

ORDINANCE NO. 2022-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CHEROKEE, OKLAHOMA, AMENDING CHAPTER 5, SECTION 5-803 OF THE CHEROKEE MUNICIPAL CODE 2021, AMENDING THE HOURS OF OPERATION FOR A MEDICAL MARIJUANA DISPENSARY; REPEALER; SAVINGS; CODIFICATION; SEVERABILITY; AND DECLARING AN EMERGENCY

EMERGENCY ORDINANCE

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

Section 1: Chapter 5, Section 5-803, of the Cherokee Municipal Code is Hereby Amended and Shall Read as follows:

Sec. 5-803: 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 medical marijuana dispensary shall collect the applicable sales tax on any sales subject to municipal sales tax.
- ~~C. The hours of operation for a medical marijuana dispensary shall be between the hours of 9:00 AM to 11:00 PM Monday through Saturday. Operations shall be closed on Sundays as well as Christmas, Thanksgiving, July 4th, New Year's Day, and Memorial Day.~~
- D. Any violations of this article will result in the revocation of the medical marijuana dispensary permit.
- E. It is the intent of the City of Cherokee that nothing in the retail marijuana establishment ordinance 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 II. REPEALER. All ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed.

Section III. SAVINGS CLAUSE. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired, or

affected by this ordinance.

Section IV. CODIFICATION. This ordinance shall be codified as herein provided.

Section V. SEVERABILITY. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the City Council of the City of Cherokee that this section of the Cherokee Municipal Code would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

Section VI EMERGENCY. WHEREAS it being immediately necessary for the preservation of the peace, health, safety and public good of the City and the inhabitants thereof that the provisions of this Ordinance be put into full force and effect in order to immediately amend the hours of operation for a medical marijuana dispensary; By reason whereof, this Ordinance shall take effect and be in full force and effect after its passage, as provided by law.

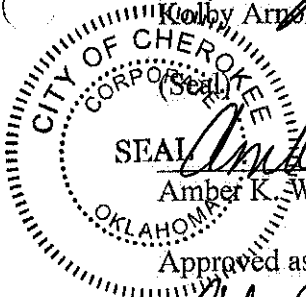
Approved and executed this 10th day of August 2022.

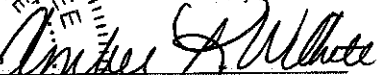
THE CITY OF CHEROKEE, OKLAHOMA



Kolby Arnold, Mayor

ATTEST:






Amber K. Wilhite, City Clerk

Approved as to Content:



Chad Roach, City Manager

Approved as to Form and Legality:



Bryce S. Kennedy, City Attorney