

YALE CITY CODE

Chapter 5

BUSINESS AND OCCUPATIONS

Article 1. Licensing and Regulation of Solicitors

Sec. 5-1. Permit and license required.

It shall be unlawful for any person to go from house to house, or place to place, in the City of Yale, Oklahoma, soliciting, selling or taking orders for, or offering to sell or take orders for any goods, wares, merchandise, services, photographs, newspapers or magazines, or subscriptions to newspapers or magazines, without having first registered with the City Clerk and giving the following information:

- (1) The name, home address and local address, if any, of the registrant;
- (2) The name and address of the person, firm or corporation, if any, that he represents or for whom or through whom orders are to be solicited or cleared;
- (3) The nature of the articles or things which are to be sold, or for which orders are to be solicited;
- (4) Whether the registrant upon any sale or order, shall demand, receive or accept payment of any deposit of money in advance of final delivery;
- (5) The length of time for which the right to do business is desired;
- (6) The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time said application is filed and the proposed method of delivery;
- (7) A copy of the applicant's Oklahoma Sales Tax Permit including the sales tax permit number, or if the application is charitable organization, a copy of the applicant's Oklahoma Sales Tax Exemption.

Sec. 5-2. Definitions.

As used in this chapter, the following terms shall have the meanings respectively ascribed to them in this section:

- (a) "Canvasser" One who in a given area goes from house to house in an effort to take orders for goods.

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(b) "Interstate commerce" Soliciting, selling or taking orders for any goods, wares, merchandise, photographs, newspapers or magazines, or subscriptions to newspapers or magazines which, at the time the order is taken, are in another state or will be produced in another state and shipped or introduced into this city in the fulfillment of such order.

(c) "Itinerant merchant" Those persons who, for a short period of time, locate in a city and make sales and deliveries of their goods as established merchants do.

(d) "Solicitor" Any person who goes from house to house, or place to place, in the city, filling or taking orders for, or offering to sell or take orders for goods, wares, merchandise or any article for future delivery.

Sec. 5-3. Orders.

Orders taken by solicitors or canvassers shall be in writing, in duplicate, stating the terms thereof and the amount paid in advance; one copy shall be given to the purchaser.

Sec. 5-4. Hours of operation.

No solicitor or canvasser shall operate in any residential section in the city except between the hours of 9:00 a.m. and dusk. The provisions of this chapter shall not prevent the delivery of goods to a regular customer under any general or customary arrangement as might be made with a regular clientele; nor shall its provisions apply to the sale of insurance policies by insurance companies and its salesmen licensed under the state insurance code, or to the gratuitous, dissemination of any materials with respect to noncommercial matter.

Sec. 5-5. License; exhibition of; application.

(a) It shall be unlawful for any person to act as a solicitor within the meaning and application of this chapter without first securing a license from the City Clerk; provided, however, that none of the license fees provided for by this section shall be so applied as to occasion an undue burden upon Interstate Commerce.

(b) Any person soliciting or canvassing within the City of Yale shall exhibit his license upon demand of any police officer, constable, citizen or householder of the City of Yale, Oklahoma.

(c) Any person desiring to engage in any activity mentioned in this article shall make written application to the City Clerk for a license to do so, which application shall show proof of identity, the name and address of the person the applicant represents, the kind of goods offered

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for sale and whether the applicant, upon any sale or order, shall demand or accept a payment or deposit of money in advance of the final delivery, and the length of time for which the right to do business is desired; this application shall also contain any other requirements of information previously specified in other sections of this article.

Sec. 5-6. License fee; term of license-, bond.

(a) The annual fee for an itinerant merchant's, solicitor's or canvasser's license shall be fifty dollars (\$50.00). In case the applicant is engaging in any activity mentioned in sections of this article through one or more agents or employees, in that case each agent designated shall carry upon his person an individual license which shall have been issued through the City Clerk of the City of Yale. Fees provided for herein shall be deposited to the general fund of the City of Yale.

(b) None of the license fees provided for by this article shall be so applied as to occasion an undue burden upon interstate commerce. In any case where a license fee is believed by a licensee or applicant for license to place an undue burden upon interstate commerce, he may apply to the City Commission of the City of Yale for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within three (3) months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show his method of business and the gross volume, or estimated gross value, of business and such other information as the City Commission may deem necessary in order to determine the extent, if any, of such undue burden on such interstate commerce. The City Commission shall then conduct an investigation, comparing applicant Is business with other businesses of like nature and shall make findings of fact from which they shall determine, whether the fee fixed by this article is unreasonable, unfair or discriminatory as to applicant's business and shall fix as the license fee for the applicant an amount that is fair, reasonable and nondiscriminatory, or if the fee has already been paid, shall order a refund of the amount over and above the fee so fixed.

(c) Any license issued under this article shall be valid for one (1) year from the date of issuance.

Sec. 5-7. License to be carried on person.

It shall be unlawful for any person to engage in any activity described in this article unless he is carrying on his person, while so engaged, a valid license issued under this article.

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Sec. 5-8. Revocation of license.

(a) Permits and licenses issued under the provisions of this article may be revoked by the City Commission of the City of Yale, Oklahoma, after notice and hearing for any of the following causes:

- (1) Fraud, misrepresentation or false statement contained in the application for license;
- (2) Fraud, misrepresentation or false statement made in the course of carrying on his business a solicitor or as canvasser;
- (3) Any violation of this article;
- (4) Conviction of any crime or misdemeanor involving moral turpitude;
- (5) Conducting the business of soliciting or of canvassing in an unlawful manner or in such a manner as to constitute a breach of the peace or constitute a menace to the health, safety or general welfare of the public.

(b) Notice of the hearing of revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address at least five (5) days prior to the date set for hearing.

Sec. 5-9. Exemptions.

The provisions of this article shall not apply to sales made to dealers or retailers by any commercial travelers or sales agent in the usual course of business, nor to sales made in the ordinary course of business, nor shall the provisions of this article prevent the delivery of goods to a regular customer under any general or customary arrangement as might be made with a regular clientele. Neither shall the provisions of this article apply to the sale of insurance policies by insurance companies and their salesmen licensed under the State Insurance Code, nor to the gratuitous dissemination of any materials with respect to noncommercial matter. It is also further provided that any individual who shall be determined to be acting on behalf of a registered nonprofit organization shall be exempted from the provisions hereof.

Sec. 5-10. Transfer of Licenses.

Assignment or transfer of licenses shall not be permitted.

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Article. 2. Pawnbrokers and Secondhand Dealers.

Sec. 5-11. Definitions.

- (a) Pawnbroker: a person engaged in the business of making pawn transactions.
- (b) Person: an individual, partnership, corporation, joint venture, trust, association or any other legal entity however organized.
- (c) Pawnshop: the location at which or premises in which a pawnbroker regularly transacts business.
- (d) Pawn transaction: the act of lending money on the security of pledged goods or the act of purchasing tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.
- (e) Pledged goods: tangible personal property other than choses in action, securities or printed evidences of indebtedness, which properties deposited with or otherwise actually delivered into the possession of a pawnbroker in the course of his business in connection with the pawn transaction.
- (f) City Clerk: the City Clerk for the City of Yale, Oklahoma, or his authorized representative.

Sec. 5-12. License required, application.

- (a) No person shall engage in pawnshop business without first obtaining a license from the City Clerk of the City of Yale which shall specifically authorize engaging in said business. Any person making application for a pawnbroker's license shall pay an annual regulatory fee of Twenty-five Dollars (\$25.00). No license to engage in business as a pawnbroker shall be granted to any person who has been convicted or has entered a plea of guilty in any court of the State of Oklahoma for knowingly receiving, accepting, handling, selling or otherwise disposing of any property which has been stolen.
- (b) All applications for a pawnshop license shall be made under oath and shall state the full name and residence of the applicant. If the applicant is a partnership, the full name and place of residence of each member thereof shall be stated. If the applicant is a corporation, the full name and place of residence of each officer or major stockholder thereof shall be stated. The application shall give the approximate location from which the business is to be conducted and shall contain such relevant information as the City Clerk may require.

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Sec. 5-13. Content of license.

(a) Each license shall state the name of the licensee and the address at which the business is to be conducted. The license shall be displayed at the place of business named in the license and shall not be transferable nor assignable except upon securing written approval of the City Clerk.

(b) A separate license shall be required for each pawnshop operated under this section. The City Clerk may, however, issue more than one license to any one person upon compliance with provisions of this act as to each license. When a licensee wishes to move his pawnshop to another location, he shall give thirty (30) days' written notice to the City Clerk who shall amend the license accordingly.

(c) Each license shall remain in full force and effect until relinquished, suspended, revoked or expired. Every licensee, on or before each July 1, shall pay the City Clerk a regulatory fee of Twenty-five Dollars (\$25.00) for each license held by him as the annual fee for the succeeding calendar year. If the annual fee remains unpaid fifteen (15) days after written notice of delinquency has been given to the licensee by the City Clerk, the license shall thereupon expire.

Sec. 5-14. Register to be kept.

Every pawnbroker shall keep at his place of business a register in which he shall enter in writing a description of all property taken, purchased or received by him, together with the date and time of the transaction and the name and place of residence of the person leaving the property. Every entry shall be made in ink and shall not be obliterated or erased and shall be made within one hour after receipt or purchase of such property. To the person negotiating or leaving such property, he shall give a plainly written or printed ticket, having upon it a full and perfect copy of all entries required by ordinance to be kept in such registry for which copy no charge shall be made. A pawnbroker shall not be required to furnish such description of any property purchased from manufacturers or wholesale dealers or of any goods purchased at open sale or from any bankrupt stock or from any other person having an established place of business, provided that such goods shall be accompanied by a bill of sale. The register above mentioned shall be open at all times to inspection by the chief of police of the City of Yale, any officer of the police force of the City, the City Attorney of the City and the District Attorney for Payne County. Every pawnbroker shall make out and deliver to the Police Chief each week,

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before 11:00 o'clock p.m. on Monday, a legible and correct copy from the register of all personal property or other valuable thing received, deposited, or purchased and a description of the person or persons by whom left in pledge or from whom purchased. The pawnbroker shall, upon request, show and exhibit to such person or official for inspection any article taken or received or purchased by him.

Sec. 5-15. Hours of operation.

No pawnbroker shall purchase, take or receive on deposit, nor in any manner procure from any person, any property between the hours of 9:00 p.m. and 7:30 a.m.; and all pawnbrokers shall remain closed all day on Sunday and other mandatory legal holidays.

Sec. 5-16. Not to receive goods from certain persons.

It is unlawful for any pawnbroker or secondhand dealer to purchase, take, or receive in pledge or on deposit or to accept possession of any article of property from any person under the influence of intoxicating liquors or drugs, or from any person who has previously been convicted of petit larceny.

Sec. 5-17. Unlawful to receive certain goods, etc.

It is unlawful for any pawnbroker or secondhand dealer to purchase, take, receive, or keep possession or dispose of any stolen property, or to conceal such property, or to fail to inform some proper official of the possession thereof promptly, upon circumstances reasonably calculated to indicate that such property has been stolen or possession thereof unlawfully obtained.

Sec. 5-18. Restriction as to age of persons selling to pawnbrokers, etc.

It is unlawful for any pawnbroker or secondhand dealer to purchase from, or advance money to, any person under the age of 21 years upon any pistol or revolver or to any person under the age of 18 years upon any article whatever without the written consent of the parent or guardian of such person, with a copy of the written consent to be furnished to the Chief of Police of the City of Yale.

Sec. 5-19. Concealing certain property prohibited etc.

Any person who attempts to conceal any abandoned, stray, or lost goods found or taken up by him, or removes or attempts to remove numbers or brands thereon, or carries the same beyond the city limits, or knowingly permits the same to be done, or willfully fails to cause the

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same to be advertised, sold, or otherwise dealt with as provided by applicable ordinances of the City is guilty of an offense.

Sec. 5-20. Examination, investigation and access to records.

Such times as the chief of police for the City of Yale may deem necessary, the chief of police or his authorized representative may make an examination of the place of business of such licensee and may inquire into and examine the transactions, books, accounts, papers, correspondence and records of such licensee insofar as they pertain to the business regulated by this article. Such books, accounts, papers, correspondence and records shall also be open for inspection at any reasonable time by any peace officer, without any need of judicial writ or other process. In the course of an examination, said peace officer shall have free access to the office, place of business, files, safes and vaults of such licensee, and shall have the right to make copies of any books, accounts, papers, correspondence and records. Any licensee who fails or refuses to permit the chief of police or his duly authorized representative or any other peace officer to examine or make copies of such books or other relevant documents shall thereby be deemed in violation of this article and such failure or refusal shall constitute grounds for the suspension or revocation of the pawnbroker's license. Provided, however, that nothing contained herein shall be construed nor interpreted to be in conflict with the provisions of Title 59, Oklahoma Statutes, § 1508.

Sec. 5-21. Pawnbrokers to be deprived of licenses for violations.

Any pawnbroker or secondhand dealer who is guilty of the violation of this or any other ordinance of the city relating to such business, or permits any employee to violate this or any other city ordinance, in addition to the fine otherwise provided as a penalty, shall be, upon conviction thereof, deprived of his pawnbroker's or secondhand dealer's license, and upon such conviction the municipal judge shall order such license to be revoked and surrendered.

Sec. 5-22. Further limitation on pawnbrokers.

All licensees within the City of Yale, Oklahoma, shall be required to conduct all pawnshop operations in strict compliance with the provisions of this article, and any other applicable provisions of the Yale City Code. It is further provided that all licensees are hereby further required to conduct operations in compliance with the provisions of "The Oklahoma Pawnshop Act", said Act to encompass the provisions of Title 59, Oklahoma Statutes § 1501

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through 1515. All questions of law, questions of fact or questions of procedure which may present themselves and which are not covered by the provisions of any portion of this article shall hereby be governed by the above referenced portions of the "Oklahoma Pawnshop Act".

Article 3. Itinerant Merchants.

Sec. 5-23. Definitions.

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

Itinerant merchant means any person, whether as owner, agent, consignee or employee, whether a resident of the city or not, who engages in temporary business of selling and delivering goods, wares and merchandise within said City of Yale, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad box car or public room in hotels, lodging houses, apartments, shops, or any street, alley, public or private parking lot, or other place within the city of Yale; for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction, provided that such definition shall not be construed to include any person, firm, or corporation who, while occupying such temporary location, does not sell from stock, but exhibits samples only for the purpose of securing orders for future delivery only. The person so engaged shall not be relieved from complying with the provisions under this article merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer. The term "itinerant merchant" shall also include transient merchants and itinerant vendors.

Peddler means any person, whether a resident of the city or not, traveling by foot, motor vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying or transporting goods, wares or merchandise, offering and exposing the same for sale, or making sales and delivering articles to purchasers. The term "peddler" shall include the terms "hawker" and "huckster".

Sec. 5-24. Police to enforce.

It shall be the duty of the police officers of the City of Yale to examine all places of business and persons in their respective territories subject to the provisions of this article to

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determine if this article has been complied with and to enforce the provisions of this article against any person found to be violating the same.

Sec. 5-25. Exemptions.

The provisions of this article shall not apply to the following:

- (1) Sales of goods, wares, or merchandise made to dealers or retailers by any commercial traveler or sales agent in the usual course of business,
- (2) Delivery of goods, wares, or merchandise to a regular customer under any general or customary arrangement as might be made with a regular clientele;
- (3) Sales of farm or dairy products produced or grown by the person selling or offering them for sale;
- (4) Gratuitous dissemination of any materials with respect to noncommercial matters;
- (5) Sales of goods, wares, or merchandise by any charitable or religious organization or association exempt from taxation under the provision of Section 501(c)(3) of the Internal Revenue Service.
- (6) Sales of goods, wares, and merchandise made as part of any residential garage or yard sale;
- (7) Sales of goods, wares, and merchandise made as a part of any arts and crafts festival, show, bazaar, bake sale, or similar event lasting not longer than three days.

Sec. 5-26. Required.

It shall be unlawful for any itinerant merchant or peddler to engage in such business within the city without first obtaining a license in compliance with the provisions of this article.

Sec. 5-27. Application.

Applicants for license under this article shall file a written sworn application signed by the applicant, if an individual, by all partners if a partnership, and by the president or chief executive officer if a corporation, association, club or society with the city clerk, showing:

- (1) With respect to the applicant:
 - (a) Name, permanent address and local address, if any, telephone number, and driver's license;
 - (b) Name of the person having the management or supervision of the applicant's business during the time such business will be carried on in the

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city; the permanent address or addresses of such person; the local address of such person;

- (c) Name and address of the person, firm or corporation for whose account the business will be carried on, if any;
- (d) Capacity in which the applicant will act (that is whether as proprietor, agent or otherwise);
- (e) If applicant is a corporation, under the laws of what state the same is incorporated;

(2) The place or places in the city where it is proposed to carry on applicant's business;

(3) The length of time during which it is proposed that said business shall be conducted;

(4) If applicant is applying for an itinerant merchant's license, the place, other than the permanent place of business of the applicant where applicant within the six months next preceding the date of said application conducted a temporary business, stating the nature thereof and giving the post office and street address of any building or office in which such business was conducted;

(5) With respect to the goods, wares or merchandise to be sold or offered for sale, a statement of:

- (a) Their nature or kind;
- (b) Their invoice value and quality;
- (c) Whether they are to be sold at auction, or by direct sale, or by direct sale or by taking orders for future deliver;
- (d) Where they are manufactured or produced;
- (e) Where they are located at the time the application is filed;

(6) A brief statement of the nature and character of the advertising done or proposed to be done in order to attract customers, (such as handbills, circular newspaper advertising, radio advertising, etc.);

(7) Whether or not the person having the management or supervision of the applicant's business have been convicted of a crime, misdemeanor or the violation of any city ordinance, the nature of such offense and the punishment assessed therefor;

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(8) A copy of the applicant's state sales tax permit including the sales tax permit number, or if the applicant is a charitable or religious organization, a copy of the applicant's state sales tax exemption;

(9) If the application requests an itinerant merchant's license, written approval from the director of development services, or designee, approving the place within the city where the temporary business will be located.

Sec. 5-28. Bond.

(a) Before any license, as provided by this article, shall be issued for engaging in businesses as an itinerant merchant or peddler such applicant shall file with the City Clerk a bond running to the city in the penal sum of \$2,000.00 executed by the applicant, as principal, and some surety upon which service of process may be made in the state, said bond to be approved by the City Attorney, conditioned that the said applicant shall comply fully with all of the provisions of the ordinances of the city and the statutes of the state regulating and concerning the sale of goods, wares and merchandise, and will pay all judgments rendered against said applicant for any violation of said ordinances or statutes, or any of them, together with all judgments and costs that may be recovered against him by any person for damage growing out of any misrepresentation or deception practiced on any person transacting such business with such applicant, whether said misrepresentations or deceptions were made or practiced by the owners or by their servants, agents, or employees, either at the time of making the sale or through any advertisement of any character whatsoever, printed or circulated with reference to the goods, wares, and merchandise sold of any part thereof.

(b) Such bond shall remain in full force and effect, and in case of a cash deposit, such deposit shall be retained by the city for a period of six months after the expiration of any such license. In case the applicant is engaging in any activity mentioned in this article through one or more agents or employees, such applicant shall be required to enter into only one bond in the sum of \$2,000.00, which bond shall be made to cover the activities of all of his agents or employees.

Sec. 5-29. Fee.

(a) The fee for an itinerant merchant's or peddler's license shall be \$100.00 for nonresidents and \$25.00 for applicants with a permanent city address. The fee provided for herein shall be deposited to the general fund of the city.

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(b) In the event that a person applying for an itinerant merchant's license desires to do business in more than one place with the City of Yale, such applicant shall be required to pay only one license fee, which fee shall be made to cover all places of business of such applicant, provided, however, that each separate place of business shall be issued a license by the City Clerk and shall post such license conspicuously in such place of business.

(c) In the event that a person applying for a peddler's license to engage in business through one or more agents or employees, such applicant shall be required to pay only one license fee, which fee shall be made to cover all his agents or employees; provided, however that each agent designated shall be issued an individual peddler's license by the City Clerk and shall carry such license upon his person.

Sec. 5-30. Term.

All licenses issued under the provisions of this article shall expire one year from the date of issuance thereof unless a prior date is fixed therein.

Sec. 5-31. Exhibition.

In the case of an itinerant merchant, the license issued under this article shall be posted conspicuously in the place of business named therein. In the case of a peddler, the license issued under this article shall be carried on his person at all times that he is engaged in the business of peddling, and he shall exhibit the license upon the request of any police officer or citizen of the city.

Sec. 5-32. Transfer.

No license issued under the provisions of this article shall be transferred to another person.

Sec. 5-33. Revocation.

(a) The licenses issued pursuant to this article may be revoked by the Chief of Police, after notice and hearing, for any of the following causes:

- (1) Any fraud, misrepresentation or false statement contained in the application for license;
- (2) Any fraud, misrepresentation or false statement made in connection with the selling of goods, wares, or merchandise;
- (3) Any violation of this article;

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- (4) Conviction of the licensee of any felony or of a misdemeanor involving moral turpitude; or
- (5) Conducting the business licensed under this article in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public,

(b) Notice of hearing for revocation of a license 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, postage prepaid, to the licensee, at his last known address, at least five days prior to the date set for the hearing.

(c) Any person aggrieved in connection with the revocation of such a license shall have the right to appeal to the City Commission. Such appeal shall be taken by filing with the City Commission within 14 days after the notice of the decision by the Chief of Police has been mailed to such person's last known address, a written statement setting forth the grounds for appeal. The City Commission shall set the time and place for a hearing on such appeal and notice of such hearing shall be given to such person in the same manner as provided in this section for notice of hearing on revocation.

Article 4. Penalties.

Sec. 5-34. Violations, penalty.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) and costs. Each day such violation is committed or permitted to continue shall constitute a separate offense.

Article 5. Marijuana Establishments.

Sec. 5-35. Definitions.

For the purposes of this Section, the words, terms and phrases contained in this Section, shall have the meanings ascribed to them by Title 63, Sections 420 to 426.1 et seq. of the Statutes of the State of Oklahoma, except where the context clearly indicates a different meaning.

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(1) “Medical Marijuana Dispensary” shall mean that entity as defined by the provisions of Title 63, Section 422 of the Oklahoma Statutes.

(2) “Retail Marijuana Dispensary” shall mean those establishments as defined by Title 63, Section 421 of the Oklahoma Statutes.

(3) “School” shall mean that entity as defined by Title 63, Section 427.2 of the Oklahoma Statutes. (ORD. NO. 403)

Sec. 5-36. Retail Dispensary License and Permit Requirements.

(a) No person, firm or organization shall operate a retail marijuana dispensary within the City of Yale unless and until a currently effective Retail Marijuana Dispensary Permit has been issued from the City of Yale to such person, firm or organization at a location permitted by this ordinance.

(b) The Retail Marijuana Dispensary Permit fee shall be Four Hundred Dollars (\$400.00) per year. The permit shall expire on the 30th day of June annually and shall be renewed prior to that date. The fee for any retail marijuana establishment shall be pro-rated with such fee paid on or before the 15th day of any month shall be on the basis of the first day of that month, and such fee paid after the 15th day of any month shall be on the basis on the first day of the succeeding month. The fee shall be used to offset municipal expenses covering the costs related to licensing, inspection, administration, and enforcement of retail marijuana dispensary establishments.

(c) Applications for a Retail Marijuana Dispensary Permit shall include the following information:

- (1) The name of the establishment;
- (2) Physical address of the establishment;
- (3) Telephone number of the establishment;
- (4) Operating hours of the establishment;
- (5) The full name and address of the applicant.

(d) A Retail Marijuana Dispensary Permit shall not be issued to any applicant where the applicant does not qualify for or meet the requirements to obtain a retail license as provided for by Title 63 Section 421 of the Oklahoma Statutes. (ORD. NO. 403)

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Sec. 5-37. Location Restrictions.

(a) A Retail Marijuana Dispensary Permit will not be issued to any applicant where the proposed location of the retail marijuana dispensary would be located with One Thousand (1,000) feet of any school as provided by the provisions of Title 63, Section 421 of the Oklahoma Statutes or any other statute passed and enacted by the State of Oklahoma, or any rule or regulation passed and enacted by the Oklahoma Medical Marijuana Authority.

(b) The One Thousand (1,000) foot distance described herein shall be computed and measured pursuant to the rules and regulations established by the Oklahoma Medical Marijuana Authority in which the proposed retail marijuana dispensary would be located. (ORD. NO. 403)

Sec. 5-38. Conditions of Operation.

(a) Buildings or structures where marijuana is dispensed must be equipped with a ventilation or air filtration system so that no odors are detectable off the premises.

(b) Any retail marijuana dispensary shall be required to comply with the building, plumbing and electrical codes of the Statutes of the State of Oklahoma.

(c) It is the intention of the City of Yale that no provision of this ordinance in any manner be construed or interpreted to (1) allow persons to engage in conduct that endangers or causes a public nuisance, (2) allow the use of marijuana for non-medical purposes, or (3) allow any activity that is illegal and not permitted by the Statutes of the State of Oklahoma.

(d) Any holder of a Retail Marijuana Dispensary Permit who violates any provision or section of this Ordinance shall result in the revocation of the Retail Marijuana Dispensary Permit. (ORD. NO. 403)

Sec. 5-39. Medical Marijuana Commercial Grower Permit.

(a) No person, firm or organization shall operate a medical marijuana commercial growing facility within the City of Yale unless and until a currently effective Commercial Marijuana Grower Permit has been issued from the City of Yale to such person, firm or organization at a location permitted by this Ordinance.

(b) The Medical Marijuana Commercial Grower Permit fee shall be Two Thousand Five Hundred Dollars (\$2,500.00) per year. The permit shall expire on the 30th day of June annually and shall be renewed prior to that date. The fee for any medical marijuana commercial grower permit shall be pro-rated with such fee paid on or before the 15th day of any month shall

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be on the basis of the first day of that month, and such fee paid after the 15th day of any month shall be on the basis on the first day of the succeeding month. The fee shall be used to offset municipal expenses covering the costs related to licensing, inspection, administration, and enforcement of marijuana establishments.

(c) Applications for a Medical Marijuana Commercial Grower Permit shall include the following information:

- (1) The name of the establishment;
- (2) Physical address of the establishment;
- (3) Telephone number of the establishment;
- (4) Operating hours of the establishment;
- (5) The full name and address of the applicant.

(d) A Medical Marijuana Commercial Grower Permit shall not be issued to any applicant where the proposed location is located with a restricted area as hereinafter set forth.

(e) A Commercial Grower Permit will not be issued to any applicant where the proposed location of the commercial growing facility would be located within One Thousand (1,000) feet of any of the following locations:

(1) A private or public preschool, elementary school, secondary school, vocational or trade school, college or university as defined by Title 63, Section 427.2 of the Oklahoma Statutes.

(2) A public playground.

(3) A place of worship, or religious assembly.

(4) A public park, public swimming pool or public recreational facility.

(5) A juvenile or adult halfway house, correctional facility or substance abuse facility.

(6) Any area within the City of Yale that might be zoned residential.

(f) The One Thousand (1,000) foot distance described herein shall be computed pursuant to the provisions of Title 63, Section 422 of the Oklahoma Statutes.

(g) Any medical marijuana commercial growing facility within the City of Yale shall be constructed and designed in such a manner that the growing marijuana plants cannot be seen by the public from any public right of way or public area.

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(h) The growing area, to include all lighting fixtures, plumbing, electrical components and building materials, of any medical marijuana commercial growing facility located within the City of Yale shall comply with all municipal building and fire codes and the building codes of the State of Oklahoma. The growing area shall be properly ventilated so as not to create humidity and mold.

(i) No medical marijuana commercial growing facility within the City of Yale shall be located in any subdivision platted for residential structures.

Sec. 5-40. Permit Inspections and Requirements.

(a) No permit issued herein shall be issued until after an inspection by the City of Yale to determine compliance with the provisions of this Ordinance. The applicant shall be required to be present at the time of such inspection.

(b) Smoking or using marijuana on any property, building, vehicle or other facility owned or used by the City of Yale shall be prohibited.

(c) A permit or renewal permit shall not confer any vested rights or reasonable expectation of subsequent renewal of the applicant or permit holder, and shall remain valid only until the 1st day of July immediately following its approval.

(d) It is the duty and responsibility of each Permit Holder or person applying to be a Permit Holder to immediately provide the City of Yale notice of any and all changes in any information submitted on an application or any other changes that may materially affect any City of Yale permit issued hereunder.

(e) No permit issued under this Ordinance may be assigned or transferred to any person unless the assignee or transferee has submitted an application and all required fees under this Ordinance and has been issued by the City of Yale. No permit issued hereunder is transferable to any other location within the City of Yale. (ORD. NO. 403)