

SECTION 5

MARIJUANA GROWING FACILITIES FOR PERSONAL MEDICAL USE

Sec. 12.6.81. Permit required:

1. It shall be unlawful for a person to grow marijuana for personal medical use within the corporate limits of the City of Krebs., Oklahoma without first obtaining a permit for the City of Krebs.
2. A residential medical marijuana grow permit will only be granted to a caregiver if:
 - (a) The caregiver is licensed as a caregiver by the State of Oklahoma; and
 - (b) The medical marijuana grown is for use by the caregiver's custodial, minor child.
3. The fees for the permits required hereunder shall be established by the City of Krebs

Sec. 12.6.82. Term of permit: Renewals:

1. Term of Permit. A permit to grow marijuana for personal medical use shall expire twelve (12) months after date of issuance.
2. Renewal of Permit. The permittee shall apply for renewal at least ten (10) days prior to the expiration of their permit.

Sec. 12.6.83. Permit does not provide any exception, defense, or immunity from other laws.

The issuance of any permit pursuant to this Article 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. 12.6.84. Permit nontransferable.

A permit that has been issued by the City of Krebs to grow medical marijuana for person use is nontransferable.

A person 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 and the location for which the permit is issued. The permittee or 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 Article.

Sec. 12.6.85. 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 relocation of the city permit for twelve (12) months.

1. 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.
2. Growing marijuana shall not be visible from the public right of way.
3. 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.) or CO₂ and ozone generators in the growing area is prohibited.

4. 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.

5. 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. 12.6.86. Application requirements:

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

1. The Oklahoma Medical Marijuana Authority Patient License Number
2. Contact information for the owner in whose name the permit is proposed to be issued.
3. Proof of ownership or legal possession of the premises for the term of the proposed permit.

(a) The applicant shall provide a copy of the property deed showing proof of ownership; or

(b) If the applicant for a residential medical 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. 12.6.87. Fees required:

After the application review period, if the City of Krebs 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. 12.6.88. Application processing:

The processing of the application by the City of Krebs is not complete until the department has (1) determined the application is complete, (2) determined the permittee is prepared and able to grow personal use medical marijuana in compliance with all applicable laws, (3) obtained all other information the department determines necessary to make a decision whether to approve or deny the permit application, or approve it with conditions, and (4) prepared the documentation necessary to support the decision made by the department on the application.

Sec. 12.6.89. Approval requirements:

The City may:

1. Issue a residential medical marijuana grow permit it:

(a) The applicant is licensed by the State of Oklahoma under Title 63 O.S § 421 A; and

(b) All other information available to the City to verify that the applicant has submitted a full and complete application; and

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

Sec. 12.6.90. Penalty:

Except as otherwise provided by state law, whenever in this Article 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.

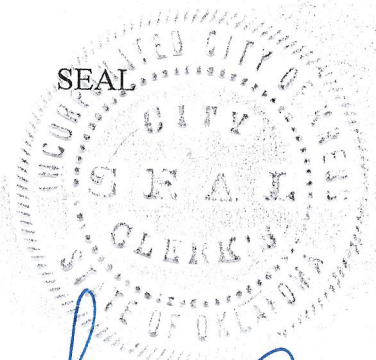
Sec. 12.6.91. Reserved.

EMERGENCY CLAUSE: Whereas, in the judgment of the City Council of the City of Krebs & Krebs Utility Authority, Oklahoma, the public peace, health, safety, and welfare of the City of Krebs & Krebs Utility Authority, Oklahoma, and the inhabitants thereof demand the immediate passage of this ordinance, an emergency is hereby declared, the rules are suspended, and this ordinance shall be in full force and effect on its passage and approval.

Approved as to form and legality by: Pat Layden, Pat Layden, City Attorney

PASSED AND ADOPTED THIS 20th day of November, 2018.

SEAL



Bobby Watkins
Bobby Watkins, Mayor

ATTEST:

Julia Casey
Julia Casey, City Clerk