATIONAL PLUMBING CODE, NATIONAL ELECTRIC CODE, 2014 EDITION, AND THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2015 EDITION, THROUGH THE AMENDMENT OF SECTION 14-26 OF THE CITY OF MARIETTA CODE OF ORDINANCES

WHEREAS, the State of Oklahoma Uniform Building Code Commission has formally adopted the International Residential Code, 2015 Edition, as modified in Oklahoma Administrative Code (OAC) 748:20-5-1 to 748: 20-5-28 to be the minimum standards for residential dwellings, defined as one- and two-family homes and town houses, within the State of Oklahoma, effective November 1, 2016; and

WHEREAS, the State of Oklahoma Uniform Building Code Commission has formally adopted the International Building Code, 2015 Edition, International Existing Building Code, 2015 Edition, International Fire Code, 2015 Edition, International Fuel Gas Code, 2015 Edition, International Mechanical Code, 2015 Edition, International Plumbing Code, 2015 Edition, National Electric Code, 2014 Edition, as modified in Oklahoma Administrative Code (OAC) 748:20-1-1 to 748: 20-3-15-17 and 748:20-7-1 to 748:20-15-17 to be the minimum standards for all structures other than one- and two-family homes and town houses, effective November 2, 2015; and

WHEREAS, the City of Marietta, on August 14, 2012, adopted the International Property Maintenance Code, 2009 Edition, as the minimum standard for regulating and governing the conditions and maintenance of all property, buildings and structures in the City of Marietta, and the International Code Council has now updated the International Property Maintenance Code by publication of the 2015 Edition; and

WHEREAS, to safeguard the public health, safety, and general welfare of the occupants of new and existing buildings and structures, and being in the best interest of the citizens of the City of Marietta that the codes be adopted as modified by the Oklahoma Uniform Building Code Commission and updated by the International Code Council;

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

Section 1. That Section 14-26 is hereby amended in Chapter 14 of the City of Marietta Code of Ordinances to read as follows:

ARTICLE II. BUILDING CODES

Sec. 14-26. Adoption of Codes.

A. Adoption of International Building Codes.

~~There is adopted for the purpose of establishing rules for the construction, alteration, removal, demolition, equipment, buildings and structures, including permits and penalties, that certain building code known as the International Building Code, the including all appendixes. Such codes, except such portions as may be deleted, modified or amended in this article, are adopted and incorporated as fully as if set out at length in this article. Such code shall be controlled in the construction, alteration, removal, demolition, equipment, and location of all buildings and other structures within the corporate limits of the City. (Code 1984, § 4-1; Ord. No. 2001-3, 11-6-01)~~

The following codes, as amended and modified by the Oklahoma Uniform Building Code Commission and recorded in Title 748, Chapter 20 of the Oklahoma Administrative Code (OAC), are hereby adopted by the City for the purpose of regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, materials, installation, location, removal and demolition of residential and commercial buildings and structures. A copy of each code is on file in the office of the City Clerk of the City of Marietta.

International Residential Code, 2015 Edition
International Building Code, 2015 Edition
International Existing Building Code, 2015 Edition
International Fire Code, 2015 Edition
International Fuel Gas Code, 2015 Edition
International Mechanical Code, 2015 Edition
International Plumbing Code, 2015 Edition
National Electric Code, 2014 Edition

The provisions thereof, as well as any future additions or modifications thereto adopted by the Oklahoma Uniform Building Code Commission, shall be controlling within the municipal limits of Marietta, Oklahoma. (Ord. 17-10-03, 10-10-2017).

B. Adoption of International Property Maintenance Code.

That a certain document, ~~three (3) copies~~ a copy of which ~~are~~ is on file in the office of the City Clerk of the City of Marietta, being marked and designated as the International Property Maintenance Code, ~~2009-2015~~ edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Marietta, in the State of Oklahoma for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for

occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City Clerk of the City of Marietta are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

1. Revised Sections of International Property Maintenance Code.

The following sections of the International Property Maintenance Code are hereby revised:

Section 101.1. Insert: City of Marietta

Section 103.5. Insert: An administrative fee of \$100; a fine of \$100 for first offense; a fine of \$300 for second offense; a fine of \$500 for third offense and each offense thereafter

Section 112.4. Insert: \$100/\$500

Section 302.4. Insert: 10 Inches

Section 304.14. Insert: March 1 to September 30

Section 602.3. Insert: October 1 to April 30

Section 602.4. Insert: October 1 to April 30

2. Remaining portions of International Property Maintenance Code valid.

That if any section, subsection, sentence, clause or phrase of this International Property Maintenance Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of the International Property Maintenance Code. The City Council of the City of Marietta hereby declares that it would have passed the International Property Maintenance Code ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. (Ord. 12-06-08, 8-14-2012; Ord. 17-10-03, 10-10-2017).

Section 2. This ordinance shall be effective November 15, 2017, after one publication in the Marietta Monitor.

PASSED by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma on this 10th day of October 2017.



ATTEST

Dottie Gwin

Dottie Gwin, City Clerk

CITY OF MARIETTA

BY:

Kimberly Fraire

Kimberly Fraire, Mayor

ORDINANCE NO. 2017-11-4

ORDINANCE DESIGNATING ENFORCEMENT OFFICERS; DEFINING AUTHORITY OF ENFORCEMENT OFFICERS; ESTABLISHING PROCEDURES FOR ENFORCEMENT OFFICERS WHEN ISSUING CITATIONS; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AND EMERGENCY

ORDINANCE

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

Section 1. The code of Ordinances, City of Marietta, Oklahoma, is hereby amended by adding a section, to be numbered Sec. 1-13, which section reads as follows:

Enforcement Officers.

- (a) Code enforcement officers, animal control officers, building and housing inspection officers, and other such officers designated by the City Council, hereinafter called enforcement officers, are hereby authorized to enforce all provisions or ordinances dealing with buildings and building regulations, zoning, inoperable vehicles, fire prevention, drainage and flood control, parks and recreation, swimming pools, sewers and sewage, signs, streets and sidewalks, subdivisions, peddlers or itinerant vendors, trees, oil and gas wells, water wells, nuisances, health and sanitation, housing, litter, mobile homes, trailers, mobile home parks, garbage and refuse, and animals and fowl.
- (b) When issuing a citation, an enforcement officer shall proceed as follows:
 - (1) The enforcement officer shall prepare a written citation to appear in municipal court containing the name and address of the person cited, the nature, location and date of the alleged offense, and the time and date of the municipal court appearance. Unless the person cited requests an earlier date, the time specified in the citation to appear shall be at least five (5) days after the issuance of the citation.
 - (2) The citation, and any copies thereof, shall be signed by the person cited and one (1) signed copy shall be given to the person cited.
 - (3) The enforcement officer shall file one (1) copy of the citation with the municipal court within three (3) business days after issuing the citation.
- (c) No person shall interfere with, hinder, delay or obstruct in any manner whatsoever an enforcement officer in the performance of their duties.

ORDINANCE NO. 2017-11-4

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- (d) Subject to Constitutional limitations, all enforcement officers engaged in the discharge of their duties are authorized to take all actions appropriate to effect their duties and to enforce the law.
- (e) It shall be unlawful for any unauthorized person to impersonate an enforcement officer by any means including, but not limited to, use of a badge, uniform or other credentials.
- (f) Any person violating or attempting to violate this section shall be guilty of an offense and, upon conviction, punished as set out in section 1-6 of this Code.

Section 2. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

Section 3. It being immediately necessary for the preservation of the peace, health, safety and public good of the City of Marietta and the inhabitants thereof, that the provisions of this Ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this Ordinance shall take full effect and be in full force from and after its passage, as provided by law.

PASSED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR on this 14th day of November 2017.




ATTEST:


Dottie Gwin, City Clerk

CITY OF MARIETTA

BY:



Kimberly Fraire, Mayor

ORDINANCE NO. 2017-11-4

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ORDINANCE NO. 2017-11-5

ORDINANCE REPEALING SECTION 94-36(c) OF THE CITY OF MARIETTA CODE OF ORDINANCES

WHEREAS, the State of Oklahoma has increased penalty assessment fees required by Title 20 Section 1313.2 of the Oklahoma Statutes; and

WHEREAS, the City Council desires to adjust the schedule of fines and fees of the Marietta Municipal Court to reflect the increased penalty assessment fees; and

WHEREAS, Section 94-36(a) of the City of Marietta Code of Ordinances allows for said schedule to be established by a resolution or motion of the City Council; and

WHEREAS, it is necessary to repeal Section 94-36(c) of the City of Marietta Code of Ordinances to allow for said resolution or motion.

ORDINANCE

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

Section 1. That Section 94 -36(c) of the City of Marietta Code of Ordinances is hereby repealed.

Section 2. It being immediately necessary for the preservation of the peace, health, safety and public good of the City of Marietta and the inhabitants thereof, that the provisions of this Ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this Ordinance shall take full effect and be in full force from and after its passage, as provided by law.

PASSED by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma on this 14th day of November 2017.

ATTEST:



Dottie Gwin
Dottie Gwin, City Clerk

CITY OF MARIETTA

BY: Kimberly Fraire
Kimberly Fraire, Mayor

ORDINANCE NO. 2017-11-5

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ORDINANCE NO. 2017-11-6

ORDINANCE ESTABLISHING COURT ASSESSMENT FOR SUPPORT OF POLICE AND COURT TECHNOLOGY; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

ORDINANCE

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

Section 1. The code of Ordinances, City of Marietta, Oklahoma, is hereby amended by adding a section, to be numbered Sec. 30-3, which section reads as follows:

Court assessment for support of police and court technology.

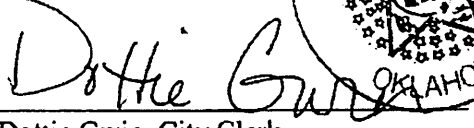
In all court convictions or upon pleas of no contest or guilty to any violation or complaint, the court, either municipal judge or court clerk, shall assess, in addition to any and all other fines and costs, the sum of ten-dollars (\$10.00).

Said ten-dollar (\$10.00) assessment, when collected by the court clerk, shall be deposited in the general fund and a balance maintained separate from all other funds of the city, specifically designated as the "police and court technology fund."

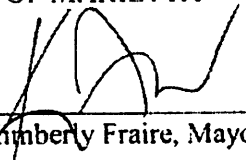
Section 2. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

Section 3. It being immediately necessary for the preservation of the peace, health, safety and public good of the City of Marietta and the inhabitants thereof, that the provisions of this Ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this Ordinance shall take full effect and be in full force from and after its passage, as provided by law.

PASSED BY THE CITY COUNCIL AND SIGNED BY THE MAYOR on this 14th day of November 2017.

ATTEST:

Dottie Gwin, City Clerk



CITY OF MARIETTA
BY: 
Kimberly Fraire, Mayor

ORDINANCE NO. 2017-11-6

ORDINANCE NO. 2017-12-7

ORDINANCE AMENDING SECTION 38-46 REGARDING WEEDS AND TRASH BY DESIGNATING THE CODE ENFORCEMENT OFFICER TO CARRY OUT THE FUNCTIONS OF THE GOVERNING BODY; PROVIDING FOR REPEALER; DECLARING AN EMERGENCY

ORDINANCE

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

Section 1. That Section 38-46 is hereby amended in Chapter 38 of the City of Marietta Code of Ordinances to read as follows:

DIVISION 2. WEEDS AND TRASH

Sec. 38-46. State law adopted.

(a) The requirements of 11 O.S. § 22-111, as amended, are adopted in this division by reference as if fully set out.

(b) Pursuant to 11 O.S. § 22-111.A.7, the code enforcement officer is designated as the administrative officer with the authority to carry out the duties of the City Council as provided by subsection A of the section. The property owner shall have a right of appeal to the City Council from any order of the code enforcement officer. Such appeal shall be taken by filing written notice of appeal with the municipal clerk within ten (10) days after the administrative order is rendered.

Section 2. Any ordinance provisions inconsistent with the terms and provisions of this Ordinance are hereby repealed, provided, however, that such repeal shall be only to the extent of such inconsistency and in all other aspects this Ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this Ordinance.

Section 3. It being immediately necessary for the preservation of peace, health, safety and public good of the City of Marietta and the inhabitants thereof, that the provisions of this Ordinance be put into full force and effect, an emergency is hereby declared to exist by reason thereof this Ordinance shall take full effect and be in full force from and after its passage, as provided by law.

PASSED by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma on this 12th day of December 2017.

ORDINANCE NO. 2017-12-7

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ORDINANCE NO. 2017-12-7

CITY OF MARIETTA

ATTEST:

Dottie Gwin

Dottie Gwin, City Clerk



BY: [Signature]

Kimberly Fraire, Mayor

ORDINANCE NO. 2017-12-7

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ORDINANCE AMENDING CHAPTER 78 OF THE CITY OF MARIETTA CODE OF ORDINANCES TO PROVIDE FOR USE OF ROLL-OUT CARTS FOR GARBAGE AND REFUSE COLLECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR EFFECTIVE DATE AND PUBLICATION REQUIREMENTS;

WHEREAS, the City of Marietta has purchased equipment to implement the automated collection of garbage and refuse from residential and specific commercial and industrial properties using roll-out carts; and

WHEREAS, it is necessary to amend ordinances governing solid waste collection and disposal to facilitate future collection methods.

ORDINANCE

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

SECTION 1. Article I is hereby amended in Chapter 78 of the City of Marietta Code of Ordinances to read as follows:

ARTICLE I. IN GENERAL

Sec. 78-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~*County health officer* means the county health officer or his authorized representative.~~

Collection container or container is a general term used to describe roll-out cart(s) and/or dumpster(s).

Dumpster means large container, typically constructed from metal, with hinged lid, manufactured and used for the collection of garbage and refuse.

Garbage means all putrescible wastes, except sewage and body wastes, including all meat, vegetable and fruit refuse and carcasses of small animals and fowls from any premises within the City limits.

Premise(s) means land, buildings or other structures, containers, vehicles, watercraft or parts thereof upon or in which refuse is stored.

Refuse means all solid wastes, including garbage and rubbish.

Rubbish means tin cans, bottles, papers, tree limbs, ~~which shall be cut into lengths not exceeding 3 1/2 feet;~~ leaves, etc., from any premises within the City limits.

Roll-out cart or cart means durable, plastic wheeled container with a hinged lid, manufactured and used for the collection of garbage and refuse.

Rubble means brushwood, concrete and masonry materials, cardboard boxes and other bulky earthen, wooden or metal refuse-like materials longer, larger or heavier than refuse.

Trash transfer station (also called the trash disposal center or the trash transfer site) means the facility designated for the collection of garbage, rubble and refuse, located at 791 North Brentwood Avenue, Marietta, Oklahoma.

(Code 1984, § 9-1; Ord. No. 2018-1, 7-12-18)

Sec. 78-2. Accumulations of garbage and refuse; Disposal of rubble.

~~(a) Wherever feasible, bulk storage containers for garbage and refuse will be utilized in alleys, streets, the business districts of communities and in other areas. A curbside pickup system using disposable containers will be used. The type, style and size of the container shall be specified by the City.~~

(a) The City will provide each residential sanitation customer one (1) roll-out cart at the place of residence for the accumulation and collection of garbage and refuse.

(1) Upon request of the residential sanitation customer, the City, at its discretion, may provide additional roll-out carts for the accumulation of garbage and refuse exceeding the capacity of the provided container.

~~(b) All ordinary accumulations of rubbish such as tree limbs, paper boxes and scrap lumber which cannot be conveniently placed in the approved containers required under this section shall be gathered together and baled, tied or sacked in compact bundles, weighing no more than 50 pounds, and placed adjacent to such container.~~

(b) The City will provide dumpsters for the accumulation and collection of garbage and refuse from commercial and industrial establishments, apartment complexes and mobile home parks.

(1) Establishments and complexes producing a minimal amount of garbage and refuse may request to be provided one (1) roll-out cart in substitute of a dumpster. Such substitution shall be at the discretion of the City.

(c) Accumulations of garbage and refuse shall not exceed the capacity of the container

and shall not prevent the lid of the container from closing.

(d) It shall be the responsibility of the sanitation customer to deposit rubble, or any other item which exceeds the size or capacity of the provided container, at the trash transfer station.

(Code 1984, § 9-2) (Ord. No. 2018-1, 7-12-18)

Sec. 78-3. Pilfering or disturbing refuse containers.

It shall be unlawful for any person to meddle with refuse containers ~~or disposable containers~~ or in any way pilfer, scatter contents or junk, or set fire to contents of a container in any alley or street within the City limits.

(Code 1984, § 9-10; Ord. No. 2018-1, 7-12-18)

Sec. 78-4. Placing in street or alley.

The placing of garbage or rubbish or any refuse material in any street or alley within the City limits is prohibited.

(Code 1984, § 9-9)

Sec. 78-5. Disposable plastic bags—Garbage pickup. Placement of roll-out cart – Garbage and refuse collection.

~~No garbage or refuse placed in disposable plastic bags shall be placed for curbside pickup sooner than 12 hours prior to garbage pickup.~~

(a) Roll-out carts shall be placed at the curb, streetside or roadside by 7:00 a.m. on the day scheduled for collection, but not earlier than 5:00 p.m. on the day preceding the scheduled collection. Roll-out carts shall not remain at the curb, streetside or roadside between scheduled collection days.

(1) Assistance with placement of roll-out cart will be available for disabled persons who provide the City with proper documentation.

(b) No containers, other than those provided by the City, shall be used for the collection of garbage and refuse.

(Ord. No. 2004-2-7, 8-3-04)(Ord. No. 2018-1, 7-12-18)

Sec. 78-6. Same—Animal intrusion.Precautions against animal intrusion and/or dispersal.

Any person, firm or entity which places garbage or refuse in disposable plastic bags any dumpster or roll-out cart for curbside pickup must take these reasonable precautions to avoid animals tearing open said plastic bags intrusion into the container

and/or dispersal of garbage and refuse.
(Ord. No. 2004-2-7, 8-3-04; ~~2018-1, 7-12-18~~)

Sec. 78-7. ~~Same~~—Violation. Penalties for violation of this article.

~~Any person, firm or entity failing to secure garbage from animal intrusion and dispersal shall be guilty of a violation of sections 78-5 through 78-7.~~
(Ord. No. ~~2004-2-7, 8-3-04~~)

Any person, firm or entity found in violations of any provision of this article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of up to \$500 plus costs.
(Ord. No. ~~2018-1, 7-12-18~~)

Sec. 78-8. ~~Same~~—Fine. Damage to City-owned containers.

~~Each violation of sections 78-5, 78-6, or 78-7 shall be punished by a fine of up to \$500.00 plus costs.~~
(Ord. No. ~~2006-6-9, 11-01-06~~)

(a) The City will repair or replace collection containers damaged through the course of normal use and aging of the container at no additional cost to the sanitation customer.

(b) If damage to a collection container is caused by negligence or inappropriate use, the sanitation customer will be billed for the cost of the repair or replacement of the container.
(Ord. No. ~~2018-1, 7-12-18~~)

Secs. 78-9—78-25. Reserved.

ARTICLE II. COLLECTION AND DISPOSAL

Sec. 78-26. Duty to request garbage service.

To assist in maintaining the general sanitation of the City, it shall be the duty of every person occupying or having control of the occupancy of any premises located on a regularly established garbage route to notify the City Clerk at the beginning of such occupancy and request, accept and use the garbage pickup and collection service. However, failure of any owner, rental agent or occupant of such premises to make such request shall not prevent or in any way impair or impede the City from adding the address of such premises to the proper garbage collection route records and providing such service and otherwise enforcing by appropriate action the measures prescribed in

this chapter and causing the fees or charges therefore to be paid.
(Code 1984, § 9-13)

Sec. 78-27. Charges for service.

(a) All bills for sanitary (refuse) service charges shall be included on water bills, and no payments shall be accepted by the public works authority, except for the full amount billed for a specific period. Delinquent refuse bills shall carry the due dates, grace periods and penalties as water bills.

(b) The City Council, by resolution, shall provide the fees and schedule for collection of garbage and refuse for residential, commercial and industrial customers.
(Code 1984, § 9-14; Ord. No. 2018-1, 7-12-18)

Sec. 78-28. Collection by City.

The City or its authorized representative shall collect garbage and refuse from approved containers, as described in Sec. 78-2, from the areas of the City.
(Code 1984, § 9-4(a); Ord. No. 2018-1, 7-12-18)

Sec. 78-29. Method of disposal.

The disposal of garbage and rubbish shall be by the method ordered by the City Council.
(Code 1984, § 9-11)

Sec. 78-30. Unpaid Trash Disposal Fee.

If any person or entity incurs a fee for trash disposal at the trash transfer station transfer site, also called the trash disposal center or the trash transfer site, located at 698 Northeast Second Street, Marietta, Oklahoma, and said person or entity does not pay said fee within 30 days of the date of incurring said fee, and if said person or entity receives water or sewer service from the Marietta Public Works Authority, or receives garbage service from the City of Marietta, the unpaid fees for said trash disposal service may be added to said monthly water, sewer or garbage bill, and when added to said bill shall become a part of said bill and may be collected through said monthly bill by the Marietta Public Works Authority.

(Code 2015; Ord. No. 2007-7-12, 12-11-07; 2018-1, 7-12-18)

Sec. 78-31. Other Remedies.

The remedy to the City of Marietta to collect unpaid transfer site fees as provided by Sec. 78-30 above, shall not prohibit the City of Marietta from utilizing other remedies such as legal action to collect said unpaid transfer site fees.

(Code 2015; Ord. No. 2007-7-12; ~~December 11, 2007, 12-11-07;~~ 2018-1, 7-12-18)

Sec. 78-32. Authority to refuse collection of garbage and refuse when requirements not met.

The sanitation supervisor shall have power and authority to refuse collection of garbage, refuse and rubble from any person or premise not complying with the requirements set forth in this section.

(Ord. No. 2018-1, 7-12-18)

SECTION 2. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.


SECTION 3. All ordinances, parts of ordinances, or code provisions in conflict herewith are hereby repealed to the extent of any such conflict.

SECTION 4. This Ordinance shall be effective on September 1, 2018 after one (1) publication in the Marietta Monitor.

PASSED by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma on this 12th day of July 2018.

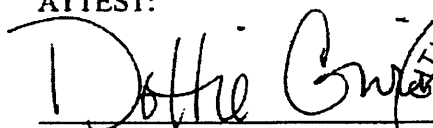
CITY OF MARIETTA

BY:



Kimberly Fraire, Mayor

ATTEST:



Dottie Gwin, City Clerk



AN ORDINANCE AMENDING SECTION 22-6 OF THE CODE OF ORDINANCES REGARDING THE CEMETERY CARE FUND; PROVIDING FOR REPEALER; AND PROVIDING FOR SEVERABILITY

WHEREAS, the City of Marietta maintains a certificate of deposit account at First National Bank and Trust Company of Ardmore, located in Marietta, Oklahoma, titled "Cemetery Perpetual Care Fund." containing \$122,270; and

WHEREAS, the City of Marietta maintains a certificate of deposit account at Landmark Bank, located in Ardmore, Oklahoma, containing \$10,000; and

WHEREAS, all funds held in the account at Landmark Bank were originally held in, and then transferred from the account at First National Bank and Trust Company of Ardmore on January 17, 2018; and

WHEREAS, Ordinance 1988-1, passed by the City Council on December 16, 1988, changed the name of the Cemetery Perpetual Care Fund to the Cemetery Care Fund. The Ordinance established guidelines and procedures for the receipt, expenditure and investment of the Cemetery Care Fund.

WHEREAS, staff has reviewed City Clerk and City Treasurer records, as well as records maintained by the Love County Clerk and Love County Court Clerk, and was unable to locate any additional record establishing a perpetual care fund pursuant to Title 11 O.S. § 26-201 *et seq.*; and

WHEREAS, notice of a public hearing advising of the proposed allocation and/or assignment of the previously described funds was published in the Marietta Monitor on July 20, 2018; and

WHEREAS, a public hearing regarding the proposed allocation and/or assignment of the previously described funds was held before the City Council on August 14, 2018; and

WHEREAS, in the best interest of the City and the general public, the City Council desires to amend an ordinance regarding the Cemetery Care Fund to allow for the investment and expenditures of the monies held in the previously described accounts as provided by State law.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MARIETTA, OKLAHOMA:

SECTION 1. Section 22-6 of the Code of Ordinances, City of Marietta, Oklahoma is hereby amended to read as follows:

Sec. 22-6. Cemetery care fund.

Not less than twenty five percent (25%) of all monies received by from the sale of lots in City cemeteries and from interments in City cemeteries shall be segregated and set aside as a permanent fund to be known as the cemetery care fund. The cemetery care fund principal shall be expended for purchasing lands for cemeteries

and for making capital improvements as defined by 11 O.S. § 17-110, if necessary. The balance of the fund may be invested in the manner provided by law for investment of municipal funds. The interest from the investments shall be used for the same purposes as the principal or in improving, caring for and embellishing the lots, walks, drives, parks and other necessary improvements on such cemeteries.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.

SECTION 3. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

PASSED by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma on this 14th day of August 2018.

CITY OF MARIETTA

ATTEST:

Dottie Gwin
DOTTIE GWIN, CITY CLERK



BY:

Kimberly Fraire
KIMBERLY FRAIRE, MAYOR

ORDINANCE NO. 2018-2

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ORDINANCE NO. 2018-3

AN ORDINANCE ANNEXING REAL PROPERTY LOCATED IN SECTION 30, TOWNSHIP 7 SOUTH, RANGE 2 EAST, LOVE COUNTY, OKLAHOMA, TO THE CITY OF MARIETTA; PROVIDING FOR ZONING; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

WHEREAS, the owner of the real property, hereinafter described, has requested that annexation of said real property into the boundaries of the City of Marietta; and

WHEREAS, notice of a public hearing was published in the Marietta Monitor on July 27, 2018 and August 3, 2018, and mailed to the owners of property located within 300 feet of the real property on July 23, 2018; and

WHEREAS, a public hearing regarding the annexation of the real property was held before the City Council on August 14, 2018, and the City Council has determined that inclusion of the real property within the corporate limits of the City of Marietta is in the best interest of the City and the general public.

THEREFORE, BE IT ORDAINED BY THEM MAYOR AND THE CITY COUNCIL OF THE CITY OF MARIETTA, OKLAHOMA:

SECTION 1. That the boundaries of the City of Marietta, Love County, Oklahoma, be and the same are hereby extended so as to include the real property described as follows:

A tract of land located in the Southeast Quarter (SE/4) of the Northeast Quarter (NE/4) of Section Thirty (30), Township Seven (7) South, Range Two (2) East of the Indian Meridian, Love County, Oklahoma, being more particularly described as follows: Commencing at the Northeast Corner of said SE/4 NE/4: Thence S 00°36'40" E along the East line of said SE/4 NE/4, a distance of 208.72 feet to the Southeast Corner of a tract of land described in General Warranty Deed (McKinney to McMillin), filed 02/02/1977, recorded in Book 67, Page 783 in the Office of the Love County Clerk, said point being the Point of Beginning; Thence continuing S 00°36'40" E along said East line, a distance of 566.28 feet; Thence S 89°24'50" W along a line parallel with the North line of said SE/4 NE/4, a distance of 1237.00 feet; Thence N 00°36'40" W along a line parallel with said East line, a distance of 775.00 feet to a point on said North line; Thence N 89°24'50" E along said North line, a distance of 819.57 feet to the Northwest Corner of a Tract of land described in General Warranty Deed (McKinney to McMillin), filed 02/02/1977, recorded in Book 67, Page 782 in the Office of the Love County Clerk: thence S 00°36'40" E (Deed: N00°03'W), a distance of 104.36 feet to the Southwest Corner of said McMillin Tract (Page 782), same point being the Northwest Corner of said McMillin Tract (Page 783): thence continuing S 00°36'40" E (Deed: N00°03'W) along said McMillin Tract (Page 783), a distance of 104.36 feet to the Southwest Corner of McMillin Tract (Page 783): Thence S 89°24'50" E (Deed: West) along the South line of said McMillin Tract (Page 783), a distance of 417.43 feet to the Point of Beginning. Containing an area of 20.0080 acres.

ORDINANCE NO. 2018-3

Page 1 of 2

That the above-described real property, while being annexed into the boundaries of the City of Marietta, shall be zoned R-1.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.

SECTION 3. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. It being immediately necessary for the preservation of the peace, health, safety and public good of the City of Marietta and the inhabitants thereof, that the provisions of this Ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this Ordinance shall take full effect and be in full force from and after its passage, as provided by law.

PASSED by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma on this 14th day of August 2018.

CITY OF MARIETTA

ATTEST:


DOTTIE GWIN, CITY CLERK




KIMBERLY FRAIRE, MAYOR

ORDINANCE NO. 2018-3

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ORDINANCE NO. 2018-4

AN ORDINANCE AMENDING SECTION 2-76 OF THE CODE OF ORDINANCES REGARDING DISCIPLINARY ACTIONS FOR EMPLOYEES OF THE CITY; PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

ORDINANCE

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MARIETTA:

SECTION 1. Section 2-76 of the Code of Ordinances. City of Marietta, Oklahoma is hereby amended to read as follows:

Sec. 2-76. Suspension or removal of appointed officers or employees.

An appointed officer or employee of the City may be suspended, demoted, laid off or removed by the Mayor as provided by 11 O.S. § 9-118. The officer or employee may appeal the action to the City Council pursuant to procedures adopted by resolution of the City Council.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.

SECTION 3. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. It being immediately necessary for the preservation of the peace, health, safety and public good of the City of Marietta and the inhabitants thereof, that the provisions of this Ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this Ordinance shall take full effect and be in full force from and after its passage, as provided by law.

PASSED by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma on this 14th day of August 2018.

CITY OF MARIETTA

ATTEST:

Dottie Gwin
DOTTIE GWIN, CITY CLERK



Kimberly Fraire
KIMBERLY FRAIRE, MAYOR

ORDINANCE NO. 2018-4

AN ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF MARIETTA REGARDING ALCOHOLIC BEVERAGES; ADOPTING STATE LAW; ADOPTING DEFINITIONS; PROVIDING FOR CERTIFICATE OF COMPLIANCE; LEVYING OCCUPATIONAL TAX; ESTABLISHING REGULATIONS PERTAINING TO ALCOHOLIC BEVERAGE BUSINESS LOCATION, ADVERTISING, SIGNAGE AND HOURS OF OPERATION; PROVIDING FOR PROHIBITED ACTS; PROVIDING FOR PENALTIES; PROVIDING FOR REPEALER, SAVINGS, SEVERABILITY, AND CODIFICATION; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MARIETTA, OKLAHOMA:

SECTION 1. Chapter 6 of the Code of Ordinances, City of Marietta, Oklahoma, is hereby amended to read as follows:

Chapter 6

ALCOHOLIC BEVERAGES CODE

ARTICLE I. IN GENERAL

- Sec. 6-1. State law adopted by reference.
- Sec. 6-2. Definitions.
- Sec. 6-3 – 6-5. Reserved

ARTICLE II. OCCUPATIONAL TAX AND OPERATION OF BUSINESS

- Sec. 6-6. Certificate of zoning and certificate of compliance with fire, safety, and health codes required for state licensure.
- Sec. 6-7. Issuance of certificate of zoning and certificate of compliance.
- Sec. 6-8. Occupational tax levied.
- Sec. 6-9. Payment required; posting receipt.
- Sec. 6-10. Annual report.
- Sec. 6-11. Revocation of license.
- Sec. 6-12. Signs.
- Sec. 6-13. Advertising.
- Sec. 6-14. Zoning.
- Sec. 6-15 – 6-20. Reserved.

ARTICLE III. BEER AND WINE AND MIXED BEVERAGE SALES FOR ON PREMISES CONSUMPTION

- Sec. 6-21. Hours of operations.
- Sec. 6-22 – 6-30. Reserved.

ARTICLE IV. RETAIL SPIRITS STORES AND RETAIL STORES SELLING WINE OR BEER FOR OFF PREMISES CONSUMPTION

- Sec. 6-31. Hours of operation
- Sec. 6-32. Sale in retail store only.

Sec. 6-33 – 6-40. Reserved.

ARTICLE V. VIOLATIONS AND PENALTIES.

Sec. 6-41. Prohibited acts; state law adopted by reference.
Sec. 6-42. Maintaining a place contrary to law.
Sec. 6-43. Transportation.
Sec. 6-44. Furnishing to minors.
Sec. 6-45. Possession by minors.
Sec. 6-46. Misrepresentation of age by 21.
Sec. 6-47. Reserved.
Sec. 6-48. Possession of unauthorized alcoholic beverages prohibited.
Sec. 6-49. Loitering on premises where sold.
Sec. 6-50. Employees of licensed establishments not to solicit patrons to purchase beverages for employees.
Sec. 6-51. Nudity in licensed business or establishment.
Sec. 6-52. Gatherings and consumption of alcohol by minors.
Sec. 6-53. Penalty.
Sec. 6-54 – 6-60. Reserved

ARTICLE I. IN GENERAL

Sec. 6-1. State law adopted by reference.

Those portions of the Oklahoma Alcoholic Beverage Control Act, 37A O.S. § 1-101 et seq., applicable to cities are adopted in this chapter by reference as if fully set out.

Sec. 6-2. Definitions.

The definitions contained within the Oklahoma Alcoholic Beverage Control Act are incorporated into this Ordinance by reference. Words in the plural include the singular, and vice versa, and words imparting the masculine gender include the feminine, as well as persons and licensees as defined in this section.

Sec. 6-3 – 6-5. Reserved

ARTICLE II. OCCUPATIONAL TAX AND OPERATION OF BUSINESS

Sec. 6-6. Certificate of zoning and certificate of compliance with fire, safety, and health codes required for state licensure.

(a) Requirement of Certificate. Every applicant for an original or renewal license, except applicants for a special event, pursuant to Title 37A of the Oklahoma Statutes shall be required to furnish the Alcoholic Beverage Laws Enforcement Commission a certificate of compliance with zoning ordinances and a certificate of compliance with fire, safety and health codes.

(b) Application and Fee. Applications for such certificates shall be in writing on a form provided by the City Clerk. Each applicant shall pay at the time of filing the application a fee as established by resolution of the City Council of the City of Marietta. Upon receipt of an application for a certificate of compliance, the City Clerk shall cause an investigation to be made to determine

ORDINANCE NO. 2018-6

Page 2 of 9

whether the premises proposed for licensed operations comply with the provisions of the zoning and any health, fire, building and other safety codes applicable to it.

(c) The City Clerk shall act on all such applications within twenty (20) days of receipt thereof.

Sec. 6-7. Issuance of certificate of zoning and certificate of compliance.

(a) Upon finding that the premises of an applicant for a certificate is in compliance with all applicable zoning ordinances, a certificate of zoning shall be issued to the applicant.

(b) Upon finding that the premises of an applicant for a certificate is in compliance with all applicable fire, safety, and health codes, a certificate of compliance shall be issued to the applicant.

(c) The above certificates of compliance shall be signed by the Mayor, City Clerk or the City Clerk's designee.

Sec. 6-8. Occupational tax levied.

An occupational tax, with the fee for said tax to be established by resolution of the City Council of the City of Marietta, shall hereby be levied for the privilege of operating as a retailer, mixed beverage, beer and wine, caterer, public event or special event licensee, bottle club, manufacturer, wine and spirits wholesaler or beer distributor in which such licensee has its principal place of business in the corporate limits of the City of Marietta.

Sec. 6-9. Payment required; posting receipt.

(a) Any state licensee originally entering upon any occupation as described in Sec. 6-8 shall pay the tax therefor to the City Clerk on or before the date upon which said licensee enters upon such occupation. Said licensee shall provide a copy of a current state license before payment of an occupation tax will be accepted. Thereafter, the licensee shall pay the tax annually on or before the first day of July.

(b) The occupation tax subject to this section shall be prorated on a monthly basis for the year in which an occupation began operations.

(c) Any state licensee operating a business described in Sec. 6-8 upon the effective date of this Ordinance shall pay the required occupational tax which shall be prorated on a monthly basis for the year in which this Ordinance became effective.

(d) Upon payment of the said occupation tax, the City Clerk shall issue a receipt to said state licensee, which said receipt shall be posted in a conspicuous place on the occupation premises.

Sec. 6-10. Annual report.

The City Clerk shall make an annual report to the Alcoholic Beverage Laws Enforcement Commission, covering the fiscal year, showing the number and class of licensees subject to the tax authorized by this chapter, and the amount of money received from said tax.

Sec. 6-11. Revocation of license.

(a) The City, as to any mixed beverage, beer and wine, caterer, public event or bottle club licensee having its principal place of business in the corporate limits of the City of Marietta, may

initiate a license suspension or revocation proceeding with the Alcoholic Beverage Laws Enforcement Commission, pursuant to the procedures outlined in Title 37A O.S. § 4-102.

Sec. 6-12. Signs.

No person owning, operating or maintain a retail alcoholic beverage store in the City shall cause or permit it to be designated by more than one sign, which shall contain only the words "retail alcoholic liquor store" or any combination of such words or any of them and which shall contain no letter of figure more than four inches in height or more than three inches in width and in which the lines of words, if more than one, shall not be more than one inch apart.

Sec. 6-13. Advertising.

No person shall advertise or cause to be advertised, in any manner other than as authorized by this article, the sale of alcoholic beverages within the limits of the City.

Sec. 6-14. Zoning.

No retailer, wholesaler, or manufacturer of alcoholic beverages shall be located, maintained or operated by any person, at any place, within the boundaries of the City, except at a location which such an establishment is permitted by zoning regulations include within this Code and as attached hereto.

Sec. 6-15 – 6-20. Reserved.

ARTICLE III. BEER AND WINE AND MIXED BEVERAGE SALES FOR ON PREMISES CONSUMPTION

Sec. 6-21. Hours of operations.

(a) No alcoholic beverages may be sold, dispensed, served or consumed on the premises of a mixed beverage, caterer, public event, charitable event, special event, on-premises beer and wine, small brewer or brewpub licensee between the hours of 2:00 a.m. and 8:00 a.m.

(b) Businesses where alcoholic beverages may be sold, dispensed, served or consumed on the premises shall be closed to the public between the hours of 2:00 a.m. and 6:00 a.m.

Sec. 6-22 – 6-30. Reserved.

ARTICLE IV. RETAIL SPIRITS STORES AND RETAIL STORES SELLING WINE OR BEER FOR OFF PREMISES CONSUMPTION

Sec. 6-31. Hours of operation

(a) Retail spirit stores. No retail spirits store may sell any alcoholic beverages at any hour other than between the hours of 8:00 a.m. and midnight Monday through Saturday. Further, no person shall open or operate a retail spirits store on the following days:

- (1) Thanksgiving Day

(2) Christmas Day

(b) Retail beer or retail wine stores. A retail wine or retail beer establishment may offer wine or beer for sale on between the hours of 6:00 a.m. and 2:00 a.m. the following day, Monday through Sunday.

Sec. 6-32. Sale in retail store only.

No person shall sell at retail and no person shall deliver, in consequence or in completion of such a sale, any alcoholic beverages at any place in the City, except at a retail alcoholic beverage store in strict conformity with this article and the law of the State.

Sec. 6-33 – 6-40. Reserved.

ARTICLE V. VIOLATIONS AND PENALTIES.

Sec. 6-41. Prohibited acts; state law adopted by reference.

The prohibited acts and violations as provided by the Oklahoma Alcoholic Beverage Control Act, 37A O.S. § 1-101 et eq., applicable to cities are adopted in this chapter by reference as if fully set out.

Sec. 6-42. Maintaining a place contrary to law.

It shall be unlawful for any person to keep, maintain or aid or abet in keeping or maintaining, in the City a place where alcohol is manufactured, sold, bartered, given away or otherwise furnished in violation of laws of the State or ordinances of the City.

Sec. 6-43. Transportation.

It shall be unlawful for any person to knowingly transport in any vehicle upon a public highway, street or alley any alcoholic beverage, except in the original container which shall not have been opened and the seal upon which shall not have been broken and from which the original cap or cork shall not have been removed, unless the opened container is in the rear trunk or rear compartment, which shall include the spare tire compartment in a vehicle commonly known as a station wagon and panel truck, or any outside compartment not accessible to the driver or any other person in the vehicle while it is in motion.

Sec. 6-44. Furnishing to minors.

It shall be unlawful within the City limits for any person to sell, barter, furnish or give to any minor any alcoholic beverage, unless otherwise allowed by law.

Sec. 6-45. Possession by minors.

It shall be unlawful for any minor in any public place within the City to have in their possession or within any vehicle operated by them or under their control any alcoholic beverage.

Sec. 6-46. Misrepresentation of age by 21.

No person under 21 years of age shall misrepresent their age in writing or present false documentation of age or otherwise for the purpose of inducing any person to sell them alcoholic beverages.

Sec. 6-47. Reserved.

Sec. 6-48. Possession of unauthorized alcoholic beverages prohibited.

It is unlawful for any person or licensee to use, offer for use, purchase, offer to purchase, sell or possess any alcohol of any kind except as authorized by law.

Sec. 6-49. Loitering on premises where sold.

It is unlawful for any person to loiter in any place where alcohol of any kind is bartered, sold, given away or otherwise furnished contrary to law.

Sec. 6-50. Employees of licensed establishments not to solicit patrons to purchase beverages for employees.

It shall be unlawful for any licensee, owner, manager or employee of any business or establishment licensed pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act to permit an employee to solicit a patron to purchase an alcoholic beverage or nonalcoholic beverage for the employee or any other employee, or knowingly serve any employee with a beverage purchased by a patron or permit any employee to remain on the licensed premises who solicits a patron to purchase a beverage for any employee or who solicits a patron to purchase a beverage for himself or herself or for any person not a patron, or permit an employee to mingle or fraternize with patrons of such licensed business or establishment, except in the furtherance of service of food and/or drinks.

Sec. 6-51. Nudity in licensed business or establishment.

No owner, operator, partner, manager or person having supervisory control of any establishment licensed to sell or serve intoxicating beverages shall permit any of the following on or about any commercial premises where intoxicating beverages are dispensed or consumed:

- (a) The performance by any person of acts, or simulated acts, of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are otherwise prohibited by law;
- (b) The actual intentional touching or caressing or fondling by any person of the breasts, anus or genitals;
- (c) Any person on the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the areola of the female breast or any portion of the pubic hair, buttocks or genitals; or
- (d) Any person to perform acts of, or acts which simulate, sexual acts which are prohibited by law, or permit any person to use artificial devices or inanimate objects to depict any prohibited activities or permit the showing of films, still pictures, electronic reproductions or other visual reproductions depicting any of the prohibited activities described in this paragraph.

Sec. 6-52. Gatherings and consumption of alcohol by minors.

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- (a) For purposes of this Section, the following definitions shall apply:
- (1) "Gathering" is a party, gathering, or event, where a group of three or more persons have assembled or are assembling for a social occasion or social activity.
 - (2) "Minor" means any person under twenty-one years of age.
 - (3) "Parent" means a person who is a natural parent, adoptive parent, foster parent, or stepparent of another person.
 - (4) "Premises" means any residence or other private property, place, or premises, including any commercial or business premises.
 - (5) "Response costs" are the costs associated with responses by law enforcement, fire, and other emergency response providers to a gathering, including but not limited to: (1) salaries and benefits of law enforcement, code enforcement, fire, or other emergency response personnel for the amount of time spent responding to, remaining at, or otherwise dealing with a gathering, and the administrative costs attributable to such response(s); (2) the cost of any medical treatment for any law enforcement, code enforcement, fire, or other emergency response personnel injured responding to, remaining at, or leaving the scene of a gathering; (3) the cost of repairing any City equipment or property damaged, and the cost of the use of any such equipment, in responding to, remaining at, or leaving the scene of a gathering; and (4) any other allowable costs related to the enforcement of this Section.
- (b) Except as permitted by state law, it is unlawful for any minor to:
- (1) consume at any public place or any place open to the public alcoholic beverage; or
 - (2) consume at any place not open to the public any alcoholic beverage, unless in connection with the consumption of the alcoholic beverage that minor is being supervised by his or her parent or legal guardian.
- (c) It is the duty of any person having control of any premises, who knowingly hosts, permits, or allows a gathering at said premises to take all reasonable steps to prevent the consumption of alcoholic beverages by any minor at the gathering. Reasonable steps are controlling access to alcoholic beverages at the gathering; controlling the quantity of alcoholic beverages present at the gathering; verifying the age of persons attending the gathering by inspecting drivers' licenses or other government-issued identification cards to ensure that minors do not consume alcoholic beverages while at the gathering; and supervising the activities of minors at the gathering.
- (d) It is unlawful for any person having control of any premises to knowingly host, permit, or allow a gathering to take place at said premises where at least one minor consumes an alcoholic beverage, whenever the person having control of the premises either knows a minor has consumed an alcoholic beverage or reasonably should have known that a minor consumed an alcoholic beverage had the person taken all reasonable steps to prevent the consumption of an alcoholic beverage by a minor as set forth in subsection (c) of this Section.
- (e) This Section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between a minor and his or her parent or legal guardian.
- (f) Nothing in this Section should be interpreted to prohibit any family activity held in the confines of the family home from providing the use of alcohol to immediate family members within the supervision of parents and guardians. However, if a minor leaves such a family

gathering intoxicated and is found in public then said providers of alcohol will be held responsible in the same manner as a non-family gathering.

(g) Nothing in this section should be interpreted to prohibit any religious practice which includes the use of alcohol. However, if a minor leaves such a religious gathering intoxicated and is found to be in public then said providers of alcohol will be held responsible in the same manner as a non-religious gathering.

(h) This Section shall not apply to any premises licensed by the State of Oklahoma to dispense alcoholic beverages.

(i) Violations of this Section may be prosecuted by the City criminally, civilly, and/or administratively as provided by the Code of Ordinances. The City may seek administrative fees and response costs associated with enforcement of this Section through all remedies or procedures provided by statute, ordinance, or law. This Section shall not limit the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this Section, nor shall they limit the City's ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of this Section.

(j) This Section shall not apply where prohibited or preempted by state or federal law.

Sec. 6-53. Penalty.

Except as otherwise provided by state law, whenever in this Chapter an act is prohibited or is made or declared to be unlawful, an offense, or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful the violation of any provision of this code or of any ordinance, upon conviction, shall be punished by a fine not exceeding five hundred dollars (\$500.00) plus court costs or imprisonment not exceeding thirty (30) days or both such fine and imprisonment. Each day or any portion of a day during which any violation of this code or of any ordinance shall continue shall constitute a separate offense.

Sec. 6-54 – 6-60. Reserved

Section 2. All ordinances or parts thereof, which are inconsistent with this Ordinance are here by repealed.

Section 3. Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired or liability incurred, nor any cause or causes of action accrued of existing, under any act or Ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

Section 4. If any one or more of the sections, sentences, clauses, or parts of this Ordinance shall, for any reason, be held invalid, the invalidity of such section, sentence, 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 Mayor and City Council of the City of Marietta that this section of the Code of Ordinances for the City of Marietta would have been adopted had such unconstitutional, illegal, or otherwise invalid section, sentence, clause, or part had not been included.

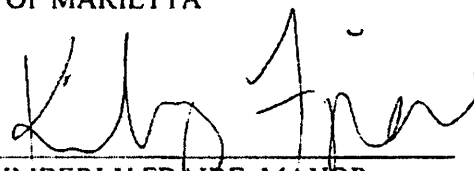
Section 5. This Ordinance shall be codified as Chapter 6 of the Code of Ordinances for the City of Marietta, Oklahoma.

Section 6. It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the City of Marietta and the inhabitants thereof that this ordinance be put into full effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and after its passage and approval.


PASSED by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma on this 11th day of September 2018.

CITY OF MARIETTA

BY:


KIMBERLY FRAIRE, MAYOR

ATTEST:


DOTTIE GWIN, CITY CLERK



AN ORDINANCE AMENDING THE ZONING OF REAL PROPERTY LOCATED IN THE CITY OF MARIETTA; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

WHEREAS, the owner of the real property hereinafter described has made application with the City of Marietta requesting the zoning of said real property be amended from C-3 (Highway Commercial and Commercial Recreation District) to I-2 (Medium Industrial District); and

WHEREAS, notice of a public hearing was published in the Marietta Monitor on September 14, 2018, and mailed to the owners of property located within three-hundred (300) feet of the real property on September 18, 2018; and

WHEREAS, a public hearing regarding the application of zoning amendment of the real property was held before the Planning Commission on October 4, 2018, and the Planning Commission has recommended said amendment to the City Council as provided by resolution PC18-01; and

WHEREAS, a public hearing regarding the application of zoning amendment of the real property was held before the City Council on October 9, 2018, and the City Council has determined that the amendment of the zoning district of the real property, located within the corporate limits of the City of Marietta, is in the best interest of the City and the general public.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MARIETTA, OKLAHOMA:

SECTION 1. The zoning of the following property is hereby amended from C-3 (Highway Commercial and Commercial Recreation District) zoning district to I-2 (Medium Industrial District) zoning district to wit:

Lot 4, Block 17, City of Marietta, Love County, Oklahoma,
according to the recorded plat thereof.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.

SECTION 3. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

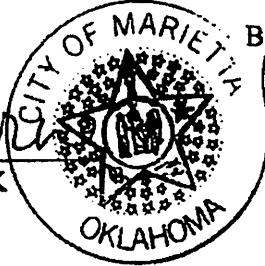
SECTION 4. There exists an immediate necessity in order to provide proper regulation of property within the City of Marietta, and for the preservation of the peace, health, and safety of the citizens of said City, and emergency is hereby declared to exist whereby this Ordinance shall be in full force and effect from and after its passage, as provided by law.

PASSED by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma on this 13th day of November 2018.

CITY OF MARIETTA

ATTEST:

Dottie Gwin
DOTTIE GWIN, CITY CLERK



BY: [Signature]
KIMBERLY FRAIRE, MAYOR

AN ORDINANCE AMENDING THE ZONING OF REAL PROPERTY LOCATED IN THE CITY OF MARIETTA; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

WHEREAS, on September 11, 2012, the City Council upon motion, second, and unanimous vote, amended zoning of the real property described herein from C-3 (Highway Commercial and Commercial Recreation District) to I-2 (Medium Industrial District); and

WHEREAS, it is necessary to memorialize the prior action by ordinance.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MARIETTA, OKLAHOMA:

SECTION 1. The zoning of the following property is hereby amended from C-3 (Highway Commercial and Commercial Recreation District) zoning district to I-2 (Medium Industrial District) zoning district to wit:

West 75 Feet of Lot 1, Block 18, City of Marietta, Love County, Oklahoma


SECTION 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.

SECTION 3. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. There exists an immediate necessity in order to provide proper regulation of property within the City of Marietta, and for the preservation of the peace, health, and safety of the citizens of said City, and emergency is hereby declared to exist whereby this Ordinance shall be in full force and effect from and after its passage, as provided by law.

PASSED by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma on this 13th day of November 2018.

ATTEST:


DOTTIE GWIN, CITY CLERK



CITY OF MARIETTA

BY: 
KIMBERLY FRAIRE, MAYOR

ORDINANCE NO. 2018-10

AN ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF MARIETTA; PROVIDING FOR REPEALER, SAVINGS, SEVERABILITY, AND CODIFICATION; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MARIETTA, OKLAHOMA:

Note: Chapter 7 of the Marijuana Code, as amended by this Ordinance, is shown hereinafter.

Chapter 7

MEDICAL MARIJUANA CODE

ARTICLE I. IN GENERAL

- Sec. 7-1. **Legislative intent and purpose.**
Sec. 7-2. **Oklahoma State Department of Health Regulations Title 310, Chapter 681, Medical Marijuana Control Program Adopted by Reference.**
Sec. 7-3. **Definitions.**
Sec. 7-4 – 7-10. **Reserved.**

ARTICLE II. COMMERCIAL MEDICAL MARIJUANA BUSINESS PERMIT

- Sec. 7-11. **Permit required.**
Sec. 7-12. **Additional licenses and permits may be required.**
Sec. 7-13. **Permit does not provide any exception, defense, or immunity from other laws.**
Sec. 7-14. **Separate permit required for each location.**
Sec. 7-15. **Permit nontransferable.**
Sec. 7-16. **Application requirements.**
Sec. 7-17. **Application processing.**
Sec. 7-18. **Approval requirements.**
Sec. 7-19. **Fees required.**
Sec. 7-20. **Inspection.**
Sec. 7-21. **Modifications to approved commercial medical marijuana business permit.**
Sec. 7-22. **Persons prohibited as permittees.**
Sec. 7-23. **Forfeiture of permit.**
Sec. 7-24. **Suspension or revocation of permit; Imposition of fines.**
Sec. 7-25. **Term of permit; Renewals, expiration of permit.**
Sec. 7-26. **Revocation of permit upon denial or revocation of state license or applicable federal prohibition.**
Sec. 7-27. **Revocable privilege.**
Sec. 7-28 – 7-40. **Reserved.**

ARTICLE III. GENERAL PROVISIONS

- Sec. 7-41. **Defense to criminal prosecutions.**
Sec. 7-42. **Inspections.**
Sec. 7-43. **Costs of inspection and clean-up.**
Sec. 7-44. **Landlord duty.**
Sec. 7-45. **Locations of medical marijuana businesses.**

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- Sec. 7-46. Commercial medical marijuana businesses prohibited.
- Sec. 7-47. Ventilation, fire and life safety requirements.
- Sec. 7-48. Prohibited Acts.
- Sec. 7-49. Penalty.
- Sec. 7-50 – 7-60. Reserved.

ARTICLE IV. REQUIREMENTS RELATED TO THE OPERATION OF MEDICAL MARIJUANA BUSINESSES.

- Sec. 7-61. Onsite use prohibited.
- Sec. 7-62. Restriction on access to restricted area.
- Sec. 7-63. Display of permit required.
- Sec. 7-64. Business conducted within building.
- Sec. 7-65. Use of pesticides.
- Sec. 7-66. Ventilation required.
- Sec. 7-67. Use of metals, butane, propane or other flammable products.
- Sec. 7-68. Disposal of medical marijuana and marijuana byproducts.
- Sec. 7-69. Delivery between medical marijuana businesses.
- Sec. 7-70. Advertisement.
- Sec. 7-71. Organization of cultivation facilities.
- Sec. 7-72. Owner or manager responsibility.
- Sec. 7-73. Consent to inspection.
- Sec. 7-74. Reporting of source, quantity, and sales.
- Sec. 7-75. Requirements for public health and labeling.
- Sec. 7-76. Compliance with other applicable law.
- Sec. 7-77 – 7-90. Reserved.

ARTICLE V. MARIJUANA GROWING FACILITIES FOR PERSONAL MEDICAL USE

- Sec. 7-91. Permit required.
- Sec. 7-92. Permit does not provide any exception, defense, or immunity from other laws.
- Sec. 7-93. Permit nontransferable.
- Sec. 7-94. Location and security.
- Sec. 7-95. Application requirements.
- Sec. 7-96. Application processing.
- Sec. 7-97. Approval requirements.
- Sec. 7-98. Fees required.
- Sec. 7-99. Term of permit; Expiration of permit.
- Sec 7-100. Revocation of permit upon denial or revocation of state license or applicable federal prohibition.
- Sec. 7-101. Removal of marijuana upon inactive or revoked permit.
- Sec. 7-102 – 7-110. Reserved.

ARTICLE I. IN GENERAL

Sec. 7-1. Legislative intent and purpose.

(a) The intent of this chapter is to ensure the health and safety of all citizens of the City of Marietta and provide reasonable and orderly regulation of medical marijuana as authorized by the lawful passage of State Question 788. Only the powers enumerated under this chapter shall be proper. Any power not specifically enumerated is prohibited.

(1) Any person, persons, or entity violating any provisions of this article, either by doing anything which is prohibited or by failing to do anything which is commanded, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding five hundred dollars (\$500) plus court costs. Each separate violation of this article shall constitute a separate offense. Where a lesser fine is mandated by state law then the lesser amount of fine shall be applicable.

(2) The regulations are intended to apply to all medical marijuana for personal use or any medical marijuana business permitted under the State Question 788. The Code is intended to provide regulations to limit the impact that medical marijuana cultivation and production will have on health, safety, and community resources.

(3) Use, distribution, cultivation, production, possession, and transportation of medical marijuana remains illegal under federal law and marijuana remains classified as a "controlled substance" by federal law.

(4) The regulations for medical marijuana uses are not adequate at the state level to address the impacts of medical marijuana on the city, making it appropriate for local regulation of the impacts of medical marijuana uses.

(5) Nothing in this chapter is intended to promote or condone the production, distribution, or possession of marijuana in violation of any applicable law.

(6) This chapter is to be construed to protect the public over medical marijuana business interests. Operation of a medical marijuana business is a revocable privilege and not a right in the city. There is no property right for an individual or business to have medical marijuana in the city.

(7) Medical marijuana is a heavily regulated industry in the city and all permittees are assumed to be fully aware of the law. The city shall not therefore be required to issue warnings before issuing citations for violations of this chapter.

(b) The purpose of this chapter is to protect the public health, safety, and welfare of the residents and patients of the city by prescribing the manner in which medical marijuana businesses can be conducted in the city. Further, the purpose of this chapter is to:

(1) Provide for a means of cultivation, production, and distribution of marijuana to patients who qualify to obtain, possess, and use marijuana for medical purposes under the State Question 788.

(2) Protect public health and safety through reasonable limitations on business operations as they relate to noise, air and water quality, food safety, neighborhood and patient safety, security for the business and its personnel, and other health and safety concerns.

(3) Impose fees to cover the cost to the city of permitting medical marijuana businesses in an amount sufficient for the city to recover its costs of the permitting program.

(4) Adopt a mechanism for monitoring compliance with the provisions of this chapter.

(5) Create regulations that address the particular needs of the patients and residents of the city and coordinate with laws that may be enacted by the state regarding the issue.

(6) Facilitate the implementation of State Question 788 without going beyond the authority granted by it.

(7) Issue medical marijuana business permits only to individuals and entities that have demonstrated an intent and ability to comply with this chapter without monitoring by city officials.

Sec. 7-2. Oklahoma State Department of Health Regulations Title 310, Chapter 681, Medical Marijuana Control Program Adopted by Reference.

(a) Oklahoma State Department of Health Regulations, Title 310, Chapter 681, Medical Marijuana Control Program as it may from time to time be amended is adopted by reference and is made a part of the ordinances of the City, as if fully set forth in this Code. The provisions of these regulations shall take effect and be controlling with the city limits so that a violation of the provisions of the regulations will be a violation of this code. Nothing in this section shall grant to the city the power or jurisdiction to prosecute offenses that a city is not authorized to prosecute. Copies of the rules are on file in the office of the City Clerk.

(b) Any crimes specified in the rules or other laws as felonies are specifically excluded from inclusion in this chapter.

(c) The penalty for a misdemeanor violation of the rules as adopted by this chapter shall be the maximum penalty allowed by state law but not exceeding the jurisdictional limits of the Marietta Municipal Court.

Sec. 7-3. Definitions.

The following words and terms, when used in this chapter, shall have the following meaning, unless the context clearly indicates otherwise:

- (a) *Applicant* means the natural person in whose name a permit would be issued.
- (b) *Complete Application* means a document prepared in accordance with the rules and the forms and instructions provided by the City of Marietta, including any supporting documentation required as well as the application fee.
- (c) *Dispense* means the selling of medical marijuana or a medical marijuana product to a qualified patient or the patient's designated caregiver that is packaged in a suitable container appropriately labeled for subsequent administration to or use by a qualified patient.
- (d) *Dispensary* means an entity that has been licensed by the Oklahoma State Health Department pursuant to Title 63 O.S. § 421A and permitted by the City of Marietta pursuant to this chapter, which allows the entity to purchase medical marijuana from a processor permittee or grower permittee and sell medical marijuana only to qualified patients and caregivers.
- (e) *Domicile* means a person's true, fixed, primary permanent home and place of habitation and the tax parcel on which it is located. It is the place where the person intends to remain and to which the person expects to return when the person leaves without intending to establish a new domicile elsewhere.
- (f) *Entity* means an individual, general partnership, a limited partnership, a limited liability company, a trust, an estate, an association, a corporation or any other legal or commercial entity.
- (g) *Grower or Commercial Grower* means an entity that has been licensed by the Oklahoma State Department of Health and permitted by the City of Marietta, which allows the entity to grow, harvest, and package medical marijuana to a dispensary, processor or researcher.
- (h) *Manufacture* means the process of converting harvested plant material into medical marijuana concentrate by physical or chemical means for use as an ingredient in a medical marijuana product.
- (i) *Marijuana* means all parts of a plant of the genus *cannabis*, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. "Marijuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, or any other compound, manufacture, salt derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination.
- (j) *Mature Plant* means harvestable female marijuana plant that is flowering. Mature plants are not authorized under this section prior to sixty (60) days after the enactment of Title 63 O.S. § 420A, et. seq.

(k) *Medical Marijuana* means marijuana that is grown, processed, dispensed, tested, possessed, or used for a medical purpose.

(l) *Medical Marijuana Business* means any business licensed by the Oklahoma State Health Department and permitted by the City of Marietta to dispense, grow, research or process medical marijuana.

(m) *Medical Marijuana Concentrate* ("concentrate") means a substance obtained by separating cannabinoids from any part of the marijuana plant by physical or chemical means, so as to deliver a product with a cannabinoid concentration greater than the raw plant material from which it is derived, intended to be refined for use as an ingredient in a medical marijuana product and not for administration to a qualified patient.

(n) *Medical Marijuana Product* means a product that contains cannabinoids that have been extracted from plant material or the resin therefrom by physical or chemical means and is intended for administration to a qualified patient, including but not limited to oils, tinctures, edibles, pills, topical forms, gels, creams, forms medically appropriate for administration by vaporization or nebulizer, patches, tinctures, and liquids excluding live plant forms.

(o) *Medical Marijuana Waste* means unused, surplus, returned or out-of-date marijuana; recalled marijuana; unused marijuana; plant debris of the plant of the genus cannabis, including dead plants and all unused plant parts and roots; and any wastewater generated during growing and processing.

(p) *Permittee* means any natural born person or entity that holds a marijuana permit provided for in this chapter.

(q) *Processor* means an entity that has been licensed by Oklahoma State Department of Health and permitted by the City of Marietta, which allows the entity to: purchase marijuana from a commercial grower; prepare, manufacture, package, sell to and deliver medical marijuana products to a dispensary permittee or other processor permittee; and may process marijuana received from a qualified patient into a medical marijuana concentrate, for a fee.

(r) *Private school* means an elementary, middle, or high school, maintained by private individuals, religious organizations, or corporations, funded, at least in part, by fees or tuition, and open only to pupils selected and admitted based on religious affiliations or other particular qualifications.

(s) *Public School* means an elementary, middle, or high school established under state law, regulated by the local state authorities in the various political subdivisions, funded and maintained by public taxation, and open and free to all children of the particular district where the school is located.

(t) *Retailer* as used in Title 63 O.S. § 421A et seq. means a dispensary.

(u) *Resident* means an individual who is an income tax payer in the State of Oklahoma and can provide proof of residency as required by 63 O.S. § 420A et seq. and OAC 310:681-1-6.

(v) *Revocation* means the City of Marietta's final decision that any permit issued pursuant to this chapter is rescinded because the individual or entity does not comply with the applicable requirements in this chapter.

(w) *Seedling* means an immature marijuana plant that has no flowers.

(x) *State Question* means Okla. State Question No. 788 and Initiative Petition Number 412.

Sec. 7-4 – 7-10. Reserved.

ARTICLE II. COMMERCIAL MEDICAL MARIJUANA BUSINESS PERMIT

Sec. 7-11. Permit required.

It shall be unlawful for any person, persons or other business entity to operate as a commercial medical marijuana dispensary, commercial medical marijuana grower, commercial medical marijuana manufacturer, or commercial medical marijuana processor within the corporate limits of the City of Marietta without first having obtained a permit therefor as provided herein. The fees for the permits required hereunder shall be established by resolution of the City Council of the City of Marietta.

Sec. 7-12. Additional licenses and permits may be required.

The permit requirement set for in this chapter shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law, including, by way of example, any applicable building permit.

Sec. 7-13. Permit does not provide any exception, defense, or immunity from other laws.

The issuance of any permit pursuant to this chapter does not create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marijuana.

Sec. 7-14. Separate permit required for each location.

A separate permit shall be required for each premise from which a commercial medical marijuana business is operated. Except as specifically provided in this chapter, no two or more different commercial medical marijuana businesses may be treated as one premise.

Sec. 7-15. Permit nontransferable.

A permit that has been issued by the City Clerk for medical marijuana is nontransferable. A commercial medical marijuana business permit is not transferable or assignable, including, without limitation, not transferable or assignable to a different premise, to a different type of business, or to a different owner or permittee. A commercial medical marijuana business permit is valid only for the owner named thereon, the type of business disclosed on the application for the permit, and the location for which the permit is issued. The permittee of a commercial medical marijuana business permit are only those persons disclosed in the application or subsequently disclosed to the city in accordance with this chapter.

Sec. 7-16. Application requirements.

An application for a commercial medical marijuana permit shall be made to the city on forms provided by the City Clerk for that purpose. The applicant shall use the application to demonstrate its compliance with this chapter and any other applicable law, rule, or regulation. The application shall include the following information:

- (a) The Oklahoma Medical Marijuana Authority Business License Number
- (b) Name and address of the owner or owners of the medical marijuana business in whose name the permit is proposed to be issued.
 - (1) If an owner is a corporation, the name and address of any officer or director of the corporation and of any person holding issued and outstanding capital stock of the corporation.
 - (2) If an owner is a partnership, association, or company, the name and address of any person holding an interest therein and the managing members. If a managing member is an entity rather than an individual, the same disclosure shall be required for each entity with an ownership interest until a managing member that is a natural person is identified.
 - (3) If an owner is not a natural person, the organizational documents for all entities identified in the application, identification of the natural person that is authorized to speak for the entity, and contact information for that person.
- (c) An operating plan for the proposed medical marijuana business, including the following information:
 - (1) A description of the products and services to be provided by the medical marijuana business.
 - (2) A dimensioned floor plan, clearly labeled, showing:
 - (i) The layout of the structure and the floor plan in which the medical marijuana business is to be located;

(ii) The principal uses of the floor area depicted on the floor plan, including, but not limited to, the areas where non-patients will be permitted, private consulting areas, storage areas, retail areas, and restricted areas where medical marijuana will be located;

(iii) Areas where any services other than the distribution of medical marijuana are proposed to occur in the premises; and

(iv) The separation of the areas that are open to persons who are not patients from those areas open to patients.

(3) For cultivation facilities, a plan that specifies the methods to be used to prevent the growth of harmful mold, humidity, and other related problems.

(d) A lighting plan showing the lighting outside of the medical marijuana business for security purposes and compliance with applicable city requirements.

(e) A fire separation plan showing a minimum of a two-hour fire separation between a medical dispensary and any adjacent business, or a fire suppression plan for all buildings containing cultivation, production, and manufacturing.

(f) A plan for disposal of any medical marijuana or medical marijuana-infused product that is not sold to a patient or primary caregiver in a manner that protects any portion thereof from being possessed or ingested by any person or animal.

(g) A plan for ventilation of the medical marijuana business that describes the ventilation systems that will be used to prevent any odor of medical marijuana off the premises of the business. For medical marijuana businesses that grow medical marijuana plants, such plan shall also include all ventilation systems used to control the environment for the plants and describe how such systems operate with the systems preventing any odor leaving the premises. For medical marijuana businesses that produce medical marijuana-infused products, such plan shall also include all ventilation systems used to mitigate noxious gases or other fumes used or created as part of the production process.

(h) A description of all toxic, flammable, or other materials regulated by a federal, state, or local government that would have authority over the business if it was not a marijuana business, that will be used or kept at the medical marijuana business, the location of such materials, and how such materials will be stored.

Sec. 7-17. Application processing.

The processing of the application by the City Clerk is not complete until the city has:

(a) determined the application is complete, and

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(b) determined the medical marijuana business is prepared and able to operate in compliance with all applicable laws, and

(c) conducted an inspection of the business, and

(d) obtained all other information the city determines necessary to make a decision whether to approve or deny the permit application, or approve it with conditions, and

(e) prepared the documentation necessary to support the decision made by the city on the application.

Sec. 7-18. Approval requirements.

The City Clerk may:

(a) Issue a commercial medical marijuana business permit if:

(1) The inspection, and all other information available to the city verify that the applicant has submitted a full and complete application; and

(2) Improvements have been made to the business location consistent with the application; and

(3) The applicant is prepared to operate the business with other owners and managers as set forth in the application; and

(4) The applicant and the business location are in compliance with this code and any other applicable law, rule, or regulation.

(b) Deny any application that does not meet the requirements of this chapter or any other applicable law, rule, or regulation, or that contains any false or incomplete information. The conditions of an approval of a medical marijuana business permit shall include, at a minimum, operation of the business in compliance with all of the plans and information made part of the application.

Sec. 7-19. Fees required.

Any application for a commercial medical marijuana permit shall be accompanied by a nonrefundable application fee in an amount established by the City Council of the City of Marietta. After the application review period, if the City Clerk deems the application to be complete, a nonrefundable permit fee in an amount determined by the City Council of the City of Marietta will be due prior to the issuance of the commercial medical marijuana permit.

Sec. 7-20. Inspection.

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An inspection of the proposed medical marijuana business by the city shall be required prior to issuance of a permit. Such inspection shall occur after the premises are ready for operation, but prior to the stocking of the business with any medical marijuana, and prior to the opening of the business to any patients or the public. The inspection is to verify that the business facilities are constructed and can be operated in accordance with the application submitted and the applicable requirements of the code and any other applicable law, rule, or regulation.

Sec. 7-21. Modifications to approved commercial medical marijuana business permit.

Prior to making a modification of a commercial medical marijuana business that would require a building permit or change items required by subsections (d), (e), or (g) of t Section 7-16, the permittee shall submit to the city and have approved a completed application for modification of premises on a form provided by the city. The application shall be accompanied by a nonrefundable modification application fee.

Sec. 7-22. Persons prohibited as permittees.

It shall be unlawful for any of the following persons to have an ownership or a financial interest in a medical marijuana business, and no permit provided by this chapter shall be issued to or held by, and no medical marijuana business shall be managed by:

(a) Any person until the annual fee for the permit has been paid;

(b) Any natural person who is under eighteen (18) years of age;

(c) Any person who operates or manages a medical marijuana business contrary to the provisions of this chapter, any other applicable law, rule, or regulation or conditions imposed on land use or permit approvals, or contrary to the terms of the plans submitted with the permit application, as such plans may be amended as provided in this chapter, or has operated a business in violation of any law;

(d) A sheriff, deputy, police officer, or prosecuting officer, or an officer or employee of the state licensing authority or a local permitting authority;

(e) A person whose authority to be a primary caregiver has been revoked by the state health agency;

Sec. 7-23. Forfeiture of permit.

In the event that a commercial medical marijuana business does not commence operations within thirty days of issuance of a permit from the city, the permit shall be deemed forfeited and the business may not commence operations. This requirement will go in effect beginning January 1, 2019.

Sec. 7-24. Suspension or revocation of permit; Imposition of fines.

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(a) A medical marijuana business permit may be suspended or revoked for any of the following violations:

(1) Conviction of the business, a permittee, or any owner, or primary caregiver of any violation of this chapter or any other law, rule, or regulation applicable to the use of medical marijuana or operation of a medical marijuana business.

(2) Misrepresentation or omission of any material fact, or false or misleading information, on the application or any amendment thereto, or any other information provided to the city related to the medical marijuana business.

(3) Violation of any law by which, if occurring prior to submittal of the application, could have been cause for denial of the permit application.

(4) Distribution of medical marijuana, including, without limitation, transporting marijuana, in violation of this chapter or any other applicable law, rule, or regulation.

(b) In the event a business or permittee is charged with violation of any law, upon which a final judgment would be grounds for suspension or revocation of the permit, the city may suspend the permit pending the resolution of the alleged violation.

(c) Fines for violations of this chapter may be imposed by the city against the person or any permittee up to \$500 plus court costs per person and any permittee per occurrence. Any person or permittee subjected to fines, revocation or suspension of its permit shall be entitled to a hearing before the Judge of the Marietta Municipal Court to contest such penalties.

(d) If the city revokes or suspends a permit, the business may not move any marijuana from the premises except under the supervision of the City of Marietta Police Department.

(e) In the event of the suspension of a marijuana business permit, during the period of suspension, the business:

(1) Shall post two notices provided by the City Clerk, in conspicuous places, one on the exterior and one on the interior of its premises for the duration of the suspension; and

(2) Shall not distribute or produce or test or transport marijuana, nor allow any customers into the permitted premises.

Sec. 7-25. Term of permit; Renewals, expiration of permit.

(a) Term of Permit. A commercial medical marijuana business permit shall be valid for one (1) year. The permit shall expire on the last day of the month in which the permit is issued of the year following issuance or renewal of the permit.

(b) **Renewal of Permit.** The permittee shall apply for renewal of the commercial medical marijuana business permit at least forty-five (45) days before the expiration of the permit. The permittee shall apply for renewal using forms provided by the city. If the applicant fails to apply for renewal at least forty-five (45) days before the expiration of the permit but does apply for renewal prior to expiration of the permit, the city may process the renewal application if the applicant submits a late-renewal fee at the time of submittal of the renewal application.

(1) The renewal application fee, and late fee if applicable, shall accompany the renewal application. Once the application is deemed approved by the City Clerk, the permit fee will be due prior to permit issuance. Such fees are nonrefundable.

(2) In the event there has been a change to any of the plans identified in the permit application which were submitted to and approved by the city with the application or an earlier renewal, the renewal application shall include specifics of the changes or proposed changes in any of such plans.

(3) In the event any person who has an interest as described in the disclosures made to the city pursuant to this chapter, or any agent as defined herein, or employee has been charged with or accused of violations of any law since such disclosure, the renewal application shall include the name of the violator, the date of the violation, the court and case number where the violation was filed, and the disposition of the violation with the renewal application.

(4) In the event the business permit has been suspended or revoked or a permittee has received any notice of violation of any law, the renewal application shall include a copy of the notice, suspension, or revocation.

(5) The renewal application shall include verification that the business has a valid state license and the state license is in good standing.

(6) The renewal application shall include a summary report for the previous twelve months showing the amount of marijuana purchased, the amount of marijuana sold, the forms in which marijuana was sold, the number of patients and the number of primary caregivers who received marijuana, the police report numbers or case numbers of all police calls to the medical marijuana business and, for calls resulting in a charge of a violation of any law, the charge, case number, and disposition of any of the charges.

(7) The city shall not accept renewal applications after the expiration of the permit, but instead shall require the applicant to file a new permit application.

(8) In the event there have been allegations of violations of this code by any of the permittees or the business submitting a renewal application, the city may hold a hearing prior to approving the renewal application. The hearing shall be to determine whether the application and proposed permittees comply with this chapter and whether the operation of

the business has been in compliance with this code. If the city does not hold a hearing and the application and the permittees do not meet the requirements of this chapter, or the business has been operated in the past in violation of this code, the renewal application may be denied or issued with conditions, and the decision shall be final subject the City Manager and Hearing Officer's review.

(c) Expiration of Permit. Expiration of a commercial medical marijuana business permit for any reason shall be considered an inactive local permit.

Sec. 7-26. Revocation of permit upon denial or revocation of state license or applicable federal prohibition.

If the state prohibits the cultivation, production, possession, or other distribution of marijuana through medical marijuana businesses, or if a medical marijuana business is denied a commercial medical marijuana business permit or has such permit revoked, or if a court of competent jurisdiction determines that the federal government's prohibition of the cultivation, production, possession, or other distribution of marijuana through medical marijuana businesses supersedes state law, any permit issued pursuant to this chapter shall be deemed to be immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the permittee.

Sec. 7-27. Revocable privilege.

A commercial medical marijuana business permit is a revocable privilege, and no applicant therefor or holder thereof shall be deemed to have acquired any property interest therein.

Sec. 7-28 – 7-40. Reserved.

ARTICLE III. GENERAL PROVISIONS

Sec. 7-41. Defense to criminal prosecutions.

Compliance with the requirements of this chapter shall not provide an exception, immunity, or defense to criminal prosecution under any applicable law, except in the Marietta Municipal Court, for a violation of this chapter as specifically provided herein.

Sec. 7-42. Inspections.

Every medical marijuana dispensary, commercial grower, and processor shall permit the local permitting authority, and any agent of the local permitting authority, or anyone authorized to inspect the premises of the business pursuant to the city Code, or State Question 788, and any of the rules and regulations adopted pursuant thereto.

Sec. 7-43. Costs of inspection and clean-up.

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In the event the city incurs costs in the inspection, clean-up, surrender of plants, or any other requirements to remove medical marijuana of any medical marijuana business, or any person cultivating, producing, distributing, or possessing marijuana, the business and responsible person shall reimburse the city all actual costs incurred by the city for such inspection or clean-up.

Sec. 7-44. Landlord duty.

It shall be unlawful for the owner of a building to lease space or allow the use of any portion of the building by a commercial medical marijuana business unless the tenant has a valid commercial medical marijuana business permit or has applied for and not been denied a commercial medical marijuana business permit or no marijuana is located on the premises until a permit has been issued by the city. In the event that the city has a reasonable cause to believe that a commercial medical marijuana business is being operated in a building, it shall be unlawful for the owner of the building to refuse to allow the city access to the portion of the building in which the suspected commercial medical marijuana business is located to determine whether any marijuana is on the premises.

Sec. 7-45. Locations of medical marijuana businesses.

(a) Fixed Location Required.

(1) Mobile medical marijuana sales of all types are prohibited within the City of Marietta. This includes but is not limited to trailers, recreational vehicles, and trucks.

(2) With the exception of a commercial grower, it shall be unlawful to operate a medical marijuana business outside of an enclosed, fixed building. All medical marijuana business permits shall be issued for a specific fixed location within an enclosed building.

(b) Permitted Use in Zoning District.

A commercial medical marijuana business permit may be issued only if the business qualifies as a use permitted as a matter of right in the zoning district where it is proposed to be located. Conditional use permits shall not be applicable for medical marijuana businesses. Commercial medical marijuana business permits are permitted by right:

(1) As "retail sales" for a medical marijuana dispensary;

(2) As "agriculture" for a medical marijuana grower;

(3) As "manufacturing and production" for a medical marijuana manufacturer, storage, or processor

Sec. 7-46. Commercial medical marijuana businesses prohibited.

(a) No Commercial Medical Marijuana Business in Buildings with Residences or Residential Zoning Districts.

It shall be unlawful to operate a commercial medical marijuana business in a building which contains a residence, or within a dwelling unit within any zoning district, or within a residential zoning district, or within a mixed-use development that includes a residence.

(b) No Retail Sales in Cultivation Facilities or Manufacturing.

It shall be unlawful for any person to permit retail sales within a medical marijuana business that is a cultivation facility or processes medical marijuana.

(c) Separation from Uses.

No commercial medical marijuana permit shall be issued for a location within one thousand (1,000') feet of any private or public school.

(1) Distances shall be measured from any entrance of the school to the nearest property line point of the medical marijuana business.

Sec. 7-47. Ventilation, fire and life safety requirements.

In addition to state and local building and fire codes, the following requirements shall be enforced:

(a) The required outdoor ventilation rate required for each retail marijuana establishment or a medical marijuana cultivation and/or processing facility will be as follows:

(1) For marijuana cultivation facilities, eight persons per 1,000 square feet with a ventilation rate of 60 cubic feet per minute per person;

(2) For retail marijuana stores, the licensed premises for marijuana transporters, retail marijuana product manufacturing facilities, and retail marijuana testing facilities and medical marijuana testing facilities eight persons per 1,000 square feet with 15 cubic feet per minute per person.

(b) Fire Separation Requirements. For medical marijuana dispensaries, a minimum of a two-hour fire separation will be required between all medical marijuana dispensaries and any adjacent business; unless higher performance is required by applicable law.

(c) Fire Suppression Requirements. For all buildings with a fire area of five-thousand (5,000) square feet or greater, containing medical marijuana cultivation, production, storage, or manufacturing, an automatic sprinkler system is required. This requirement may be waived by the City for buildings with a fire area of less than ten-thousand (10,000) square feet if the building contains only noncombustible construction.

(d) Exterior Electrical Disconnect Required. For all buildings containing medical marijuana cultivation, production, storage, or manufacturing, a NEMA Type 3 Electrical Disconnect will be required on the exterior of the building. The electrical disconnect must be labeled and in an accessible location.

Sec. 7-48. Prohibited Acts.

(a) It shall be unlawful for any person to commit any of the following acts unless such act is permitted under the provisions of State Question 788 or the Oklahoma Health Department regulations:

(1) Cultivate, distribute, or produce marijuana in plain view of or in a place open to the general public.

(2) Smoke, use, or ingest any marijuana on the premises of the commercial medical marijuana business.

(3) Operate or be in physical control of any commercial medical marijuana business, liquor establishment, vehicle, aircraft, or motorboat while under the influence of alcohol, medical marijuana, or other intoxicant.

(4) Possess medical marijuana that is not in a sealed package in a location where the possessor is not authorized to possess or consume medical marijuana.

(5) Possess more than six (6) mature and six (6) seedling marijuana plants without a commercial medical marijuana business permit for a cultivation facility.

(6) Possess any marijuana without a medical marijuana license or a marijuana business permit; further a holder of a medical marijuana license shall not possess more than three (3) ounces of marijuana on their person.

(7) Possess more than one (1) ounce of concentrated marijuana without a commercial medical marijuana permit for a business or a medical marijuana-infused product manufacturer.

(8) Possess more than seventy-two (72) ounces of edible marijuana without a commercial medical marijuana permit for a business or a medical marijuana-infused product manufacturer.

(9) Possess more than eight (8) ounces of marijuana in their residence.

(10) Obtain marijuana from a person who is not permitted as a commercial medical marijuana business.

(11) Possess or operate a commercial medical marijuana business in violation of this chapter.

(12) Produce, distribute, or possess more medical marijuana than allowed in this chapter than disclosed in the application to the state for a medical marijuana business permit or other applicable law.

(13) Distribute medical marijuana without a commercial medical marijuana business permit or outside of the restricted area of the medical marijuana business.

(14) Possess medical marijuana, own or manage a medical marijuana business, or own or manage a building with a medical marijuana business, where there is possession of medical marijuana by a person who is not a patient, caregiver, or a permittee of a medical marijuana business.

(15) Possess or operate a medical marijuana business in a location or in a manner for which a medical marijuana business permit is prohibited by the terms of this chapter.

(16) Operate a medical marijuana business without a commercial medical marijuana business permit from the city.

(17) Operate a medical marijuana business in a manner that is not consistent with the items disclosed in the application for the medical marijuana business or is in violation of any plan made part of the permit application.

(18) Distribute, or own or manage a medical marijuana business where distribution occurs, from a medical marijuana business, a medical marijuana-infused product that was produced in a manner that is not in compliance with this chapter.

(19) Cultivate, manufacture, distribute, or possess any medical marijuana at a location without a commercial medical marijuana business permit prior to passing the inspection required by this chapter.

(20) Make any changes, or for the permittee to allow any changes, to the items included in the plans submitted with the permit application and approved by the city, or the individuals identified in the application, without prior approval of the city.

(21) Attempt to use or display a medical marijuana business permit at a different location or for a different business entity than the location and business entity disclosed on the application for the issued permit.

(22) Cultivate, produce, distribute, or possess medical marijuana, or own or manage a medical marijuana business in which another cultivates, produces, distributes, or possesses medical marijuana, in violation of this chapter or any other applicable law.

(23) Own, manage, or possess a medical marijuana business where medical marijuana is outside of the restricted area portion of such business. It shall be an affirmative defense to a violation of this section if the medical marijuana outside of the restricted area was:

(i) in the custody and control of a patient;

(ii) purchased by that patient from the business and the patient has not left the business since purchase; and

(iii) the amount of medical marijuana in the custody and control of the patient does not exceed the amount the patient may possess lawfully.

(24) Dispose of medical marijuana or any by-product of medical marijuana containing marijuana in a manner contrary to this chapter.

(25) Deliver or transport medical marijuana between medical marijuana businesses except in strict compliance with this chapter.

(26) Refuse to allow inspection of a medical marijuana business upon request of a city official. Any permittee, owner, or operator of a medical marijuana business, or the owner of the property where a medical marijuana business is located, may be charged with this violation.

(27) Advertise or publish materials, honor coupons, sell or give away products, or display signs that are in violation of this code;

(28) Violate any provision of this code or any condition of an approval granted pursuant to this code or any law, rule, or regulation applicable to the use of medical marijuana or the operation of a medical marijuana business.

(29) Permit any other person to violate any provision of this code or any condition of an approval granted pursuant to this code, or any law, rule, or regulation applicable to the use of medical marijuana or the operation of a medical marijuana business.

(30) Lease any property to a medical marijuana business that has marijuana on the property without a medical marijuana business permit from the city.

(31) Label or distribute a marijuana-infused product that is not labeled as required by this code or other applicable law.

(32) Distribute or deliver marijuana from a medical marijuana cultivation facility to any location other than a medical marijuana business.

(33) Fail to respond by phone or email as required by this chapter.

(34) Printing or allowing the printing of a coupon that is not a newspaper, magazine, or other periodical of general circulation within the city or on the internet.

(35) Fail to provide a copy or record of a coupon authorized under this chapter upon request of an authorized city employee.

Sec. 7-49. Penalty.

Except as otherwise provided by state law, whenever in this chapter an act is prohibited or is made or declared to be unlawful, an offense, or a misdemeanor, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful the violation of any provision of this code or of any ordinance, upon conviction, shall be punished by a fine not exceeding \$500, plus costs. Each day or any portion of a day during which any violation of this code or of any ordinance shall continue shall constitute a separate offense.

Sec. 7-50 – 7-60. Reserved.

ARTICLE IV. REQUIREMENTS RELATED TO THE OPERATION OF MEDICAL MARIJUANA BUSINESSES.

Sec. 7-61. Onsite use prohibited.

No marijuana shall be smoked, eaten, or otherwise consumed or ingested within the medical marijuana business.

Sec. 7-62. Restriction on access to restricted area.

(a) No person, other than an employee, operator, or agent of a medical marijuana business, or a licensed medical marijuana patient or caregiver, shall enter or be allowed to enter the restricted area of a commercial medical marijuana business. No patient or caregiver shall be allowed entry into the restricted area without having shown a valid Oklahoma medical marijuana license and a valid government-issued identification card.

(b) No access to the restricted area may be permitted for compensation.

Sec. 7-63. Display of permit required.

A valid city issued commercial medical marijuana business permit shall be conspicuously posted in the business.

Sec. 7-64. Business conducted within building.

Any and all cultivation, production, distribution, possession, storage, display, sales, or other distribution of marijuana shall occur only within the restricted area of a commercial medical marijuana business and shall not be visible from the exterior of the business.

Sec. 7-65. Use of pesticides.

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No pesticides or insecticides which are prohibited by applicable law for fertilization or production of edible produce shall be used on any marijuana cultivated, produced, or distributed by a medical marijuana business.

Sec. 7-66. Ventilation required.

A commercial medical marijuana business shall be ventilated so that the odor of marijuana cannot be detected by a person with a normal sense of smell at the exterior of the medical marijuana business or at any adjoining use or property.

Sec. 7-67. Use of metals, butane, propane or other flammable products.

No medical marijuana business may use metals, butane, propane, or other flammable product, or produce flammable vapors, to process marijuana unless the process used and the premises are verified as safe and in compliance with all applicable codes by a qualified industrial hygienist.

(a) The city may require the business to obtain verification from a qualified industrial hygienist that the manner in which the business is producing medical marijuana complies with all applicable laws and does not produce noxious or dangerous gases or odors or otherwise create a danger to any person or entity in or near the businesses.

Sec. 7-68. Disposal of medical marijuana and marijuana byproducts.

All medical marijuana and any product containing a usable form of marijuana must be made unusable and unrecognizable prior to removal from the business in compliance with all applicable laws. This provision shall not apply to licensed law enforcement, including, without limitation, the City of Marietta Police Department and the City of Marietta Fire Department.

Sec. 7-69. Delivery between medical marijuana businesses.

It shall be unlawful for any person to transport medical marijuana, except as specifically allowed by applicable law, unless the medical marijuana being transported meets the following requirements:

(a) All medical marijuana is transported in a locked container, shielded from public view and labeled "Medical Marijuana or Derivative."

(b) Unless otherwise specifically allowed by applicable law, medical marijuana may be transported only between medical marijuana businesses.

(c) The medical marijuana must be accompanied by the manifest in accordance with state requirements for transport of marijuana.

Sec. 7-70. Advertisement.

A commercial medical marijuana business may not advertise in a manner that is inconsistent with the medicinal use of medical marijuana. A medical marijuana business may not advertise in a manner that is misleading, deceptive, false, or designed to appeal to minors. Advertisement that

promotes medical marijuana for recreational or any use other than for medicinal purposes shall be a violation of this code. The following conditions shall apply:

(a) Any person permitted as a medical marijuana business shall include in any advertisement for medical marijuana or any medical marijuana-infused product the following language: "For registered Oklahoma medical marijuana patients only." Provided, however, this language shall not be required to be displayed upon any sign identifying a medical marijuana business, as permitted by Subparagraph (b)(1) of this section.

(b) Except as otherwise provided in this paragraph, it shall be unlawful for any person permitted under this chapter or any other person to advertise any medical marijuana or medical marijuana-infused product anywhere in the city where the advertisement is in plain view of or in a place open to the general public, including advertising utilizing any of the following media: any billboard or other outdoor general advertising device as defined by the zoning code; any sign mounted on a vehicle; any handheld or other portable sign; or any handbill, leaflet, or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property. The prohibition set forth in this paragraph shall not apply to:

(1) Any sign located on the same zoned lot as a medical marijuana business which exists solely for the purpose of identifying the location of the medical marijuana business and which otherwise complies with this code and any other applicable city laws and regulations;

(2) Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the city or on the internet, which may include coupons;

(3) Any products marked with the name or logo of a marijuana business, including wearable or non-consumable merchandise, packaging in which marijuana is sold, or on medical marijuana accessories sold;

(4) Advertising which is purely incidental to sponsorship of a charitable event by a medical marijuana business;

(5) A booth at a job fair or educational seminar where the only items distributed are company or educational materials, and no other items are distributed, shown or sold;

(6) A booth at an adult event where the only items distributed are company or educational materials, and no other items are distributed, shown or sold.

(c) It is an affirmative defense if a medical marijuana business employee provided another individual, upon request, a business card for the purpose of providing that person's name and business affiliation, including, without restriction, title, mailing address, email address, and telephone number.

(d) No medical marijuana business shall distribute or allow the distribution of any marijuana or products marked with its name or logo without charge within a marijuana business or any

place open to the public for the purpose of promotion or advertising except as permitted in subsections (b)(5) and (6) of this section.

- (e) No medical marijuana business shall distribute or allow the distribution of any coupon or similar writing, electronically or on paper, which purports to allow the bearer to exchange the same for any marijuana product, either free or at a discount except as permitted in subsections (b)(5) and (6) of this section.
- (f) No medical marijuana business shall sell, distribute, or provide, or allow the sale, distribution, or provision of, products marked with its name or logo, in child sizes, designed for the use of minors, or which is misleading, deceptive, false, or appealing to minors.

Sec. 7-71. Organization of cultivation facilities.

All cultivation facilities shall be organized in orderly rows with aisles at least three feet wide, and no more than eight feet between an aisle and the next aisle or an aisle and a wall, and with clear access to all exits, unless the City Clerk determines that the business has provided a dimensioned floor plan that provides equivalent access and separation between plants and to exits.

Sec. 7-72. Owner or manager responsibility.

The owner or manager is required to respond by phone or email within twenty-four hours of contact by a city official concerning their medical marijuana business at the phone number or email address provided to the city as the contact for the business. Each twenty-four-hour period during which an owner or manager does not respond to the city official shall be considered a separate violation.

Sec. 7-73. Consent to inspection.

Application for a commercial medical marijuana business permit or operation of a commercial medical marijuana business, or leasing property to a commercial medical marijuana business, constitutes consent by the applicant, and all owners, managers, and employees of the business, and the owner of the property to permit the city to conduct routine inspections of the medical marijuana business to ensure compliance with this chapter or any other applicable law, rule, or regulation. The owner or manager on duty shall retrieve and provide the records of the business pertaining to the inspection. Application for a commercial medical marijuana business permit constitutes consent to inspection of the business as a public premise without a search warrant, and consent to seizure of any surveillance records, camera recordings, reports, or other materials required as a condition of a medical marijuana permit without a search warrant.

Sec. 7-74. Reporting of source, quantity, and sales.

The records to be maintained by each medical marijuana business shall include the source and quantity of any marijuana distributed, produced, or possessed within the premises. Such reports shall include, without limitation, for both acquisitions from wholesalers and transactions to patients or caregivers, the following:

- (a) Name and address of seller or purchaser; and
- (b) Date, weight, type of marijuana, and dollar amount or other consideration of transaction

Sec. 7-75. Requirements for public health and labeling.

(a) The production of any medical marijuana-infused product shall be at a medical marijuana-infused product manufacturer that meets all requirements of a retail food establishment as set forth in 63 O.S. § 1-1101 et seq., 63 O.S. § 1-1401 et seq., OAC 310:257, and OAC 310:240. The production of any product containing medical marijuana shall comply with all health and safety standards thereof. The permittee shall comply with all applicable state and local health regulations related to the production, preparation, labeling, and sale of prepared food items as if the medical marijuana-infused products were food items.

(b) All medical marijuana sold or otherwise distributed by the permittee shall be packaged and labeled in a manner that advises the purchaser that it contains marijuana and specifies the amount of marijuana in the product, that the marijuana is intended for medical use solely by the patient to whom it is sold, and that any resale or redistribution of the medical marijuana to a third person is prohibited. In addition, the label shall comply with all applicable requirements of the State of Oklahoma and any other applicable law.

(c) The product shall be packaged in a sealed container that cannot be opened without obvious damage to the packaging.

Sec. 7-76. Compliance with other applicable law.

Except as may be provided otherwise in this chapter, or rules adopted pursuant to this chapter or interpretations by the city, any law or regulation adopted by the state governing the cultivation, production, possession, or distribution of marijuana for medical use shall also apply to medical marijuana businesses in the city. Provided however, if a state law or regulation permits what this chapter prohibits, this chapter shall prevail. Compliance with any applicable state law or regulation that does not permit what this chapter prohibits shall be deemed an additional requirement for issuance or denial of any permit under this chapter, and noncompliance with any applicable state law or regulation is unlawful and shall be grounds for revocation or suspension of any permit issued under this chapter. No medical marijuana business shall continue operations in violation of an additional state law or regulation, which does not permit what this chapter prohibits, applicable within the city after the effective date of the state law or regulation.

Sec. 7-77 – 7-90. Reserved.

ARTICLE V. MARIJUANA GROWING FACILITIES FOR PERSONAL MEDICAL USE

Sec. 7-91. Permit required.

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(a) It shall be unlawful for a person to grow marijuana for personal medical use within the corporate limits of the City of Marietta, Oklahoma without first obtaining a permit from the City Clerk of the City of Marietta.

(b) A residential medical marijuana grow permit will only be granted to a caregiver if:

- (1) The caregiver is licensed as a caregiver by the State of Oklahoma; and
- (2) The medical marijuana grown is for use by their custodial, minor child

Sec. 7-92. Permit does not provide any exception, defense, or immunity from other laws.

The issuance of any permit pursuant to this chapter does not create an exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the production, distribution, or possession of marijuana.

Sec. 7-93. Permit nontransferable.

A permit that has been issued by the City Clerk to grow medical marijuana for personal use is nontransferable.

(a) A personal use residential medical marijuana permit is not transferable or assignable, including, without limitation, not transferable or assignable to a different permittee. A personal use residential medical marijuana permit is valid only for the owner named thereon the permit and the location for which the permit is issued. The permittee of a personal use residential medical marijuana permit is only that person disclosed in the application or subsequently disclosed to the city in accordance with this chapter.

Sec. 7-94. Location and security.

All marijuana growing facilities for personal medical use shall be subject to security provisions as stated herein prior to the granting of a permit. Failing to comply with security provisions as stated herein will result in revocation of the city permit for one (1) calendar year.

(a) All homegrown medical marijuana plants must be grown so that the marijuana is not accessible to a member of the general public and is only accessible to the patient or caregiver. If grown outdoors, it must be grown behind a sight-proof fence that is at least six (6) feet in height. The marijuana plants must be completely enclosed by the fence and the fence must be secured with a commercial quality lock and key.

(b) Growing marijuana shall not be visible from the public right of way.

(c) 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 1,000 watts per

light. The use of gas products (CO₂, butane, etc.) and ozone generators in the growing area is prohibited.

(d) 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.

(e) The primary use of the residential property in which marijuana is grown for personal use shall remain at all times a residence, with legal and functioning cooking, eating, sleeping, sanitation/bathing facilities, working water and electric services, 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.

Sec. 7-95. Application requirements.

An application for a personal medical marijuana grow permit shall be made to the city on forms provided by the City Clerk for that purpose. The applicant shall use the application to demonstrate its compliance with this chapter and any other applicable law, rule, or regulation. The application shall include the following information:

- (a) The Oklahoma Medical Marijuana Authority Patient License Number
- (b) Name and address of the owner in whose name the permit is proposed to be issued.
- (c) Proof of ownership or legal possession of the premise for the term of the proposed permit.
 - (1) The applicant shall provide a copy of the property deed showing proof of ownership; or
 - (2) If the applicant for a residential medical marijuana grow permit is not the owner of the premises, the applicant shall provide the city a copy of the premises lease for the period of time that the permit will be valid.

Sec. 7-96. Application processing.

The processing of the application by the City Clerk is not complete until the department has:

- (a) determined the application is complete, and
- (b) determined the permittee is prepared and able to grow personal use medical marijuana in compliance with all applicable laws, and
- (c) obtained all other information the city determines necessary to make a decision whether to approve or deny the permit application, or approve it with conditions, and

- (d) prepared the documentation necessary to support the decision made by the department on the application.

Sec. 7-97. Approval requirements.

The City Clerk may:

- (a) Issue a residential medical marijuana grow permit if:

- (1) The applicant is licensed by the State of Oklahoma under Title 63 O.S. § 420A; and
- (2) All information has been made available to the city to verify that the applicant has submitted a full and complete application; and
- (3) The applicant and the location of the residence are in compliance with this code and any other applicable law, rule, or regulation.

- (b) Deny any application that does not meet the requirements of this chapter or any other applicable law, rule, or regulation, or that contains any false or incomplete information.

Sec. 7-98. Fees required.

After the application review period, if the City Clerk deems the application to be complete, a nonrefundable permit fee will be due prior to the issuance of the personal medical marijuana grow permit.

Sec. 7-99. Term of permit; Expiration of permit.

- (a) Term of Permit: A personal medical marijuana permit shall be valid for one (1) year. The permit shall expire on the last day of the month in which the permit is issued of the year following issuance or renewal of the permit.

- (b) Expiration of Permit. Expiration of a personal medical marijuana permit for any reason shall be considered an inactive local permit.

Sec. 7-100. Revocation of permit upon denial or revocation of state license or applicable federal prohibition.

If the state prohibits the cultivation, production, or possession of medical marijuana, or if an applicant is denied a medical marijuana permit or has such permit revoked, or if a court of competent jurisdiction determines that the federal government's prohibition of the cultivation, production, or possession of medical marijuana supersedes state law, any permit issued pursuant to this chapter shall be deemed to be immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the permittee.

Sec. 7-101. Removal of marijuana upon inactive or revoked permit.

ORDINANCE NO. 2018-10

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If a personal medical marijuana permit becomes inactive or is revoked by the City, the removal of marijuana from the premises shall be under the supervision of the City of Marietta Police Department.

Sec. 7-102 – 7-110. Reserved.

Section 2. All ordinances or parts thereof, which are inconsistent with this Ordinance are here by repealed.

Section 3. Nothing in this Ordinance hereby adopted shall be construed to affect any suit or proceedings now pending in any court, or any rights acquired, or liability incurred, nor any cause or causes of action accrued of existing, under any act or Ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or affected by this Ordinance.

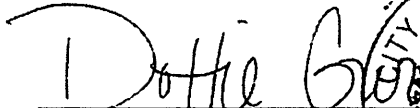
Section 4. If any one or more of the sections, sentences, clauses, or parts of this Ordinance shall, for any reason, be held invalid, the invalidity of such section, sentence, clause, or part, shall not affect or prejudice in any way the applicability and validity of any other provision of this Ordinance. It is hereby declared to be the intention of the Mayor and City Council of the City of Marietta that this section of the Code of Ordinances for the City of Marietta would have been adopted had such unconstitutional, illegal, or otherwise invalid section, sentence, clause, or part had not been included.

Section 5. This Ordinance shall be codified as Chapter 7 of the Code of Ordinances for the City of Marietta, Oklahoma.


Section 6. It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the City of Marietta and the inhabitants thereof that this ordinance be put into full effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and after its passage and approval.

PASSED by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma on this 11th day of December 2018.

ATTEST:



DOTTIE GWIN, CITY CLERK



CITY OF MARIETTA

BY:



KIMBERLY FRAIRE, MAYOR

ORDINANCE NO. 2018-10

Page 55 of 55

AN ORDINANCE ANNEXING REAL PROPERTY LOCATED IN SECTION 17, TOWNSHIP 7 SOUTH, RANGE 2 EAST, LOVE COUNTY, OKLAHOMA, TO THE CITY OF MARIETTA; PROVIDING FOR ZONING; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

WHEREAS, the owners of the real property, hereinafter described, have requested that annexation of said real property into the boundaries of the City of Marietta; and

WHEREAS, notice of a public hearing was published in the Marietta Monitor on February 22, 2019, and mailed to the owners of all property abutting the property to be annexed, pursuant to Title 11 O.S. § 21-103.B.2, on February 20, 2019; and

WHEREAS, a public hearing regarding the annexation of the real property was held before the City Council on March 12, 2019, and the City Council has determined that inclusion of the real property within the corporate limits of the City of Marietta is in the best interest of the City and the general public.

ORDINANCE

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

SECTION 1. That the boundaries of the City of Marietta, Love County, Oklahoma, be and the same are hereby extended so as to include the real property described as follows:

Tract 1:

A tract of land located in the S1/2 of the SW1/4 of the NW1/4 of Section 17, Township 7 South, Range 2 East, Love County, Oklahoma more particularly described as follows: Beginning at a point 620.20 feet East of the Southwest Corner of the SW1/4 of SW1/4 of NW1/4 of said Section 17; thence East 390.0 feet; thence North 574.27 feet; thence West 390.0 feet; thence South 574.27 feet, to the point of beginning; LESS AND EXCEPT a strip of land 50 feet wide for road purposes through said tract, said strip being described as follows: Beginning at a point 620.20 feet East and 295.00 feet North of said Southwest Corner of the SW1/4 of SW1/4 of NW1/4 of said Section 17; thence East 390 feet; thence North 279.07 feet; thence West 50 feet; thence South 229.07 feet; thence West 340 feet; thence South 50 feet to the point of beginning

Tract 2:

A tract of land located in the SW1/4 of the SW1/4 of the NW1/4 of Section 17, Township 7 South, Range 2 East, Love County, Oklahoma, more particularly described as follows: Commencing at a point 782.98 feet North of the Southwest Corner of the of SW1/4 of SW1/4 of NW1/4; thence East 631.10 to the True Point of Beginning; thence East 631.10

feet; thence South 208.71 feet; thence West 631.10; thence North 208.71 feet to the point of beginning

Tract 3:

A tract of land located in the SW1/4 of the SW1/4 of the NW1/4 of Section 17, Township 7 South, Range 2 East, Love County, Oklahoma, being more particularly described as follows: Beginning at a point 295.20 feet North and 65.0 feet East of the Southwest Corner of the SW1/4 of SW1/4 of NW1/4 of said Section 17, T7S, R2E; thence North 279.07 feet; thence East 555.20 feet; thence South 254.07 feet; thence West 260.0 feet; thence South 25.0 feet; thence West 295.20 feet to the point of beginning, containing 3.41 acres

Tract 4:

A tract of land in the SW1/4 of the NW1/4 of Section 17, Township 7 South, Range 2 East, Love County, Oklahoma, being more particularly described as follows: Commencing at the Southwest corner of the NW1/4; thence N00°02'49"W, along the West line of the NW1/4, a distance of 782.98 feet; thence S89°44'55"E, parallel with the South line of the NW1/4, a distance of 631.10 feet to the True Point of Beginning; thence N00°02'49"W, parallel with the West line of the NW1/4, a distance of 11.28 feet; thence N89°57'11"E, perpendicular to the West line of the NW1/4, a distance of 631.09 feet to a point being 1262.20 feet East of the West line of the NW1/4; thence S00°02'49"E, parallel with the West line of the NW1/4, a distance of 14.57 feet to a point being 782.98 feet North of the South line of the NW1/4; thence N89°44'55"W, parallel with the South line of the NW1/4, a distance of 631.10 feet to the True Point of Beginning. Having an area of 0.19 Acres more or less, Basis of Bearings is Geodetic North. Said being described by Aaron L. Morris, RPLS No. 1477 on January 18, 2016

Tract 5:

A tract of land located in the SW1/4 of the SW1/4 of the NW1/4 of Section 17, Township 7 South, Range 2 East, more particularly described as follows: Beginning at a point 65 feet East of the Southwest corner of the SW1/4 of SW1/4 of NW1/4 of Section 17, Township 7 South, Range 2 East; thence N 0°10' W a distance of 295.2 feet; thence East and parallel to the South line of said SW1/4 of SW1/4 of NW1/4 of Section 17, a distance of 295.2 feet; thence S 0°10' E a distance of 295.2 feet; thence West a distance of 295.2 feet to the point of beginning, and containing 2 acres, more or less, according to the plat thereof recorded in the office of the County Clerk; Love County, Oklahoma, in Misc. Book 216, Page 289

Tract 6:

A tract of land located in Section 17, Township 7 South, Range 2 East, Love County, Oklahoma, more particularly described as follows: Beginning at a point 782.98 feet North of the SW/C of SW/4 SW/4 NW/4 Sec. 17, T7S, R2E, thence North 122.70 feet, thence East 355.0 feet, thence South 122.70 feet, thence West 355.0 feet to the point of beginning, Containing one acre, more or less

Tract 7:

A tract of land in the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) of Section Seventeen (17), Township Seven (7) South, Range Two (2) East, Indian Base and Meridian, Love County, Oklahoma, being more particularly described as follows: Commencing at the Southwest corner of the NW/4; Thence N00°02'49"W, along the West line of the NW/4, a distance of 1318.98 feet to the Northwest corner of the SW/4 NW/4; Thence S89°42'50"E, along the North line of the SW/4 NW/4, a distance of 59.65 feet to the East line of U.S. Highway 77 as described in the office of the Love County Clerk in Book 49 at Page 74 and being the True Point of Beginning; Thence continuing S89°42'50"E, along the North line of the SW/4 NW/4, a distance of 880.58 feet; Thence S00°02'49"E, parallel with the West line of the SW/4 NW/4, a distance of 535.43 feet to a point being 782.97 feet North of the South line of the NW/4; Thence N89°44'55"W, parallel with the South line of the NW/4, a distance of 585.23 feet to a point being 355.00 feet East of the West line of the NW/4; Thence N00°02'49"W, parallel with the West line of the NW/4, a distance of 122.70 feet; Thence N89°44'55"W, parallel with the South line of the NW/4, a distance of 295.68 feet to the East line of U.S. Highway 77 as described in the office of the Love County Clerk in Book 49 at Page 74; Thence N00°09'12"W, along the East line of said U.S. Highway 77, a distance of 99.46 feet; Thence N00°02'48"E, along the East line of said U.S. Highway 77, a distance of 313.81 feet to the True Point of Beginning. Having an area of 10.00 Acres more or less, Basis of Bearings are Geodetic North. Said being described by Aaron L. Morris, RPLS No. 1477 on January 18, 2016

Tract 8:

A tract of land in the Southwest Quarter (SW/4) of the Northwest Quarter (NW/4) of Section Seventeen (17), Township Seven (7) South, Range Two (2) East, Indian Base and Meridian, Love County, Oklahoma, being more particularly described as follows: Commencing at the Southwest corner of the NW/4; Thence N00°02'49"W, along the West line of the NW/4, a distance of 1318.98 feet to the Northwest corner of the SW/4 NW/4; Thence S89°42'50"E, along the North line of the SW/4 NW/4, a distance of 940.23 feet to the True Point of Beginning; Thence continuing S89°42'50"E, along the North line of the SW/4 NW/4, a distance of 210.80 feet to a point 165.00 feet West of the Northeast corner thereof; Thence S00°04'37"E, parallel with the East line of the SW/4 NW/4, a distance of 165.00 feet; Thence S89°42'50"E, parallel with the North line of the SW/4 NW/4, a distance of 165.00 feet to a point on the East line thereof; Thence S00°04'37"E, along the East line of the SW/4 NW/4, a distance of 630.49 feet to a point being 522.68 feet North of the South line of the NW/4; Thence N89°44'55"W, parallel with the South line of the SW/4, a distance of 306.24 feet to a point being 1010.19 feet East of the West line of the NW/4; Thence N00°02'49"W, parallel with the West line of the NW/4, a distance of 51.58 feet; Thence S89°44'55"E, parallel with the South line of the NW/4, a distance of 252.00 feet; Thence N00°02'49"W, parallel with the West line of the NW/4, a distance of 208.71 feet to a point 782.97 feet from the South line and 1262.20 feet from the West line of the NW/4; Thence N89°44'55"W, parallel with the South line of the NW/4, a distance of 321.97 feet to a point 940.23 East of the West line thereof; Thence N00°02'49"W, parallel

with the West line of the NW/4, a distance of 535.43 feet to the True Point of Beginning. Having an area of 4.62 Acres more or less, Basis of Bearings are Geodetic North. Said being described by Aaron L. Morris, RPLS No. 1477 on January 18, 2016

That the above-described real property, while being annexed into the boundaries of the City of Marietta, shall be zoned I-1.

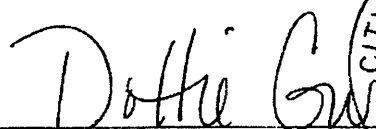
SECTION 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.

SECTION 3. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. It being immediately necessary for the preservation of the peace, health, safety and public good of the City of Marietta and the inhabitants thereof, that the provisions of this Ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this Ordinance shall take full effect and be in full force from and after its passage, as provided by law.

PASSED by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma on this 12th day of March, 2019.

ATTEST:


Dottie Gwin, City Clerk



CITY OF MARIETTA

BY: 
Kimberly Fraire, Mayor

**AN ORDINANCE AMENDING A ZONING MATRIX OF THE CITY OF MARIETTA;
REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING
FOR SEVERABILITY; AND DECLARING AN EMERGENCY**

WHEREAS, it is in the best interest of the City and the general public to update the zoning matrix of the City of Marietta to provide locations for medical marijuana business and industry.

ORDINANCE

**BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY
OF MARIETTA, OKLAHOMA:**

SECTION 1. Matrix 2 of Appendix A to the Code of Ordinances of the City of Marietta is hereby amended as attached hereto as Exhibit A.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.

SECTION 3. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 4. There exists an immediate necessity in order to provide proper regulation of property within the City of Marietta, and for the preservation of the peace, health, and safety of the citizens of said City, an emergency is hereby declared to exist whereby this Ordinance shall be in full force and effect from and after its passage, as provided by law.

PASSED by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma on this 9th day of April 2019.

ATTEST:


DOTTIE GWIN, CITY CLERK



CITY OF MARIETTA

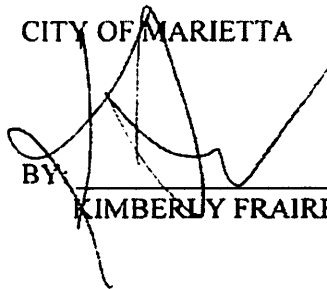

BY _____
KIMBERLY FRAIRE, MAYOR

EXHIBIT A

MATRIX 2

Notes: None of the listed uses shall be permitted in the ~~FD zone~~ flood district as shown on the zoning map as provided in section 5-11 of these regulations.

X = Uses permitted

R = Uses permitted only upon review of the Marietta planning and zoning commission.

Permitted Uses	Special Provisions		Residential Districts			Commercial Districts			Industrial Districts		
	Special Conditions, see sec.:	Parking Spaces Required	A-1	R-1	R-2	C-1	C-2	C-3	I-1	I-2	I-3
Accessory, uses incidental to those listed	None	None	X	X	X	X	X	X	X	X	X
Advertising signs or structures (on premises)	5-8	None				X	X	X			
Advertising signs or structures (off premises)	5-8	None	R				X	X		X	X
Agriculture: farming, dairying horticulture, animal and poultry husbandry, excluding the feeding of offal and garbage	None	None	X								
Agriculture: gardening, not commercial	None	None	X	X	X	X	X	X	X	X	X
Ambulance service, office or garage	None	1 per 150 sq. ft. gross floor area					X	X			
Amusement enterprises	None	1 per 50 sq. ft. gross floor area					X	X			
Artist supplies and hobby shop	None	1 per 100 sq. ft.				X	X	X			
Automobile repair, major	5-12-6.5	1 per 400 sq. ft.					R	R	X	X	X
Automobile repair, minor	5-12-6.5	1 per 400 sq. ft.					R	R	R	X	X
Automobile sales and service, new and used	None	1 per 150 sq. ft. gross floor area					X	X			
Automobile service station	5-12-5	1 per 300 sq. ft.				R	X	X			
Automobile wrecking and junkyards	5-12-6	1 per 300 sq. ft.								X	X
Bakery shop	None	1 per 200 sq. ft.				X	X	X			
Banks, saving institutions	None	1 per 200 sq. ft.				X	X	X			
Barber, beauty shops	5-2	1 per 200 sq. ft.				X	X	X			
Blacksmiths and welding shops	None	1 per 1,000 sq. ft. + 1 dock per 25,000 sq. ft.						X	X	X	X
Boat sales	None	1 per 150 sq. ft.					X	X			
Bookstore	None	1 per 150 sq. ft.				X	X	X			
Bottling works	None	1 per 3 employees + 1 dock per 25,000 sq. ft.								X	
Bowling alley	None	1 per 150 sq. ft.					X	X			
Building materials sales	None	1 per 1,000 sq. ft. + 1 berth per 25,000 sq. ft.					X	X	X	X	
Bulk fuel sales	5-9 5-12-5	1 per 1,000 sq. ft. + 1 dock per 25,000 sq. ft.								X	X

EXHIBIT A

Permitted Uses	Special Provisions		Residential Districts			Commercial Districts			Industrial Districts		
	Special Conditions, see sec.:	Parking Spaces Required	A-1	R-1	R-2	C-1	C-2	C-3	I-1	I-2	I-3
Bus terminal	None	1 per 150 sq. ft.					X	X			
Canning, preserving factory	5-9	1 per 3 employees + 1 dock per 25,000 sq. ft.								X	X
Cemetery	5-12-3	None	X								
Child care center/day nursery ¹	5-12-8	1 per 150 sq. ft.				R	X	X			
Child care center/day nursery as part of religious facility	5-12-8	1 per 150 sq. ft.			R	R	X	X			
Church or other worship place	5-12-3	1 per 4 seats	X	R	R	X	X	X			
Clothing, wearing apparel store	None	1 per 200 sq. ft.				X	X	X			
Cold storage plants	5-9	1 per 500 sq. ft.							X	X	X
Commercial radio/television antenna towers and equipment	5-9	1 per 100 sq. ft. + loading berth per 25,000 sq. ft.	R						X	X	X
Compounding, processing, blending and storage of chemical products, not including explosives	5-9	1 per 3 employees + 1 loading berth per 25,000 sq. ft.								X	X
Convalescent, rest, or nursing home	None	1 per 6 beds + 1 each per 2 employees + 1 reserved for doctor			X	X	X	X			
Convenience store without sale of gasoline	None	1 per 150 sq. ft.				X	X	X			
Convenience store with sale of gasoline	None	1 per 150 sq. ft.				R	X	X			
Dairy products store	None	1 per 150 sq. ft.				X	X	X			
Dancehall	None	1 per 150 sq. ft.					X	X			
Delicatessen	None	1 per 150 sq. ft.				X	X	X			
Dental lab, supply house	None	1 per 150 sq. ft.				X	X				
Department store	None	1 per 150 sq. ft.				R	X	X			
Drive-in theater/restaurant	5-12-9	1 per 150 sq. ft.					X	X	R		
Drugstore	None	1 per 150 sq. ft.				X	X	X			
Dwelling, duplex (two-family) ²	None	1 per dwelling unit			X						
Dwelling, mobile home	4-6	See 4-6		R	R						
Dwelling, multifamily ²	None	1.5 per unit			R						
Dwelling, rooming, boarding houses and dormitories	None	1 per 2 guests, 0.75 per occupant			R						
Dwelling, single-family	None	1	X	X	X						
Feed store	None	1 per 150 sq. ft.					X	X	X	X	
Florist shop	None	1 per 150 sq. ft.				X	X	X			
Food store	None	1 per 150 sq. ft.				X	X	X			
Furniture store	None	1 per 300 sq. ft.					X	X			
Furniture repair and upholstery	None	1 per 150 sq. ft.					X	X	X		
Funeral parlor	None	1 per 150 sq. ft.					X	X			
Garden store	None	1 per 150 sq. ft.					X	X			

EXHIBIT A

Permitted Uses	Special Provisions		Residential Districts			Commercial Districts			Industrial Districts		
	Special Conditions. see sec.:	Parking Spaces Required	A-1	R-1	R-2	C-1	C-2	C-3	I-1	I-2	I-3
Gift shop	None	1 per 150 sq. ft.				X	X	X			
Gold course or country club for recreation, commercial activity accessory. Excludes driving range, pitch and putt and miniature.	None	1 per 150 sq. ft.	X	R	R						
Golf course, miniature or practice range	None	1 per 150 sq. ft.					X	X			
Hardware store	None	1 per 250 sq. ft.					X	X			
Heating and plumbing sales and service	None	1 per 150 sq. ft.					X	X			
Home occupations	5-2	None		R	R						
Hospital	None	1 per 4 beds; 1 per doctor on staff; 1 per 3 employees + emergency vehicle space					X	X			
Hospital, small animals	5-12-2	1 per 150 sq. ft.						X	X	X	X
Hotel, motel	None	1 per 150 sq. ft.					X	X			
Ice cream production and distribution	5-9	1 per 3 employees + 1 dock per 25,000 sq. ft.							X	X	
Ice plant, frozen food locker	None	1 per 150 sq. ft.					X	X	X		
Interior decorating store	None	1 per 150 sq. ft.					X	X			
Kennel	5-12-1	1 per 150 sq. ft.					X	X			
Key shop	None	1 per 150 sq. ft.					X	X			
Laundry and dry-cleaning pickup stations	None	1 per 200 sq. ft.				X	X	X			
Laundry, self-service	None	1 per 200 sq. ft.				X	X	X			
Library	None	1 per 50 sq. ft.					X				
Liquor store	None	1 per 200 sq. ft.					X	X			
Lodges, service institutions ²	None	1 per 50 sq. ft.				R	X	X			
Machinery rental, sales and service, new and used	5-9	1 per 2 employees + 1 dock per 25,000 sq. ft.					X	X	X	X	
Machine shops, tool and dye shops, metal products manufacture, excluding use of automatic screw machines, drop forgers or riveting machines	5-9	1 per 2 employees + 1 dock per 25,000 sq. ft.							X	X	
Mail order house	5-9	1 per employee + 1 dock per 25,000 sq. ft.					X		X	X	
Manufacturing and assembling textile and other products excluding raw material processing	5-9	1 per employee + 1 dock per 25,000 sq. ft.							R	X	X
Manufacturing and assembling electrical and electronic products and equipment	5-9	1 per employee + 1 dock per 25,000 sq. ft.							X	X	X

EXHIBIT A

Permitted Uses	Special Provisions		Residential Districts			Commercial Districts			Industrial Districts		
	Special Conditions, see sec.:	Parking Spaces Required	A-1	R-1	R-2	C-1	C-2	C-3	I-1	I-2	I-3
Medical facility, clinic or office	None	6 per doctor + 1 per 2 employees					X	X			
Medical marijuana cultivation	Ch. 7 Code of Ord	1 per employee + 1 dock per 25,000 sq. ft.							X	X	X
Medical marijuana dispensary	Ch. 7 Code of Ord	1 per 250 sq. ft.				X	X	X			
Medical marijuana processing	Ch. 7 Code of Ord	1 per employee + 1 dock per 25,000 sq. ft.							X	X	X
Milk bottling and distributing	5-9	1 per 400 sq. ft.								X	X
Mobile home park/court	4-5	1 per stand + 1 per 4 additional stands			R						
Monument stone cutting	5-9	1 per 1,000 sq. ft. + 1 dock per 25,000 sq. ft.								X	X
Motor freight terminal	5-9	1 per 1,000 sq. ft. + 1 dock per 25,000 sq. ft.						R		X	X
Music, radio, television shop and repair	None	1 per 150 sq. ft.					X	X			
Nightclub	None	1 per 150 sq. ft.					X	X			
Novelty shop	None	1 per 150 sq. ft.					X	X			
Offices, general and administrative	5-8	1 per 300 sq. ft.					X	X	X	X	X
Parking lot	5-3	as required for use		R	R	R	R	R	R	R	R
Parks, playgrounds, forest preserves operated not for profit	None	None	X	X	X	R	R	R			
Pattern shop	5-9	1 per 1,000 sq. ft. + 1 dock per 25,000 sq. ft.								X	X
Pawnshop	None	1 per 150 sq. ft.					X	X			
Pet store	None	1 per 150 sq. ft.					X	X			
Pharmacy	None	1 per 250 sq. ft.				X	X	X			
Plant nursery, retail excluded	None	None	X	R	R			X			
Police and fire stations	None	None	X			X	X	X			
Printing shop	None	1 per 150 sq. ft.					X	X	X		
Printing and binding plant	5-9	1 per 1,000 sq. ft. + 1 berth per 25,000 sq. ft.					X		X	X	X
Processing, meat and vegetable products	5-9	1 per 1,000 sq. ft. + 1 dock per 25,000 sq. ft.								X	X
Public garage or parking	5-3	1 per 250 sq. ft.					X	X	X		
Public health center	None	6 per doctor + 1 per 2 employees					X	X			

EXHIBIT A

Permitted Uses	Special Provisions		Residential Districts			Commercial Districts			Industrial Districts		
	Special Conditions, see sec.:	Parking Spaces Required	A-1	R-1	R-2	C-1	C-2	C-3	I-1	I-2	I-3
Public buildings, or those used in public interest, including art galleries, post office, libraries, museums, stadiums, auditoriums, arenas, armories	5-12-9	1 per 200 sq. ft.	X			X	X	X			
Public utility and service uses ⁴	5-12-11	1 per 400 sq. ft.	X	R	R	X	X	X	X	X	X
Railroad yards and switching areas, including lodging facilities	5-9	1 per 3 employees								X	X
Recreation center, community	5-12-10	1 per 50 sq. ft.	X				X				
Recreation center, private	None	1 per 50 sq. ft.					X	X			
Research laboratories	5-9	1 per 2 employees + 1 dock per 25,000 sq. ft.					X	X	X	X	
Restaurants, service in autos	None	1 per 50 sq. ft.					X	X	R		
Restaurants, no service in autos	None	1 per 100 sq. ft.				R	X	X			
Roller skating rink	None	1 per 50 sq. ft.					X	X			
Sanatorium	None	1 per 6 beds + 1 per staff + 1 per 2 employees					X	X			
School, public and private	None	1 per employee + 1 per classroom + 1 per 50 sq. ft. assembly area									
Elementary		See above	X	X	X						
Mid-high, junior high		See above	X	4	4						
Senior high		See above	X	4	4						
Shoe repair	None	1 per 200 sq. ft.				X	X	X			
Sign painting	5-9	1 per 150 sq. ft.					X	X			
Soldering and welding	5-9	1 per 2 employees + 1 dock per 25,000 sq. ft.								X	X
Spray painting and mixing	5-9	1 per 1,000 sq. ft. + 1 dock per 25,000 sq. ft.								X	X
Sporting goods store	None	1 per 150 sq. ft.					X	X			
Stockbroker	None	1 per 150 sq. ft.					X	X			
Tailor shop	None	1 per 200 sq. ft.					X	X			
Tavern	None	1 per 100 sq. ft.				R	X	X			
Temporary building, construction phase only	None	None	X	R	R	X	X	X	X	X	X
Temporary bulletin board, sign	5-8	None		R	R	X	X	X	X	X	X
Theater	5-12-9	1 per 4 seats					X	X			
Toy store	None	1 per 150 sq. ft.					X	X			
Travel trailer park and sales	5-5 and 5-6	1 per 150 sq. ft.						X			
Utility service installation	5-12-11	1 per 400 sq. ft.					X	X	X	X	X
Variety store	None	1 per 150 sq. ft.				R	X	X			

EXHIBIT A

Permitted Uses	Special Provisions		Residential Districts			Commercial Districts			Industrial Districts		
	Special Conditions, see sec.:	Parking Spaces Required	A-1	R-1	R-2	C-1	C-2	C-3	I-1	I-2	I-3
Veterinarian clinic	5-12-1	1 per 200 sq. ft.						X		X	X
Warehouse and storage	5-9	1 per 1,000 sq. ft. + 1 dock per 25,000 sq. ft.						R	X	X	X
Water filtration plant	5-9	1 per 3 employees + 1 berth per 25,000 sq. ft.							X	X	X
Wholesale distributing center	None	1 per 150 sq. ft.					X	X	X	X	X

¹Minimum lot size 10,000 sq. ft. plus principal access on major street.

²No garage apartments on same lot as two-family dwellings.

³Minimum lot size one acre, frontage on major street.

⁴Provided major street frontage available.

(Ord. No. 1985-4, § 1, 5-7-85; Ord. No. 1992-4, § 1, 7-7-92; Ord. No. 1995-4, § 1, 11-7-95)

AN ORDINANCE AMENDING THE ZONING OF REAL PROPERTY LOCATED IN THE CITY OF MARIETTA; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND PROVIDING FOR SEVERABILITY;

WHEREAS, the owner of the real property hereinafter described has made application with the City of Marietta requesting the zoning of said real property be amended from C-7 (Conditional Commercial District) to I-2 (Medium Industrial District); and

WHEREAS, notice of a public hearing was published in the Marietta Monitor on March 29, 2019, and mailed to the owners of property located within 300 feet of the real property on March 26, 2019; and

WHEREAS, a public hearing regarding the application for zoning amendment of the real property was held before the Planning Commission on April 23, 2019, and the Planning Commission has recommended amendment to the zoning of the real property as provided by Resolution P19-03; and

WHEREAS, a public hearing regarding the application for zoning amendment of the real property was held before the City Council on May 14, 2019, and the City Council has determined that the amendment of the zoning district of the real property, located within the corporate limits of the City of Marietta, is in the best interest of the City and the general public.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MARIETTA, OKLAHOMA:

SECTION 1. The zoning of the following property is hereby amended from C-7 (Conditional Commercial District) zoning district to I-1 (Light Industrial District) zoning district to wit:

Lot 4 and Lot 5, Block 82, City of Marietta, Love County, Oklahoma,
according to the recorded plat thereof.

Prior to engaging in any industrial use, occupation, trade or business on the property, a greenbelt buffer of not less than fifteen feet (15') and a sight proof fence with a minimum height of not less than six feet (6') shall be established and maintained adjacent to any residential zoning.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.

SECTION 3. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

PASSED by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma on this 14th day of May 2019.

CITY OF MARIETTA

ATTEST:

Dottie Gwin
DOTTIE GWIN, CITY CLERK



BY:

K Fraire
KIMBERLY FRAIRE, MAYOR

ORDINANCE NO. 2019-04

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AN ORDINANCE AMENDING THE ZONING OF REAL PROPERTY LOCATED IN THE CITY OF MARIETTA; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND PROVIDING FOR SEVERABILITY;

WHEREAS, the owner of the real property hereinafter described has made application with the City of Marietta requesting the zoning of said real property be amended from C-3 (Highway Commercial and Commercial Recreation District) to I-2 (Medium Industrial District); and

WHEREAS, notice of a public hearing was published in the Marietta Monitor on March 29, 2019, and mailed to the owners of property located within 300 feet of the real property on March 26, 2019; and

WHEREAS, a public hearing regarding the application for zoning amendment of the real property was held before the Planning Commission on April 23, 2019, and the Planning Commission has recommended amendment to the zoning of the real property as provided by Resolution P19-01; and

WHEREAS, a public hearing regarding the application for zoning amendment of the real property was held before the City Council on May 14, 2019, and the City Council has determined that the amendment of the zoning district of the real property, located within the corporate limits of the City of Marietta, is in the best interest of the City and the general public.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MARIETTA, OKLAHOMA:

SECTION 1. The zoning of the following real property is hereby amended from C-7 (Conditional Commercial) zoning district to I-2 (Medium Industrial) zoning district to wit:

A parcel of land located in the East Half of the Northeast Quarter of the Northeast Quarter (E/2 NE/4 NE/4) of Section Nineteen (19), Township Seven (7) South, Range Two (2) East, of the Indian Base and Meridian, Love County, Oklahoma, being more particularly described as follows: Commencing at the Northeast corner of said E/2 NE/4 NE/4; Thence S89°56'04"W, along the North line of said E/2 NE/4 NE/4, a distance of 272.20 feet to the Point of Beginning; Thence S05°52'35"E, a distance of 57.27 feet; Thence S00°28'39"E, a distance of 138.03 feet; Thence N89°56'04"E, a distance of 101.39 feet; Thence S00°03'56"E, a distance of 155.00 feet; Thence S89°56'04"W, a distance of 82.00 feet; Thence S00°03'56"E, a distance of 75.00 feet; Thence S89°56'04"W, a distance of 42.00 feet; Thence S00°03'56"E, a distance of 336.00 feet; Thence S89°56'04"W, a distance of 365.00 feet; Thence N00°03'56"W, a distance of 761.00 feet to a point in the North line of said E/2 NE/4 NE/4; Thence N89°56'04"E, along said North line, a distance of 380.80 feet to the True Point of Beginning, having an area of 6.98 Acres more or less. Basis of Bearings are Geodetic North. Said being described by Robby L. Johnson, RPLS No. 1539 on April 11, 2018.

1. Prior to engaging in any industrial use, occupation, trade or business on the property, the following conditions shall be met:

A. There shall be established and maintained a twenty-five-foot (25') buffer along the south property line of the real property. The buffer shall extend from the southwest corner of the property, running east to a point of intersection with the west side of the existing east access drive, and shall consist of a greenbelt with trees planted on 10' centers within this greenbelt. At the time of planting, said trees shall be at least eight feet (8') in height, with a minimum one-inch (1") caliper. No building development or outdoor storage shall be permitted within said buffer.

B. An eight-foot (8') sight proof screening fence shall be erected along the said south property line; and along the west property line, running from the south building line of the main brick building, south to a point of intersection with the south property line; and along the west side of the existing east access drive, running from a point on the southern side of the communication tower, south/southwest to a point of intersection with the south property line.

C. A site-plan reflecting these conditions shall be submitted prior to the issuance of any final occupancy permits for any uses on the subject site.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.

SECTION 3. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

PASSED by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma on this 11th day July 2019.

ATTEST:

Dottie Gwin
DOTTIE GWIN, CITY CLERK



CITY OF MARIETTA

BY: Kimberly Fraire
KIMBERLY FRAIRE, MAYOR

ORDINANCE NO. 2019-05

Page 2 of 2

ORDINANCE NO. 2019-06

AN ORDINANCE AMENDING THE ZONING OF REAL PROPERTY LOCATED IN THE CITY OF MARIETTA; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND PROVIDING FOR SEVERABILITY

WHEREAS, the owner of the real property hereinafter described has made an application with the City of Marietta requesting the zoning of said real property be amended from I-1 (Light Industrial District) to C-3 (Highway Commercial and Commercial Recreation District); and

WHEREAS, notice of a public hearing was published in the Marietta Monitor on May 3, 2019, and mailed to the owners of property located within 300 feet of the real property on April 30, 2019; and

WHEREAS, a public hearing regarding the application for zoning amendment of the real property was held before the Planning Commission on May 23, 2019, and the Planning Commission has recommended an amendment to the zoning of the real property as provided by Resolution P19-02; and

WHEREAS, a public hearing regarding the application for zoning amendment of the real property was held before the City Council on June 11, 2019, and the City Council has determined that the amendment of the zoning district of the real property, located within the corporate limits of the City of Marietta, is in the best interest of the City and the general public.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MARIETTA, OKLAHOMA:

SECTION 1. The zoning of the following real property is amended from I-1 (Light Industrial District) to C-3 (Highway Commercial and Commercial Recreation District) zoning district to wit:

A tract of land located in part of the West Half (W1/2) of the Northwest Quarter (NW1/4) of the Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section Nineteen (19), Township Seven (7) South, Range Two (2) East, Love County, State of Oklahoma, and being more particularly described as follows, to wit: Beginning at the Northeast corner of the NE1/4 of Section 19, Township 7 South, Range 2 East, thence S89°52'48"W 1145.50 feet; thence S00°07'12"E 67.7 feet to a point on the South right-of-way line of State Highway No. 32, said point being the true point of beginning, thence S00°07'12"E 209.00 feet; thence N89°52'48"E 155.31 feet; thence N00°06'23"W 156.78 feet; thence S89°52'38"W 50.84 feet; thence N00°07'12"W 54.23 feet; thence S88°46'38"W 104.52 feet to the point of beginning.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.

SECTION 3. 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, such portion shall be deemed separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

PASSED by the City Council and signed by the Mayor of the City of Marietta, Oklahoma on this 11th day of June 2019.



Dottie Gwin

DOTTIE GWIN, CITY CLERK

CITY OF MARIETTA

BY: *[Signature]*

KIMBERLY FRAIRE, MAYOR

ORDINANCE NO. 2019-4

AN ORDINANCE AMENDING SECTION 2-171 OF THE CODE OF ORDINANCES OF THE CITY OF MARIETTA AUTHORIZING THE CITY ADMINISTRATOR TO PURCHASE SUPPLIES, MATERIALS AND EQUIPMENT UP TO \$1,500 AND AUTHORIZING THE MAYOR TO PURCHASE SUPPLIES, MATERIALS AND EQUIPMENT UP TO \$2,500; AMENDING SECTION 2-172 OF THE CODE OF ORDINANCES OF THE CITY OF MARIETTA TO REQUIRE COMPETITIVE QUOTATIONS OF PRICES OR BIDS FOR CONTRACTS OR PURCHASES IN EXCESS OF \$5000; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MARIETTA, OKLAHOMA:

SECTION 1. Section 2-171 of the Code of Ordinances of the City of Marietta is amended as follows:

Sec. 2-171. Purchases up to ~~\$1,000.00~~\$2,500.00; Purchases up to \$5,000.00 when immediate need exists.

(a) A department supervisor is authorized to contract for and to purchase or issue purchase authorization for all supplies, materials and equipment for the offices, departments and agencies of the City government where such supplies, materials and equipment do not exceed the amount of \$500.00 per month.

(b) The City Administrator, as provided by Section 2-139, is authorized to contract for and to purchase or issue purchase authorization for all supplies, materials, equipment and professional and technical services for the offices, departments and agencies of the City government where such supplies, materials, equipment and professional and technical services do not exceed the amount of \$1,500.00 per month.

(c) Authorization from the Mayor shall be obtained by the department supervisor and/or the City Administrator to contract for and to purchase or issue purchase authorization for all supplies, materials, and equipment, and professional and technical services for the offices, departments and agencies of the City government which exceed \$500.00 the amounts authorized in subsections (a) and (b) of this Section, and do not exceed ~~\$1,000.00~~\$2,500.00.

(d) The Mayor is authorized to make a purchase of supplies, materials and equipment for the offices, departments and agencies of the City government for a sum in excess of ~~\$1,000.00~~ contract for and to purchase or issue purchase authorization for all supplies, materials, equipment, and professional and technical services for the offices, departments and agencies of the City government where such supplies, materials, equipment, and professional and technical services for a sum in excess of ~~\$2,500.00~~ and less than \$5,000.00 if there exists an immediate

need for said purchase and if the Mayor obtains the approval of the Council president for said contract, purchase, or purchase authorization.

SECTION 2. Section 2-171 of the Code of Ordinances of the City of Marietta is amended as follows:

Sec. 2-172. Purchases and sales over \$1,000.00. Competitive bids required for purchases over \$2,500.00; Sales of surplus items over \$1,000.00.

(a) No contract or authorization for purchase in excess of ~~\$1,000.00~~\$2,500.00 shall be made to obligate the City or any agency of the City until there have been obtained competitive quotations of prices or bids, which quotations of prices or bids shall be submitted to the next regular meeting of the City Council for consideration by the Council. At this Council meeting or the next regular Council meeting, the Council shall act to either authorize the purchase, decline to approve the purchase or request that new quotations of prices or bids be obtained by the department desiring to make such purchase. The contract or purchase shall be awarded to the lowest and best responsible bidder. The City Council may reject all bids and buy in the open market at a price less than the lowest bid received from a responsible bidder. If no bids are received, the Mayor, with approval of the Council, may buy in the open market.

(1) Notwithstanding this Section, Section 2-173, or Section 2-174 of the Code of Ordinances of the City of Marietta, the Mayor with the approval of the Council president, is authorized to make a purchase of supplies, materials or equipment for a sum in excess of \$2,500.00 and less than \$5000.00 without obtaining competitive quotations of prices or bids if there exists an immediate need for said purchase. Further, obtaining competitive quotations of process or bids, as provided for in Section 2-172, does not apply to professional and technical services.

(b) ~~Before the purchase of or the contract for any supplies, materials or equipment or the sale of any surplus or obsolete supplies, materials or equipment, the value of which exceeds the sum of \$1,000.00, ample opportunity for competitive bidding shall be given. The contract shall be awarded to the lowest and best responsible bidder for purchases and for sales shall be awarded to the highest and best responsible bidder. The City Council may reject all bids and for purchases may buy in the open market at a price less than the lowest bid received from a responsible bidder. If no bids are received, the Mayor, with approval of the Council, may buy in the open market.~~

(c) ~~Notwithstanding Sections (a) and (b) of Section 2-172 above, Section 2-173, or Section 2-174 of the Code of Ordinances of the City of Marietta, the Mayor with the approval of the Council president, is authorized to make a purchase of supplies, materials or equipment for a sum in excess of \$1,000.00~~

and less than \$5000.00 without obtaining competitive quotations of prices or bids if there exists an immediate need for said purchase.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.

SECTION 4. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

SECTION 6. It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the City of Marietta and the inhabitants thereof that this ordinance be put into full effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and after its passage and approval.

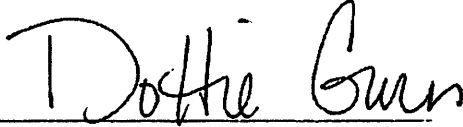
PASSED by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma on this 11th day of July 2019.

CITY OF MARIETTA

BY


KIMBERLY FRAIRE, MAYOR

ATTEST:


DOTTIE GWIN, CITY CLERK