

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 110: LICENSING GENERALLY

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§ 110.01 SHORT TITLE.

This chapter shall be known and may be cited as the “General Licensing Ordinance of the Town of Talala” or “this chapter.”
(Ord. 2020-05, passed 6-9-2020)

§ 110.02 SCOPE.

It is not intended by this chapter to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances. Where this chapter imposes a greater restriction upon persons, premises, or personal property than is imposed or required by such existing provisions of law, ordinance, contract, or deed, the provisions of this chapter shall control.
(Ord. 2020-05, passed 6-9-2020)

§ 110.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS. All kinds of vocations, occupations, professions, enterprises, establishments, and all other kinds of activities and matters, together with all devices, machines, vehicles, and appurtenances used therein, and of which are conducted for private profit or benefit, either directly or indirectly, on any premises in the town, or anywhere else within its jurisdiction.

LICENSE OR LICENSEE. Respectively, the words “permit” or “permittee” or the holder for any use or period of time of any similar privilege, wherever relevant to any provisions of this chapter or other law or ordinance.

PERSON. Individual natural persons, partnerships, joint adventures, societies, associations, clubs, trustees, trusts, or corporations; or any officers, agents, employees, factors, or any kind of personal representations of any thereof, in any capacity, acting either for himself or herself, or for any other person, under either personal appointment or pursuant to law.

PREMISES. All lands, structures, places, and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to, or is otherwise used in connection with, any such business conducted on such premises.
(Ord. 2020-05, passed 6-9-2020)

§ 110.04 LICENSE REQUIRED; APPLICATION; EXEMPTION.

(A) *License or permit required.* It is unlawful for any person, either directly or indirectly, to conduct any business or nonprofit enterprise without a license or permit therefor being first procured and kept in effect at all such times as required by this chapter or other law or ordinance of the town.

(B) *Application for special permit.* An applicant for a special permit shall submit an application therefor to the Town Clerk/Treasurer upon forms prescribed by the Clerk/Treasurer and shall furnish such additional information and make such affidavits as the Clerk/Treasurer shall require.

(C) *Exemption; nonprofit organization.* The Town Clerk/Treasurer shall issue special permits, without the payment of any license fees or other charges therefor, to any person or organization for the conduct or operation of a nonprofit enterprise, either regularly or temporarily, when he or she finds that the applicant operates, without private profit, for a public, charitable, educational, literary, fraternal, or religious purpose.

(Ord. 2020-05, passed 6-9-2020) Penalty, see § 110.99

§ 110.05 LICENSE FEE.

License fees shall be in the amounts set by resolution of the Town Board of Trustees from time to time.

(Ord. 2020-05, passed 6-9-2020)

§ 110.06 ISSUANCE AND TERM OF LICENSE.

The Town Clerk/Treasurer shall collect all license fees and shall issue licenses in the name of the town to all persons qualified under the provisions of this chapter and shall use such forms as adopted by the Town Board of Trustees. Such license shall expire no later than one year after issuance or on June 30 of each year, unless otherwise provided.

(Ord. 2020-05, passed 6-9-2020)

§ 110.07 QUALIFICATION OF APPLICANT.

The general standards herein set out relative to the qualifications of every applicant for a town license shall be considered and applied by the Town Clerk/Treasurer. The following are required.

(A) *History of applicant.* The license history of the applicant, and whether such person, in previously operating in this or another state under a license, has had such license revoked or suspended, the reasons therefor, and the demeanor of the applicant subsequent to such action.

(B) *Indebtedness to town.* The applicant shall not be in default under the provisions of this chapter or indebted or obligated in any manner to the town, except for current taxes.

(C) *Compliance with zoning regulations.* The applicant shall verify that the proposed use of any premises is not in violation of town zoning regulations.

(Ord. 2020-05, passed 6-9-2020)

§ 110.08 PROCEDURE FOR ISSUANCE OF LICENSE.

(A) *Application for license.* Every person required to procure a license under the provisions of any ordinance or law of the town shall submit an application for such license to the Town Clerk/Treasurer. The application shall:

(1) Be a written statement upon forms provided by the Town Clerk/Treasurer; such form shall include an affidavit, to be sworn to by the applicant before a notary public of the state;

(2) Require the disclosure of all information necessary for compliance with § 110.07 and of any other information which the Town Clerk/Treasurer shall find to be reasonably necessary to the fair administration of this chapter; and

(3) Be accompanied by the full amount of the fees chargeable for such license.

(B) *Renewal application.* The applicant for the renewal of a license shall submit a renewal application for such license, together with the license fee, to the Town Clerk/Treasurer.

(C) *Duplicate license or permit.* A duplicate license or special permit shall be issued by the Town Clerk/Treasurer to replace any license previously issued which has been lost, stolen, defaced, or destroyed upon the paying to the Town Clerk/Treasurer of a duplicate license fee.

(D) *Denial of license; appeal.* The Town Clerk/Treasurer shall, upon disapproving any application submitted under the provisions of this chapter, place the matter on the next agenda of the Town Board of Trustees, where the applicant may appeal from the denial.
(Ord. 2020-05, passed 6-9-2020)

§ 110.09 CONTENTS OF LICENSE.

Each license issued hereunder shall state, at a minimum, upon its face the following:

(A) The name of the licensee and any other name under which such business is to be conducted;

(B) The kind and address of each business so licensed;

(C) The amount of license fee therefor;

(D) The dates of issuance and expiration thereof; and

(E) Such other information as the Town Clerk/Treasurer shall determine.
(Ord. 2020-05, passed 6-9-2020)

§ 110.10 DUTIES OF LICENSEE.

Every licensee under this chapter shall:

(A) Permit all reasonable inspections of his or her business by public authorities so authorized by law;

(B) Ascertain and at all times comply with all laws and regulations applicable to such licensed business;

(C) Avoid all forbidden, improper, or unnecessary practices or conditions which do or may affect the public health, morals, or welfare;

(C) Refrain from operating the licensed business on premises after expiration of his or her license and during the period his or her license is revoked or suspended;

(D) Post and maintain such license upon the licensed premises in a place where it may be seen at all times; and

(E) Not loan, sell, give, or assign to any other person or allow any other person to use or display, or to destroy, damage, or remove, or to have in his or her possession a license or insignia which has been issued to the licensee.

(Ord. 2020-05, passed 6-9-2020)

§ 110.11 ENFORCEMENT, INSPECTIONS.

(A) *Persons authorized to inspect.* The following persons are authorized to conduct inspections in the manner prescribed herein.

(1) The Town Clerk/Treasurer or other town employee shall make all investigations reasonably necessary to the enforcement of this chapter.

(2) The Town Clerk/Treasurer shall have the authority to order the inspection of licensees, their businesses, and premises by all town officials having duties to perform with reference to such licensees or businesses.

(3) All police officers shall inspect and examine businesses located within their respective jurisdictions or beats to enforce compliance with this chapter.

(B) *Enter premises for inspection.* All persons authorized herein to inspect licensees and businesses shall have the authority to enter, with or without search warrant, at all reasonable times, the following premises:

(1) Those for which a license is required;

(2) Those for which a license was issued and which, at the time of inspection, are operating under such license; and

- (3) Those for which the license has been revoked or suspended.

(C) *Report violations.* Persons inspecting licensees, their businesses, or premises as herein authorized shall report all violations of this chapter or of other laws or ordinances to the Town Clerk/Treasurer and shall submit such other reports as the Town Clerk/Treasurer shall order. (Ord. 2020-05, passed 6-9-2020)

§ 110.12 REVOCATION OF LICENSE OR PERMIT; HEARING.

Any license or permit, for a limited time, may be revoked by the Town Clerk/Treasurer during the life of such license or permit for the violation by the licensee or permittee of any provision relating to the license or permit, the subject of the license or permit, or the premises occupied; such revocation may be in addition to any fine imposed. The Town Clerk/Treasurer shall be authorized to summarily order the cessation of business, the closing of the premises, and the suspension of any business license or permit for a period not to exceed 15 days.

(A) *Hearing.* Within ten days after the Clerk/Treasurer has so acted, the Town Clerk/Treasurer shall call a hearing for the purpose of determining whether or not the license or permit should be revoked.

(B) *Notice of hearing.* Notice of hearing for revocation of a license or permit shall be given in writing setting forth specifically the grounds of the complaint and the time and place of hearing. Such notice shall be sent to the licensee or permittee by certified mail at his or her last known address or personally served at least five days prior to the date of the hearing.

(C) *Hearing procedures.* At the hearing, the licensee or permittee shall be permitted counsel and shall have the right to submit evidence and cross examine witnesses. The Town Board of Trustees shall render the decision and recommendation.

(D) *Causes for revocation.* Business licenses and permits issued under the provisions of this code, unless otherwise provided, may be revoked by the Town Clerk/Treasurer after notice and hearing as provided in divisions (B) and (C) above for any of the following causes:

- (1) Any fraud, misrepresentation, or false statement contained in the application for the license or permit;
- (2) Any violation by the licensee or permittee of ordinance provisions or state law relating to the license or permit, the subject matter of the license or permit, or the premises occupied;
- (3) Conviction of the licensee or permittee of any felony or of a misdemeanor involving moral turpitude;

(4) Failure of the licensee or permittee to pay any fine or penalty owing to the town; and/or

(5) Refusal to permit an inspection or investigation or any interference with a duly authorized town officer or employee while in the performance of his or her duties in making such inspections, as provided in this chapter.

(Ord. 2020-05, passed 6-9-2020)

§ 110.13 APPEAL PROCEDURE.

(A) *Right to appeal.* Any applicant aggrieved by the refusal of the town to issue a license or permit or by the revocation of a license or permit shall have the right to appeal the town's decision to the Town Board of Trustees. Such appeal shall be requested by submitting a written request to the Town Clerk/Treasurer within five days of the action of the town which is appealed.

(B) *Board consideration.* The Town Board of Trustees shall consider the appeal at its next regularly scheduled meeting, at which time the applicant shall be entitled to present his or her appeal orally or in writing. The Town Board of Trustees shall act on the appeal within seven days of the hearing and shall either uphold the action of the Clerk/Treasurer or shall direct the issuance of a license or permit which the town has denied, or the reissuance of a license or permit which the town had revoked.

(Ord. 2020-05, passed 6-9-2020)

§ 110.99 PENALTY.

Any person violating the provisions of this chapter shall, upon conviction, be punished as provided in § 10.99 of this code.

(Ord. 2020-05, passed 6-9-2020)

CHAPTER 111: ALCOHOLIC BEVERAGES

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ALCOHOLIC BEVERAGES AND TAX

§ 111.01 DEFINITIONS.

Word, phrases, and terms used in this subchapter shall have the meaning prescribed by, and be construed in conformity with, the definitions of the same set forth in the State Alcoholic Beverage Control Act, 37A O.S. §§ 1-101 through 6-129, with the same force and effect as if the definitions were set forth in full in this subchapter, unless the context clearly indicates a different meaning or constructions.

(Prior Code, § 3-101)

§ 111.02 OCCUPATION TAX LEVIED; LICENSE TO BE ISSUED.

(A) (1) An annual occupation tax is hereby levied on persons engaging in the following businesses or occupations within the town in the amounts respectively indicated:

Beer distributor license	\$750
Brewer license	\$1,250

Distiller license	\$3,125
Rectifier license	\$3,125
Small brewer license	\$125
Small farm winery license	\$75
Wine and spirits wholesaler license	\$3,000
Winemaker license	\$625

(2) The following retail spirits license fees shall be determined by the latest Federal Decennial Census:

Agent license	\$55
Airline/railroad/commercial passenger vessel beverage license	\$1,005 (initial license); \$905 (renewal)
Annual public event license	\$1,005
Annual special event license	\$55
Bonded warehouse license	\$190
Bottle club license	\$1,000 (initial license); \$900 (renewal)
Brewpub license	\$1,005
Brewpub self-distribution license	\$750
Carrier license	\$23
Caterer license	\$1,005 (initial license); \$905 (renewal)
Charitable alcoholic beverage license	\$55
Charitable auction license	\$1
Complimentary beverage license	\$75
Employee license	\$30
Hotel beverage license	\$1,005 (initial license); \$905 (renewal)
Industrial license	\$23
Manufacturer's agent license	\$55

Manufacturer license:	
a. 50 cases or less sold in the state in last calendar year	\$50
b. 51 to 500 cases sold in the state in last calendar year	\$75
c. 501 cases or more sold in the state in last calendar year	\$150
Mixed beverage/caterer combination license	\$1,250
Mixed beverage license	\$1,005 (initial license); \$905 (renewal)
Nonresident seller license	\$750
On-premises beer and wine license	\$500 (initial license); \$450 (renewal)
One-time public event license	\$255
Private carrier license	\$23
Quarterly special event license	\$55
Retail beer license	\$500
Retail spirits license for cities and towns from 200 to 2,500 population	\$305
Retail wine license	\$1,000
Sacramental wine supplier license	\$100
Satellite tasting room license	\$100
Small brewer self-distribution license	\$750
Storage license	\$23
Winemaker self-distribution license	\$750

(B) The license fee for brewers and for Class B wholesalers shall be reduced by 75% if the applicant therefor is also the holder of a license to manufacture or wholesale, as the case may be, any intoxicating beverages as provided by 37A O.S.

(C) All licenses issued pursuant to this chapter shall expire on June 30 of the year for which issued. The cost of a license of any type or class applied for during the fiscal year shall be a prorated part of the cost of the yearly license, provided that the cost of the license shall be computed monthly. Any license issued after the fifteenth day of any month shall be charged for based on the first day of the next month.

(D) A person desiring to engage in any of the above businesses or occupations within the town shall make application for a license therefor to the Town Clerk/Treasurer and pay to the Town Clerk/Treasurer the above required occupation tax. If the applicant carries on his or her occupation in

more than one location within the town limits, he or she shall be subject to tax for each location. If the applicant holds a valid state license to engage in the business or occupation within the town issued by the Director of the State Alcoholic Beverage Control Board, if the application is in accordance with this subchapter, and if the applicant has paid the required town occupation tax, then the Town Clerk/Treasurer shall issue the license applied for. The license shall be posted in a conspicuous place in the premises wherein the licensee carries on the occupation.

(Prior Code, § 3-102)

Statutory reference:

Similar provisions, see 37A O.S. § 4-104

State license and fees, town not to levy greater fee, see 37A O.S. § 2-101

§ 111.03 PAYMENT OF TAX AND SECURING OF LICENSE REQUIRED.

It is unlawful for any person to engage in any of the businesses or occupations upon which this subchapter levies an occupation tax without having paid the town occupation tax levied by this subchapter and without having a valid license from the Town Clerk/Treasurer provided herein.

(Prior Code, § 3-103) Penalty, see § 111.99

§ 111.04 TOWN CLERK/TREASURER TO MAKE ANNUAL REPORT.

The Town Clerk/Treasurer shall make an annual report as of the close of business on June 30 each year to the ABLE Commission, covering the fiscal year, showing the number and class of licensees subject to the tax authorized by this section, and the amount of money received therefrom.

(Prior Code, § 3-104)

§ 111.05 RETAIL PACKAGE STORES; LOCATION.

(A) No retail package store or any other business licensed by this subchapter shall be located or operated at any place except at locations permitted by the town's zoning or planning laws.

(B) (1) The location of a retail package store is specifically prohibited within 300 feet from any church property primarily and regularly used for worship services and religious activities, or a public school. However, if any such church or school shall be established within 300 feet of any licensed retail premises after such premises have been licensed this shall not be a bar to the renewal of such license so long as it has been in continuous force and effect.

(2) The distance indicated in this section shall be measured from the nearest property entrance door of the premises of such package store along the street right-of-way line providing the nearest direct route usually traveled by pedestrians between such points. For the purpose of determining measured

distance, property situated on the opposite side of the street from such church or school, a license shall not be issued for a location on any block where a school or church is located.

(Prior Code, § 3-105)

Statutory reference:

Similar provisions, see 37A O.S. § 4-103, 37A O.S. § 2-156, 37A O.S. § 3-117, and 37A O.S. § 3-120

§ 111.06 PREMISES TO BE SEPARATED FOR SALE OF ALCOHOLIC BEVERAGES.

(A) The premises of a retail package store shall be separated from the premises on which any other goods, wares, or merchandise are sold, or services are rendered, by nontransparent walls which may be broken by a passageway to which the public is not admitted for the purpose of selling, reselling, or delivering in connection with the sale of the alcoholic beverages.

(B) No person shall take any alcoholic beverage through any passageway described in this section for the purpose of selling or reselling such beverage, or for the purpose of delivery thereof in connection with a sale of such beverages.

(Prior Code, § 3-106)

§ 111.07 DAYS, HOURS OF OPERATION.

(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. Municipalities may enact ordinances requiring such premises to be closed to the public between the hours of 2:00 a.m. and 6:00 a.m.

(B) Counties that elect to authorize sales of alcoholic beverages by the individual drink shall not prohibit such sales on the day of any national, state, county, or town election, including primary elections, provided that the election day does not occur on any day which such sales may otherwise be prohibited by any other law.

Statutory reference:

Days, times of lawful sale of alcohol, see 37A O.S. § 3-125

§ 111.08 SALE ONLY IN ORIGINAL PACKAGE.

Retail package stores may sell alcoholic beverages only in retail containers in the original package for consumption off the premises. Alcoholic beverages may be sold only at ordinary room temperatures.

(Prior Code, § 3-108)

§ 111.09 REGULATIONS APPLICABLE TO ALCOHOLIC BEVERAGES.

It is unlawful for any person:

(A) Knowingly to sell, deliver, or furnish alcoholic beverages to any person under 21 years of age;

(B) Who is under the age of 21 to misrepresent his or her age in writing or by presenting documentation of age for the purpose of inducing any person to sell him or her alcoholic beverages;

(C) To employ any person under the age of 21 years in the selling or handling of alcoholic beverages;

(D) Who is a licensee or an agent or employee thereof to permit any person under 21 years of age to enter into, remain within, or loiter about a licensed premises;

(E) Knowingly to sell, deliver, or furnish alcoholic beverages to an intoxicated person or to any person who has been adjudged insane or mentally deficient;

(F) To open a retail container or consume alcoholic beverages on the premises or a retail package store, or for any operator of a retail package store or any person in charge thereof, to permit any person to open a retail container therein or consume alcoholic beverages therein;

(G) To transport in any vehicle upon any street, alley, or other public way within the town any alcoholic beverage except in the original container, which shall not have been opened and the seal of which shall not have been broken, and from which the original cap or cork shall not have been removed, unless the opened container be in the trunk or any closed compartment or other container out of public view and out of reach of the driver or an occupant of the vehicle;

(H) To drink intoxicating liquor in public or to be intoxicated in a public place; and

(I) Who is the operator of a café, restaurant, club, or any place of recreation, to permit any person to be drunk or intoxicated in such place of business.

(Prior Code, § 3-109)

§ 111.10 PACKAGE STORE SIGN.

No person owning, operating, or maintaining a retail alcoholic beverage package store 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 combinations of such words or any of them, and which shall contain no letter or

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.

(Prior Code, § 3-110) Penalty, see § 111.99

Statutory reference:

Similar provisions, see 27 C.F.R. § 6.102

§ 111.11 ADVERTISING.

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

(Prior Code, § 3-111) Penalty, see § 111.99

NON-INTOXICATING BEVERAGES

§ 111.25 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

MINOR. A person who has not yet attained the age at which a person is permitted to consume non-intoxicating beverages under state law.

NON-INTOXICATING BEVERAGES. All beverages containing more than 1.5% alcohol by volume, and not more than 3.2% alcohol by weight.

RETAIL DEALER. Any person, firm, corporation, association, or concessionaire who sells, distributes, or dispenses at retail, any non-intoxicating beverage within the corporate limits of the town, without regard as to any place where such beverages may be consumed or used.

(Prior Code, § 3-201)

Statutory reference:

Similar provisions, see 37A O.S. § 3-109

§ 111.26 LICENSE FEE LEVIED.

(A) There is hereby levied upon each retail dealer in non-intoxicating beverages consumption on or off the premises an annual occupation tax of \$20, and an annual license fee of \$10 for sale of non-intoxicating beverages which are in original packages and are not for consumption on the premises.

(B) All such municipal license fees taxes shall be paid to the Town Clerk/Treasurer at the time of issuance of license and in the manner prescribed herein.

(C) All license fees levied under the provisions of this chapter shall expire on June 30 of each year. The amount of any license fee levied shall be computed pro rata from the months remaining in the year ending June 30. Such fees paid on or before the fifteenth day of any month shall be based on the first day of the month and such fees paid after the fifteenth day of the month shall be on the basis of the first day of the next succeeding month.

(Prior Code, § 3-202)

Statutory reference:

State license requirements, cities, not to levy more than state license, see 37A O.S. § 4-104

§ 111.27 LICENSE REQUIRED.

It is unlawful for any retail dealer, whether permanent or temporary, to sell, distribute, or dispense any non-intoxicating beverages without have first received a municipal license as herein required.

(Prior Code, § 3-203)

§ 111.28 COMPLIANCE WITH LAW; EXPIRATION OF LICENSE.

No municipal license shall be issued to any retail dealer by the Town Clerk/Treasurer without a satisfactory showing that the applicant has obtained all state and county permits required by law and has in other respects complied with the state and local alcoholic beverage control requirements. No license shall be transferable.

(Prior Code, § 3-204)

§ 111.29 REVOCATION OF LICENSE.

The Town Board of Trustees shall have the power, after public hearing, to revoke any license granted hereunder for violation of law or ordinance by the license holder.

(Prior Code, § 3-205)

§ 111.30 MINORS NOT TO BE EMPLOYED.

It is unlawful for any owner, manager, or operator of a place where non-intoxicating beverages are sold for consumption on the premises, except an eating place where the service of such beverages is incidental to the main business of serving food, to employ a minor to work in such place. It is unlawful for any minor to be employed or permitted to work in any capacity whatsoever in the separate or

enclosed bar area of a place where the main purpose of the area is the sale or consumption of non-intoxicating beverages. This shall not apply to any area which has as its main purpose some objective other than the sale or serving of non-intoxicating beverages, in which sales or serving of non-intoxicating beverages are incidental to the main purpose.

(Prior Code, § 3-206) Penalty, see § 111.99

Statutory reference:

Similar provisions, see 37A O.S. § 2-121

§ 111.31 INTOXICATED PERSONS; GAMBLING, DISORDERLY CONDUCT.

(A) It is unlawful for the owner, manager, or operator of a place where non-intoxicating beverages are sold for consumption on the premises to sell or otherwise furnish such beverages to an intoxicated person or to permit an intoxicated person to remain or loiter therein.

(B) It is unlawful for the owner, manager, or operator of such a place to permit therein gambling, betting, or operation of a lottery; sale, furnishing, or drinking of intoxicating liquor; disorderly conduct; loud or disturbing language, noise, or music; profane language; or other violation of the laws of the state or of the ordinances of the town, or for any person to engage in any such activity or conduct in such a place.

(C) It is unlawful for the owner, manager, or operator of such a place to permit therein fighting, boxing, wrestling, or other contests of physical strength; or for any person to fight, box, wrestle, or engage in other contests of physical strength in such a place.

(Prior Code, § 3-207) Penalty, see § 111.99

§ 111.32 SALE, PURCHASE TO OR BY MINORS.

It is unlawful for any person, firm, or corporation to sell, offer for sale, give away, procure for, or otherwise dispense to any minor any non-intoxicating beverage; or for any minor to purchase, receive or procure any non-intoxicating beverage.

(Prior Code, § 3-208) Penalty, see § 111.99

§ 111.33 MINORS; POSSESSION OF ALCOHOLIC BEVERAGES OR BEER PROHIBITED.

It is unlawful and an offense for any minor to be in possession of any non-intoxicating beverages while such person is on any public street, road, or highway, or in any public building or place.

(Prior Code, § 3-209) Penalty, see § 111.99

§ 111.34 DRINKING IN PUBLIC.

(A) It is unlawful for any person, whether a minor or of age, to drink any non-intoxicating beverage while such person is upon any public street, alley, or other public highway, or in any public building or other public place within the town.

(B) This section shall not prohibit a person who is of age from drinking such beverage in a place licensed to sell it for consumption on the premises.

(Prior Code, § 3-210) Penalty, see § 111.99

Statutory reference:

Similar provisions, see 37A O.S. § 6-101

§ 111.35 HOURS OF SALE.

(A) Sale of any beer or wine at any hour other than between the hours of 6:00 a.m. and 2:00 a.m. the following day, Monday through Sunday.

(B) Retail wine and retail beer licensees shall be permitted to sell beer and wine on the day of any general, primary, runoff primary, or special election whether on a national, state, county, or town election.

(Prior Code, § 3-211)

Statutory reference:

Similar provisions, see 37A O.S. § 6-108

PRIVATE CLUBS**§ 111.50 DEFINITION.**

For the purpose of this subchapter, the term ***PRIVATE CLUB*** means any association, person, firm, or corporation, key club, bottle club, locker club, pool club, or any other kind of club or association, excluding the general public from its premises, place of meeting, congregating or operating or exercising control over any other place where persons are permitted to drink alcoholic beverages other than in a private home.

(Prior Code, § 3-301)

Statutory reference:

Private clubs defined for hours of operations set by state, see 37A O.S. § 3-126

§ 111.51 CLASSES OF CLUBS.

For the purpose of license and regulation, private clubs are divided into three classes.

(A) Class A includes private clubs maintained, supported, and controlled by nationally recognized lodges, fraternal societies, or veteran's organizations for their members only.

(B) Class B includes restaurants open to the general public but maintaining a private room opening into the restaurant, which private room is used as a private club. No food may be served in the private room nor dancing be permitted in the private room or in the adjacent restaurant.

(C) Class C includes any other private club.
(Prior Code, § 3-302)

§ 111.52 LICENSE REVIEW BOARD.

(A) (1) A License Review Board is hereby established to review and pass upon qualifications of applicants or licensees under this subchapter. Such License Review Board determines revocations of licenses in proper cases.

(2) The License Review Board is granted the authority to enact regulations for the interpretation and enforcement of private clubs. The rules and regulations shall be drafted by the Board and upon review and approval by the Town Board of Trustees, they shall govern proceedings before the board.

(3) No license under this chapter shall be issued by the License Review Board until the application therefor has been on file with the town at least ten days.
(Prior Code, § 3-303)

(B) (1) The License Review Board shall be composed of five members, one of whom shall be the Chief of Police.

(a) The other four members shall be appointed by the Mayor and approved by the Town Board of Trustees. The four appointed members shall serve and be appointed for a four-year period, with such terms staggered so that one term will expire each 12 months. Such terms shall commence on the first day of July and expire on June 30 of the year in which applicable.

(b) The Town Clerk/Treasurer shall be an ex officio member of such Board and shall act as secretary thereof but shall have no vote. The Town Attorney shall be an ex officio member of such Board and shall act as legal advisor therefor but shall have no vote.

(2) The members of such Board shall elect a Chairperson, and in the event of absence of either the Chairperson or the secretary at any meeting, the Board members present may elect a temporary Chairperson or secretary. Four members shall constitute a quorum. A simple majority of such Board members present shall be required for any action.

(Prior Code, § 3-304)

§ 111.53 LICENSE FEE TO BE PAID.

No association, person, firm, or corporation shall maintain or operate any private club in the town without first paying in advance to the town, the license fee hereinafter prescribed, presenting the receipt for the same to the town, making application for a license therefor on forms provided by the town, and receiving a license from the License Review Board.

(Prior Code, § 3-305)

§ 111.54 DOCUMENTS TO BE FILED.

(A) In addition to the payment of the prescribed fee to the town, an applicant for a license for a private club shall file with the town true copies of the articles of incorporation and bylaws if the applicant is an association; and a list of the officers, directors, owners, and managers of the club, and any stockholders who receive a financial return on their stock.

(B) The copies shall be filed in duplicate.

(Prior Code, § 3-306)

§ 111.55 CHANGES TO BE FILED.

If changes occur in the officers, directors, stockholders, owners, or managers of any private club, after filing of their names with the town at any time during the year, the applicant shall furnish such changes in writing in duplicate on the forms provided by the town within one week after their occurrence.

(Prior Code, § 3-307)

§ 111.56 CHIEF OF POLICE TO CHECK.

The town shall forward one copy of the list of officers, directors, stockholders, owners, and managers to the Chief of Police, who shall cause a check to be made of any criminal record of any persons named therein, and report in writing thereafter to the town as to his or her findings.

(Prior Code, § 3-308)

§ 111.57 CLASS B AND C LICENSES.

Applicants for Class B or Class C licenses shall be either state corporations or associations with written articles of association and bylaws. The articles or bylaws shall provide for regular election of officers or directors.

(Prior Code, § 3-309)

§ 111.58 ELIGIBILITY TO SERVE AS OFFICERS.

No persons shall be eligible to election or to server or act in any Class B or Class C private club as an officer, director, stockholder, or owner, nor direct any policy thereof, who has not been a continuous resident in good faith of the state for a period of three years immediately preceding the action of service in any of such capacities. No person shall be eligible to election or to serve or act in any private club as an officer, director, stockholder, owner, or manager, nor direct any policy thereof, who has been convicted of any felony or of violating any of the gambling or prohibitory laws of the state, any other state, or the United States including those heretofore in effect.

(Prior Code, § 3-310) Penalty, see § 111.99

§ 111.59 NOT TO VIOLATE LAW.

No private club nor any officer, director, stockholder, owner, or manager, thereof licensed pursuant to the provisions of this subchapter shall violate any of the provisions of the Alcoholic Beverage Control Act of the state nor any other law of the state, nor knowingly permit the violation thereof on any premises subject to the control of any private club.

(Prior Code, § 3-311) Penalty, see § 111.99

§ 111.60 RENTALS TO BE ON FIXED BASIS.

No private club licensed pursuant to the provision of this subchapter shall have or make any rental or lease agreement with any other person, firm, trust, estate, corporation, or other entity providing for any rentals based upon percentage of profit of the private club, but any rentals paid or to be paid shall be on a fixed basis without relation to any income, volume, or profit of the private club.

(Prior Code, § 3-312) Penalty, see § 111.99

§ 111.61 RIGHT TO ENTER AND INSPECT.

The right of entry and inspection of any premises subject to the control of any private club by any uniformed or non-uniformed officer or agent of any department charged with the enforcement of this

subchapter shall be a condition on which ever license is issued. The application for, and acceptance of, any license hereunder shall conclusively be deemed to be consent of the applicant and licensee to such entry and inspection.

(Prior Code, § 3-313)

§ 111.62 TO HAVE RESTAURANT FACILITIES.

No Class C private club licensed pursuant to this subchapter nor restaurant maintaining a Class B private club licensed pursuant to this subchapter shall be operated or maintained without regular, constant, complete kitchen and restaurant facilities including an adequately sized refrigerator, approved dishwashing equipment, an oven, and range with at least burners.

(Prior Code, § 3-314) Penalty, see § 111.99

§ 111.63 TO SERVE HOT FOOD.

No Class C private club licensed pursuant to this subchapter nor restaurant maintaining a Class B private club licensed pursuant to this subchapter shall be operated or maintained without preparing and serving hot foods at all hours while open for business, including meats, vegetables, and dessert.

(Prior Code, § 3-315) Penalty, see § 111.99

§ 111.64 SANITARY FACILITIES.

Every private club licensed pursuant of this subchapter shall, as a minimum, provide sanitary, and toilet facilities as required by the ordinances or Health Department regulations governing beer taverns or private clubs.

(Prior Code, § 3-317)

§ 111.65 BYLAWS; MEMBERSHIP.

Membership in any private club subject to this chapter shall be regulated by articles or bylaws. The articles or bylaws of every Class C private club shall provide that after application for membership at least one week shall elapse before the applicant shall be eligible for election to membership. Upon election to membership in any private club, a membership card shall be issued to the member, and his or her name and his or her age enrolled on a list of members, which shall be kept on the premises of every private club and be always subject to inspection. The list of members shall show the full name of the member, his or her age, his or her address, and the dates of his or her application for membership and election membership. The bylaws or articles may provide for temporary membership for nonresidents of the town, temporarily present in the town, as members of another organization holding

a meeting in the town. Temporary memberships shall extend to all members of the organization affected. Temporary membership shall be affected by notice in writing to the presiding officer of the organization meeting in the town, limiting the time of temporary membership to the time the organization shall meet in the town. A copy of the notice shall be filed with the Town Clerk/Treasurer. Any convention badge or identification of membership in the visiting organization selected by the private club shall serve as the temporary membership card.

(Prior Code, § 3-318)

§ 111.66 PERSONS UNDER 21 NOT PERMITTED.

No person under the age of 21 years shall be permitted in or on that part of the premises subject to the control of any private club where persons are permitted to drink alcoholic beverages unless accompanied by and in custody of one of his or her parents or a guardian.

(Prior Code, § 3-319) Penalty, see § 111.99

§ 111.67 LICENSES.

(A) All licenses issued pursuant to this chapter shall expire on June 30 of each year. License fees shall be prorated in the following manner: applicants filing applications more than six months prior to the last day of June of any year shall pay the license fee in full. Applicants filing applications less than six months prior to the last day of June of any year shall pay one-half of the fee prescribed herein. No license shall be returned or transferred from person to person or from place to place. Licenses shall be signed by the Town Clerk/Treasurer. The Town Clerk/Treasurer shall affix the corporate seal of the town thereto.

(Prior Code, § 3-320)

(B) No free licenses shall be granted, nor rebates allowed, for any cause, nor did any sum accepted less than the amount herein specified, nor for a shorter period than therein required.

(Prior Code, § 3-321)

(C) A separate license must be obtained for each branch established or separate place operated by any private club, and each license shall authorize the operation of a private club only at the location described in the license, and in conformity to the ordinances of the town and the laws of the state and of the United States. No license shall be transferable to another person, firm, association, or corporation or to any other location.

(Prior Code, § 3-322)

(D) Every private club having a license under the provisions of this subchapter shall place and exhibit the same at all times while in force in some conspicuous place in the premises licensed and shall

produce or exhibit the same when applying for a renewal thereof. The entrances of every private club shall be plainly marked "Private Club Members Only."

(Prior Code, § 3-323)

(E) An annual license tax or fee is hereby levied upon all persons, firms, associations, or corporations operating a private club within the town in the following amounts:

(1) Class A: \$25;

(2) Class B: \$300; and

(3) Class C: \$600.

(Prior Code, § 3-324)

§ 111.68 TO INSPECT CLUBS.

The Police, Fire, and Health Departments shall inspect all private clubs regularly to enforce all of the terms of this subchapter and report any violations to the License Review Board.

(Prior Code, § 3-325)

§ 111.69 REGULATIONS OF OPERATION.

It is an offense, punishable as hereinafter set forth, and grounds for the revocation or suspension of a license issued hereunder for any private club, or operator, partner, or manager, or person having supervisory control thereof, or employee, to do or permit to be done, on or about the licensed premises, any of the following acts:

(A) Violate any of the provisions of this subchapter;

(B) Violate any of the statutes of the state pertaining to alcoholic beverages;

(C) Violate any of the regulations promulgated by the Alcoholic Beverage Control Board of the state;

(D) Consume or permit the consumption of any alcoholic beverages on any licensed premises between the hours of 2:00 a.m. and 6:00 a.m. on any day;

(E) Permit any persons not an employee to remain on the licensed premises where the consumption of alcoholic beverages is usually permitted as a part of the operation of the private club after 2:15 a.m. on any day of the week and before the next regular opening hour;

(F) Serve to or allow any intoxicated person to consume any alcoholic beverages on the premises so licensed; and/or

(G) Permitting an intoxicated person to be or to remain on the licensed premises.
(Prior Code, § 3-326)

§ 111.99 PENALTY.

(A) Any person violating any of the provisions of this chapter shall be punished as provided in § 10.99 of this code of ordinances.

(B) Any person who violates any provision of §§ 111.01 through 111.11 shall be guilty of a misdemeanor, and, upon conviction, shall be punished as provided in § 10.99 of this code.
(Prior Code, § 3-112)

(C) Any person violating any provision of §§ 111.25 through 111.35 shall be guilty of a misdemeanor, and, upon conviction, shall be punished as provided in § 10.99 of this code.
(Prior Code, § 3-212)

CHAPTER 112: SOLICITATION

Section

- 112.01 Definitions
- 112.02 License requirement
- 112.03 Application procedure
- 112.04 Standards for issuance
- 112.05 Revocation procedure
- 112.06 Standards for revocation
- 112.07 Appeal procedure
- 112.08 Exhibition of identification
- 112.09 Town policy on soliciting
- 112.10 Notice regulating soliciting
- 112.11 Duty of solicitors to ascertain notice
- 112.12 Prohibited solicitation

§ 112.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS. The business carried on by any person who is an itinerant merchant, peddler, or solicitor as defined in this section.

GOODS. Merchandise of any description whatsoever, and includes, but is not restricted to, wares and foodstuffs.

ITINERANT MERCHANT. Any person, whether as owner, agent, or consignee, who engages in a temporary business of selling goods within the town and who, in the furtherance of such business, uses any building, structure, vehicle, or any place within the town.

PEDDLER. Any person, not an itinerant merchant, who:

(1) Travels from place to place by any means carrying goods for sale, or making sales, or making deliveries; or

(2) Without traveling from place to place, sells or offers goods for sale from any public place within the town.

SOLICITOR. Any person who travels by any means from place to place, taking or attempting to take orders for sale of goods to be delivered in the future or for services to be performed in the future. A person who is a **SOLICITOR** is not a peddler.

§ 112.02 LICENSE REQUIREMENT.

(A) Any person who is an itinerant merchant, peddler, or solicitor shall obtain a license before engaging in such activity within the town.

(B) The fee for the license required by this chapter shall be as set from time to time by the Board of Trustees.

(C) No license issued under this chapter shall be transferable.

(D) All licenses issued under this chapter shall expire 90 days after the date of issuance thereof. Penalty, see § 10.99

§ 112.03 APPLICATION PROCEDURE.

(A) All applicants for licenses required by this chapter shall file an application with the Town Clerk/Treasurer. This application shall be signed by the applicant if an individual, or by all partners if a partnership, or by the president if a corporation. The applicant may be requested to provide information concerning the following items:

(1) The name and address of the applicant;

(2) (a) The name of the individual having management authority or supervision of the applicant's business during the time that it is proposed to be carried on in the town;

(b) The local address of such individual;

(c) The permanent address of such individual; and

(d) The capacity in which such individual will act.

(3) The name and address of the person, if any, for whose purpose the business will be carried on, and, if a corporation, the state of incorporation;

(4) The time period or periods during which it is proposed to carry on applicant's business;

(5) (a) The nature, character, and quality of the goods or services to be offered for sale or delivered;

(b) If goods, their invoice value and whether they are to be sold by sample as well as from stock; and

(c) If goods, where and by whom such goods are manufactured or grown, and where such goods are at the time of application.

(6) The nature of the advertising proposed to be done for the business; and

(7) Whether or not the applicant, or the individual identified in division (A)(2)(a) above, or the person identified in division (A)(3) above has been convicted of any crime or misdemeanor and, if so, the nature of each offense and the penalty assessed for each offense.

(B) Applicants for peddler or solicitor licenses may be required to provide further information concerning the following items, in addition to that requested under division (A) above:

(1) A description of the applicant; and

(2) A description of any vehicle proposed to be used in the business, including its registration number, if any.

(C) All applicants for licenses required by this chapter shall attach to their application, if required by the town, credentials from the person, if any, for which the applicant proposes to do business, authorizing the applicant to act as such representative.

(D) Applicants who propose to handle foodstuffs shall also attach to their application, in addition to any attachments required under division (C) above, a statement from a licensed physician, dated not more than ten days prior to the date of application, certifying the applicant to be free of contagious or communicable disease.

Penalty, see § 10.99

§ 112.04 STANDARDS FOR ISSUANCE.

(A) Upon receipt of an application, an investigation of the applicant's business reputation and moral character shall be made.

(B) The application shall be approved unless such investigation discloses tangible evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare. In particular, tangible evidence that the applicant commits any of the following will constitute valid reasons for disapproval of an application:

- (1) Has been convicted of a crime of moral turpitude;
- (2) Has made willful misstatements in the application;
- (3) Has committed prior violations of ordinances pertaining to itinerant merchants, peddlers, solicitors, and the like;
- (4) Has committed prior fraudulent acts; or
- (5) Has a record of continual breaches of solicited contracts.

§ 112.05 REVOCATION PROCEDURE.

Any license or permit granted under this chapter may be revoked by the Town Clerk/Treasurer after notice and hearing, pursuant to the standards in § 112.06. Notice of hearing for revocation shall be given in writing, setting forth specifically the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed to the licensee at his or her last known address, at least ten days prior to the date set for the hearing.

§ 112.06 STANDARDS FOR REVOCATION.

A license granted under this chapter may be revoked for any of the following reasons:

- (A) Any fraud or misrepresentation contained in the license application;
- (B) Any fraud, misrepresentation, or false statement made in connection with the business being conducted under the license;
- (C) Any violation of this chapter;
- (D) Conviction of the licensee of any felony, or conviction of the licensee of any misdemeanor involving moral turpitude; or
- (E) Conducting the business licensed in an unlawful manner or in such a way as to constitute a menace to the health, safety, morals, or general welfare of the public.

§ 112.07 APPEAL PROCEDURE.

(A) Any person aggrieved by a decision under §§ 112.04 or 112.06 shall have the right to appeal to the Board of Trustees. The appeal shall be taken by filing with the Board of Trustees, within 14 days after notice of the decision has been mailed to such person's last known address, a written statement setting forth the grounds for appeal. The Board of Trustees shall set the time and place for a hearing, and notice for such hearing shall be given to such person in the same manner as provided in § 112.05.

(B) The order of the Board of Trustees after the hearing shall be final.

§ 112.08 EXHIBITION OF IDENTIFICATION.

(A) Any license issued to an itinerant merchant under this chapter shall be posted conspicuously in or at the place named therein. In the event more than one place within the town shall be used to conduct the business licensed, separate licenses shall be issued for each place.

(B) The Town Clerk/Treasurer shall issue a license to each peddler or solicitor licensed under this chapter. The license shall contain the words "Licensed Peddler" or "Licensed Solicitor," the expiration date of the license, and the number of the license. The license shall be kept with the licensee during such time as he or she is engaged in the business licensed.

Penalty, see § 10.99

§ 112.09 TOWN POLICY ON SOLICITING.

It is hereby declared to be the policy of the town that the occupants of the residences in the town shall make the determination of whether solicitors shall be, or shall not be, invited to their respective residences.

§ 112.10 NOTICE REGULATING SOLICITING.

(A) Notice of the refusal of invitation to solicitors, to any residence, shall be given on a weatherproof card, approximately three inches by four inches in size, exhibited upon or near the main entrance door to the residence, indicating the determination by the occupant, containing the applicable words, as follows:

"NO SOLICITORS INVITED"

(B) The letters shall be at least one-third-inch in height. For the purpose of uniformity, the cards shall be provided by the Chief of Police to persons requesting, at the cost thereof.

(C) The card so exhibited shall constitute sufficient notice to any solicitor of the determination by the occupant of the residence of the information contained thereon.

§ 112.11 DUTY OF SOLICITORS TO ASCERTAIN NOTICE.

(A) It shall be the duty of every solicitor upon going onto any premises in the town upon which a residence is located to first examine the notice provided for in § 112.10 if any is attached, and be governed by the statement contained on the notice. If the notice states “NO SOLICITORS INVITED,” then the solicitor, whether registered or not, shall immediately and peacefully depart from the premises.

(B) Any solicitor who has gained entrance to any residence, whether invited or not, shall immediately and peacefully depart from the premises when requested to do so by the occupant.
Penalty, see § 10.99

§ 112.12 PROHIBITED SOLICITATION.

It is hereby declared to be unlawful and shall constitute a nuisance for any person to go upon any premises and ring the doorbell upon or near any door, or create any sound in any manner calculated to attract the attention of the occupant of such residence, for the purpose of securing an audience with the occupant thereof and engage in soliciting in defiance of the notice exhibited at the residence in accordance with the provisions of § 112.10.
Penalty, see § 10.99

CHAPTER 113: MEDICAL MARIJUANA FACILITIES

Section

- 113.01 Medical marijuana establishments
- 113.02 Inspection
- 113.03 Growing facilities for personal use; security
- 113.04 Smell, noxious odor
- 113.05 Possession, public smoking, vaping

- 113.99 Penalty

§ 113.01 MEDICAL MARIJUANA ESTABLISHMENTS.

(A) All medical marijuana dispensaries are required to obtain a permit from the Town Clerk/Treasurer. These establishments are defined as any medical marijuana establishment licensed by the state as a medical marijuana dispensary. A lawfully issued medical marijuana dispensary permit shall be valid for 12 calendar months.

(B) The town will establish by resolution a fee to obtain the permit for medical marijuana dispensaries. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration, and enforcement of medical marijuana dispensaries.

(C) Medical marijuana dispensaries shall only be located in areas zoned C-1 or C-2 and shall be subject to any special use permit as may be applicable by the municipal code of the town.

(D) A permit will not be granted to any applicant where the proposed location would be located within 1,000 feet of any of the following uses: any private or public school or school property where students enrolled in pre-school through grade 12 may be present during the school day or after hours for school sanctioned extra-curricular programming.

(E) For the distance requirements outlined in this chapter, the distances described shall be computed utilizing the measurement method authorized by the State Medical Marijuana Authority for this purpose.

(F) Buildings where medical marijuana is stored or dispensed must be equipped with ventilation/air filtration systems so that no odors are detectable off premises.

(G) Nothing in this chapter shall be construed to:

- (1) Allow persons to engage in conduct that endangers or causes a public nuisance;
- (2) Allow the use of medical marijuana for non-medical purposes; or
- (3) Allow any activity that is otherwise illegal and not permitted by state law.

(H) Commercial medical marijuana cultivation, commercial medical marijuana processing, commercial medical marijuana storage facilities, and all other licensed medical marijuana facilities or medical marijuana businesses other than medical marijuana dispensaries are hereby prohibited within the municipal boundaries of the town.

(I) Applicants for a medical marijuana dispensary license shall provide a copy of the certificate of compliance application form provided by the medical marijuana authority to the Town Clerk/Treasurer or his or her designee at the time of application for a medical marijuana dispensary permit.

(J) A permit will not be granted to any applicant where the proposed location would be within 300 feet of any other existing licensee and permitted medical marijuana dispensaries.
(Ord. 2020-03, passed 6-9-2020)

§ 113.02 INSPECTION.

(A) All permits outlined in this chapter will be subject to inspection by an authorized town employee or agent prior to issuance.

(B) The inspection prior to a permit decision will occur at a time scheduled and approved by both the applicant and town.

(C) The applicant will be required to be present during the inspection.
(Ord. 2020-03, passed 6-9-2020)

§ 113.03 GROWING FACILITIES FOR PERSONAL USE; SECURITY.

(A) (1) All medical marijuana growing facilities for personal medical use shall be subject to security provisions as stated in the state statutes and any applicable state agency rules and outlined herein prior to the granting of a permit.

(2) Failing to comply with security provisions as stated herein will result in a fine of \$200 per occurrence.

(B) Any access or entry point to residential facilities used for marijuana cultivation for personal medical use must be secured by lock and key or equivalent, at all times except when the residential facility is actively being supervised in person by the permit holder.

(C) Growing medical marijuana for personal medical use shall be limited to the interior of a single private residence, or an outdoor property secured by a six-foot sight-proof fence appropriate for the zoning district.

(D) Growing medical marijuana shall not be visible from the public right-of-way.

(E) All portions of a residential medical marijuana use growing area used shall comply with all applicable 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, and the like) or CO₂ and ozone generators in the growing area is prohibited.

(F) Growing medical marijuana shall not be conducted in a manner that constitutes a public nuisance. A public nuisance may be deemed to exist if growing medical 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.

(G) (1) The primary use of the residential property in which medical marijuana is grown shall remain at all times a residence, with legal and functioning cooking, eating, sleeping, and sanitation/bathing facilities with proper ingress and egress.

(2) No room shall be used for growing medical marijuana where such cultivation will impair or prevent the primary uses of cooking, eating, sleeping, or sanitation/bathing.
(Ord. 2020-03, passed 6-9-2020)

§ 113.04 SMELL, NOXIOUS ODOR.

The smell or noxious odor emitted from smoking or consumption of marijuana by a person possessing a valid state issued medical marijuana license shall be treated as a public nuisance.
(Ord. 2020-03, passed 6-9-2020)

§ 113.05 POSSESSION, PUBLIC SMOKING, VAPING.

(A) Public smoking or vaping of medical marijuana is prohibited in any building or on any property owned or operated by the town and any additional location which is deemed unlawful in the state statutes or state agency rules.

(B) Possession of marijuana in excess of the limits imposed by state statute shall be prohibited.
(Ord. 2020-03, passed 6-9-2020) Penalty, see § 113.99

§ 113.99 PENALTY.

(A) Any person violating any of the provisions of this chapter shall be punished as provided in § 10.99 of this code of ordinances.

(B) Any medical marijuana permit issued under the municipal code of the town is subject to compliance with the town municipal code and all applicable state statutes. Failure to comply with the municipal code and state statutes, including § 113.01, will result in the denial or revocation of the permit, and a fine of \$200 per day while the violation exists.

(C) Violation of § 113.05 shall be a misdemeanor offense subject to a fine of \$400 per occurrence.
(Ord. 2020-03, passed 6-9-2020)