

**PART 9  
LICENSING AND BUSINESS REGULATIONS**

---

**CHAPTER 1  
OCCUPATIONAL LICENSE FEES**

Section 9-101	License Fee Levied on Certain Occupations
Section 9-102	Ex-Service Persons
Section 9-103	Separate Licenses Required
Section 9-104	License to be Displayed
Section 9-105	License may be Revoked
Section 9-106	Transfer of License Prohibited
Section 9-107	Duplicate License
Section 9-108	Penalty

**CHAPTER 2  
ITINERANT VENDORS**

Section 9-201	Definitions
Section 9-202	License Required
Section 9-203	Application
Section 9-204	Hours
Section 9-205	License Fee
Section 9-206	Transfer

**CHAPTER 3  
OTHER PROVISIONS**

Section 9-301	Second-Hand and Rummage Sales, Tax
Section 9-302	Penalty
Section 9-303	Coin-Operated Devices
Section 9-304	Repealed
Section 9-305	Repealed
Section 9-306	Repealed
Section 9-307	Repealed

**CHAPTER 4  
MEDICAL MARIJUANA ESTABLISHMENTS**

Section 9-401	Adoption of State Statutes and Regulations
Section 9-402	Business License
Section 9-403	Location Restrictions
Section 9-404	Conditions of Operation
Section 9-405	Commercial Marijuana Growing Facilities and Processing Facilities
Section 9-406	Marijuana Growing Facilities for Personal Medical Use
Section 9-407	Construction, Fire and Building Inspections and other Requirements

**CHAPTER 1  
OCCUPATIONAL LICENSE FEES**

<b>Section 9-101</b>	<b>License Fee Levied on Certain Occupations</b>
<b>Section 9-102</b>	<b>Ex-Service Persons</b>
<b>Section 9-103</b>	<b>Separate Licenses Required</b>
<b>Section 9-104</b>	<b>License to be Displayed</b>
<b>Section 9-105</b>	<b>Transfer of License Prohibited</b>
<b>Section 9-106</b>	<b>Duplicate License</b>
<b>Section 9-107</b>	<b>Penalty</b>

---

**SECTION 9-101      LICENSE FEE LEVIED ON CERTAIN OCCUPATIONS**

- A. A license fee is hereby levied on every person engaging in, exercising, or pursuing any of the following businesses, professions, trades, occupations, or privileges in this City, for an annual fee as set by the Council by motion or resolution:
1. Barber shops, per chair;
  2. Beauty shops, per chair;
  3. All commercial businesses, per year;
  4. All fortune tellers, palmists, seers and spiritualists, per day;
  5. Second-hand goods, sales, or rummage sales (in excess of one per year); and
  6. Coin-operated devices.
- B. In order to receive a license under this Chapter, every person, firm or corporation regulated, pursuant to this Section, is required to possess a valid and current state sales tax permit if such person, firm or corporation is a vendor subject to collection of sales taxes under the sales tax code of the City and State. A copy of this permit shall be provided by the applicant for a license to the City Clerk prior to issuance of the City license.
- C. All annual occupation taxes hereinbefore assessed each and every year shall become delinquent from and after the first day of June, and a penalty of One Dollar (\$1.00) per month thereafter shall be assessed until the taxes are paid against each delinquent. (Amended by Ord. No. 92-3-1, 3/3/92)

State Law Reference: Municipal authority to tax and regulate occupations, 11 O.S. Sections 22-106, 22-107.

**SECTION 9-102      EX-SERVICE PERSONS**

Nothing in this Chapter or in other Ordinances of the City shall be deemed to require ex-service persons to secure a license or pay a license fee for engaging in a business, occupation, or privilege

when he is exempted there from by statutes of the State or other provisions of law.

**SECTION 9-103      SEPARATE LICENSES REQUIRED**

Every person who engages in, exercises or pursues a business, profession, trade, occupation, or privilege for which a license is required, at or from more than one place in the City, or who engages in, exercises, or pursues more than one such business, profession, trade, occupation, or privilege, shall pay the fee, and secure a separate license, for each such place or for each such business, profession, trade, occupation, or privilege.

**SECTION 9-104      LICENSE TO BE DISPLAYED**

Every holder of a license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege, shall conspicuously display the license at all times in some part of his place of business or activity where a person who has entered the place may readily see it; or, if he has no particular place of business or activity, shall carry the license and shall display it to any person who requests to see it. In lieu of the manner of displaying such licenses provide above, when licenses are required for coin-operated music or amusement devices, vending machines, and similar devices and equipment, the license may be placed on or attached to such device or equipment in such position and manner that it will be clearly visible and shall be so placed or attached if the license so states on its face. It is unlawful to fail or refuse to display the license as required in this Section.

**SECTION 9-105      TRANSFER OF LICENSE PROHIBITED**

The assignment or transfer of licenses shall not be permitted in this City.

State Law Reference: License may not be transferred, 11 O.S. Section 22-107.

**SECTION 9-106      DUPLICATE LICENSE**

Whenever any license to engage in, exercise, or pursue a business, profession, trade, occupation, or privilege, has been lost or destroyed without any wrongful act or connivance by the holder, the City Clerk, on application, shall issue a duplicate license for the unexpired time. Before the duplicate is issued, the holder shall make and file with the City Clerk an affidavit that the license has not been transferred, that it has been lost or destroyed without any wrongful act or connivance by the holder, and that, if believed lost, he has made diligent search for it and has been unable to find it. The fee for every duplicate license issued, payable to the City Clerk, shall be set by the City Council.

**SECTION 9-107      PENALTY**

Any person who engages in any business, profession, trade, or occupation, or exercises any privilege, for which a license is required by this Chapter, without a valid license as thereby required, or who shall violate any provision of this Chapter, shall be guilty of an offense, and upon conviction, shall be punished as provided in Section 1-108 of this Code. Violation of this Chapter shall also be grounds for revocation or suspension of license granted.

**CHAPTER 2  
ITINERANT VENDORS**

<b>Section 9-201</b>	<b>Definitions</b>
<b>Section 9-202</b>	<b>License Required</b>
<b>Section 9-203</b>	<b>Application</b>
<b>Section 9-204</b>	<b>Hours</b>
<b>Section 9-205</b>	<b>License Fee</b>
<b>Section 9-206</b>	<b>Transfer</b>

---

**SECTION 9-201      DEFINITIONS**

For the purpose of this Chapter, the following terms shall have the meanings respectively ascribed to them in this Section:

1.      “Itinerant Vendor” means and includes all persons, firms or corporations, as well as their agents and employees who engage in the temporary or transient business in the City of selling or offering for sale any goods or merchandise, or exhibiting the same for sale or exhibiting the same for the purpose of carrying on such business or conducting such exhibits thereof either hire, rent, lease or occupy any room or space in any building, structure, other enclosure, vacant lot or any other property whatever in the City in, through, or from which any goods or merchandise may be sold, offered for sale, exhibited for sale or exhibited for the purpose of taking orders for the sale thereof;
  
2.      “Temporary” as used in Paragraph 1 hereof means any such business transacted or conducted in the City for which definite arrangements have not been made for the hire, rental, or lease of premises for at least one hundred (100) days, in or upon which such business is to be operated or conducted; and
  
3.      “Transient” as used in Paragraph 1 as used hereof means any such business of any such Itinerant Vendor as may be operated or conducted by persons, firms or corporations, or by their agents or employees who reside away from the City or who have fixed places of business in places other than the City or who move stocks of goods or merchandise or samples thereof into the City with the purpose or intention of removing the, or the unsold portion thereof, away from the City before the expiration of one hundred (100) days.

The term “Itinerant Vendor” shall not include or be construed to include anyone engaged in interstate commerce nor anyone upon which the provisions of this Chapter would impose a direct and unlawful burden on interstate commerce.

**SECTION 9-202      LICENSE REQUIRED**

It is unlawful for any Itinerant Vendor to sell, offer for sale, exhibit for sale, or exhibit for the purpose of taking orders for the sale thereof, any goods, or merchandise in the City without first obtaining a license as herein provided. The City Clerk shall issue to any Itinerant Vendor a license

authorizing such Itinerant Vendor to sell, exhibit for sale, offer for sale, or exhibit for the purpose of taking orders for the sale thereof in the City his goods or merchandise only after such Itinerant Vendor shall have fully complied with all provisions of this Chapter and shall have paid the license fees hereinafter provided, which sum shall be compensation to the City for the services herein required of it and to enable the City to partially defray the expenses of enforcing the provisions of this Chapter.

**SECTION 9-203**      **APPLICATION**

The Itinerant Vendor shall make application to the City Clerk of the City at least ten (10) days prior to the date of his contemplated sale or exhibit to be held in the City which application shall be in the form of an affidavit, stating the full name and address of the Itinerant Vendor, the location of his or its principal office and place of business, the names and addresses of its officers if it be a corporation, and the partnership name and the names and addresses of all partners if such Itinerant Vendor be a firm. The application thereof must be accompanied by:

1. A statement showing the kind and character of goods to be sold, or merchandise to be sold, offered for sale, or exhibited.
2. A certified copy of the charter if the Itinerant Vendor be a corporation, incorporated under the laws of this State;
3. A certified copy of its permit or authority to do business in the State if the Itinerant Vendor be a corporation, incorporated under the laws of some State other than Oklahoma; and
4. A bond in the sum of not less than Five Hundred Dollars (\$500.00), executed by the Itinerant Vendor as principal, with some surety company authorized to do business in the state as surety, which bond shall be payable to the City for the use and benefit of any person or persons entitled thereto and conditioned that the principal and surety will pay all damages to person, or persons, caused by or arising from, or growing out of the wrongful or illegal conduct of the Itinerant Vendor while conducting the sale or exhibit in the City. The bond shall remain in full force and effect for the entire duration of the license permit as provided herein, and two (2) years thereafter.

**SECTION 9-204**      **HOURS**

No Itinerant Vendor may sell, offer for sale, exhibit or solicit orders for sales between the hours of 9:00 P.M. and 8:30 A.M. on any day.

**SECTION 9-205**      **LICENSE FEE**

Fees shall be as set by the City Council by motion or resolution.

**SECTION 9-206**      **TRANSFER**

The license permit provided for herein shall not be transferable nor give authority to more than

one (1) person to conduct a business as an Itinerant Vendor, but any persons having obtained such license may have the assistance of one or more persons in conducting the business. No rebate or refund of the fee may be granted for any licensee.

**CHAPTER 3  
OTHER PROVISIONS**

<b>Section 9-301</b>	<b>Second-Hand and Rummage Sales, Tax</b>
<b>Section 9-302</b>	<b>Penalty</b>
<b>Section 9-303</b>	<b>Coin-Operated Devices</b>
<b>Section 9-304</b>	<b>Repealed</b>
<b>Section 9-305</b>	<b>Repealed</b>
<b>Section 9-306</b>	<b>Repealed</b>
<b>Section 9-307</b>	<b>Repealed</b>

---

**SECTION 9-301      SECOND-HAND AND RUMMAGE SALES, TAX**

Any person or persons, corporation, association (incorporated or unincorporated), group, club or body of people holding more than one garage and rummage or second-hand article sale within a one (1) year period from his or its last such sale is hereby declared a business and subject to the business and occupation license and tax requirements of the City Code and Ordinances amendatory thereof.

**SECTION 9-302      PENALTY**

Any person or persons, corporation, association (incorporated or unincorporated), group, club or body of people holding more than one garage and rummage or second-hand article sale within the City limits of the City within one (1) year from the last such sale held by him or it, or in which such person or persons, corporation, association (incorporated or unincorporated), group, club or body of people, has a substantial interest, without having first obtained the business and occupation license and paid the tax required in this Chapter shall be, upon conviction, punished by a fine not to exceed the amount set by Section 1-108 of this Code.

**SECTION 9-303      COIN-OPERATED DEVICES**

Any person, firm or corporation, either as principal, officer, agent, servant or employee, operating or owning any coin-operated machine shall first pay to the City the fee or tax set out in Section 9-101 and procure from the City a license as therein provided.

(Ord. No. 92-3-1, 3/3/92)

**SECTION 9-304      HOW DISTRIBUTED**

Repealed. (Ord. No. 92-3-1, 3/3/92)

**SECTION 9-305      FEE**

Repealed. (Ord. No. 92-3-1, 3/3/92)

**SECTION 9-306      TIME FOR PAYMENT**

Repealed. (Ord. No. 92-3-1, 3/3/92)

**SECTION 9-307      PENALTY**

Repealed. (Ord. No. 92-3-1, 3/3/92)

**CHAPTER 4  
MEDICAL MARIJUANA ESTABLISHMENTS**

<b>Section 9-401</b>	<b>Adoption of State Statutes and Regulations</b>
<b>Section 9-402</b>	<b>Business License</b>
<b>Section 9-403</b>	<b>Location Restrictions</b>
<b>Section 9-404</b>	<b>Conditions of Operation</b>
<b>Section 9-405</b>	<b>Commercial Marijuana Growing Facilities and Processing Facilities</b>
<b>Section 9-406</b>	<b>Marijuana Growing Facilities for Personal Medical Use</b>
<b>Section 9-407</b>	<b>Construction, Fire and Building Inspections and other Requirements</b>

**SECTION 9-401      ADOPTION OF STATE STATUTES AND RATES**

The City of Shidler hereby adopts by reference all regulations now contained or hereafter contained in Title 63, Sections 420 through 426, inclusive, of the Oklahoma Statutes, concerning Medical Marijuana, and any amendments thereto. Further, the City of Shidler hereby adopts by reference the final rules for the Oklahoma Medical Marijuana Control Program now contained or hereafter contained in Title 310, Chapter 681 of the Oklahoma Administrative Code, and any amendments thereto.

**SECTION 9-402      BUSINESS LICENSE**

- A. All operators of Marijuana Establishments are required to obtain a Business License from the City Clerk pursuant to Chapter 1 of Part 9 titled "Business License Fee" of the Shidler Code of Ordinances, which is applicable to all businesses.
- B. A Business License will not be granted to any applicant where the proposed location is within a restricted area as hereinafter set forth or the proposed location is within a residentially zoned area.

**SECTION 9-403      LOCATION RESTRICTIONS**

- A. A Retail Marijuana Establishment Permit will not be granted to any applicant where the proposed location is within one thousand (1,000) feet of any private or public preschool, elementary, secondary, vocational or trade school, college or university; or any other location prohibited by State law or regulations.
- B. For the distance requirements outlined in this Ordinance, the distances described shall be computed by direct measurement in a straight line from the nearest property line of the parcel of land on which the use described in Section A above is located to the nearest property line of the building or unit in which the proposed retail marijuana establishment would be located.

**SECTION 9-404      CONDITIONS OF OPERATION**

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

- B. The retail establishment must collect the applicable sales tax on all sales.
- C. Any violations of this Section will result in the revocation of the Business License.
- D. It is the intent of the City of Shidler that nothing in this Chapter 9 shall be construed 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 otherwise illegal and not permitted by State law.

**SECTION 9-405**      **COMMERCIAL MARIJUANA GROWING AND PROCESSING FACILITIES**

- A. Commercial Marijuana Growing and/or Processing Facilities are hereby allowed within the City boundaries of the City of Shidler, Oklahoma under the conditions that the facility must acquire a Business License from the City Clerk as provided in Section 9-902 above and shall not be placed in an area which is zoned for residential purposes.
- B. The facility must be constructed in such a manner that the growing and/or processing of the marijuana plants cannot be seen by the public from a public right of way.
- C. The growing and/or processing area including any lighting, plumbing, chemical use or storage, or electrical components used shall comply with City building, electrical, plumbing, and fire codes.
- D. Growing and/or processing marijuana shall not be conducted in a manner that constitutes a public nuisance. A public nuisance may be deemed to exist if growing and/or processing marijuana produces light, glare, heat, noise, odor, explosion, combustion, chemical discharge, or vibration that is detrimental to public health, safety or welfare or interferes with the reasonable enjoyment of life and property.

**SECTION 9-406**      **MARIJUANA GROWING FACILITIES FOR PERSONAL MEDICAL USE**

- A. Only persons holding a Patient or Caregiver License issued by the Oklahoma Medical Marijuana Authority pursuant to 63 O.S. §420A may grow marijuana for personal medical use.
- B. A Patient license holder may possess no more than the amounts of plants, seedlings, and marijuana products authorized by 63 O.S. §420A (1-7).
- C. A Licensed Caregiver may grow plants for no more than three (3) Patient license holders, and each plant grown by a Caregiver must be clearly labeled with the patient license holder's Patient License Number.
- D. Growing marijuana shall not be visible from the public right of way.

- E. The growing and/or processing area including any lighting, plumbing or electrical components used shall comply with City building and fire codes. The growing and/or processing area must be properly ventilated so as not to create humidity, mold or other related problems. Lighting shall not exceed one thousand (1,000) watts per light. The use of gas products (CO<sub>2</sub>, butane, etc.) or CO<sub>2</sub> and ozone generators in the growing area is prohibited.
- F. The growing and/or processing marijuana shall not be conducted in a manner that constitutes a public nuisance. Marijuana grown for personal use shall not be extracted using an extraction process which uses combustible materials, including but not limited to, butane and alcohol. A public nuisance may be deemed to exist if growing and/or processing marijuana produces light, glare, heat, noise, odor, explosion, combustion, chemical discharge, or vibration that is detrimental to public health, safety or welfare or interferes with the reasonable enjoyment of life and property.
- G. The primary use of the residential property in which marijuana is grown and/or processed shall remain at all times a residence, with legal and functioning cooking, eating, sleeping and sanitation/bathing facilities with proper ingress and egress.
- E. Cultivated marijuana must be used exclusively pursuant to a valid state issued medical marijuana license.

**SECTION 9-407**      **CONSTRUCTION, FIRE AND BUILDING INSPECTIONS AND  
OTHER REQUIREMENTS**

- A. All premises outlined in Chapter 9-902 will be subject to inspections as required of all facilities, by an individual authorized by the City, prior to issuance, where new construction or remodeling occurs, per the Shidler Code of Ordinances. Building permits, including construction, electrical, plumbing, and such other permits, including fire inspections are required by the Shidler Code of Ordinances.
- B. All inspections prior to a permit decision will occur at a time scheduled and approved by both the applicant and the City inspector.
- C. The applicant will be required to be present during any inspections.