

To: Honorable Mayor and City Councilors
From: Michael Spurgeon, City Manager
Date: September 21, 2018
Re: Notes to Council

1. STAFF REPORTS / ITEMS REQUIRING IMMEDIATE ATTENTION

- General Services Department Monthly Report – August 2018
- Utilities Department Monthly Report – August 2018

2. GENERAL CORRESPONDENCE / NOTIFICATION

- Press Release – BA City Council to consider municipal regulations for medical marijuana
- Press Release – Third public meeting scheduled for BA Next Comprehensive Plan
- Press Release – BA homeowners can apply for storm shelter rebate

3. SPECIAL EVENTS / ACTIVITIES

- N/A

Respectfully submitted,

CLM for

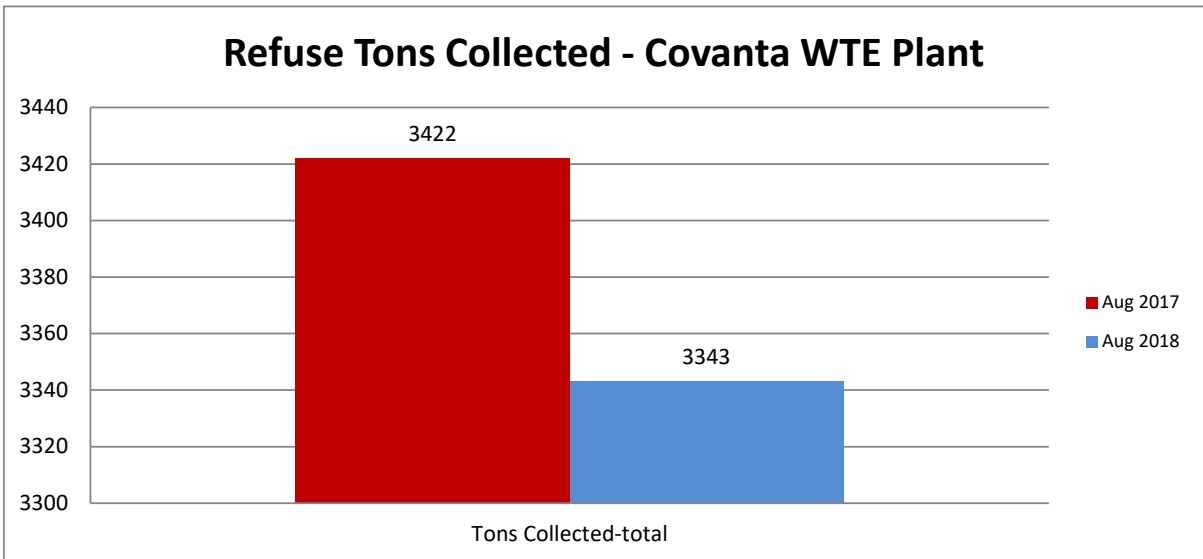
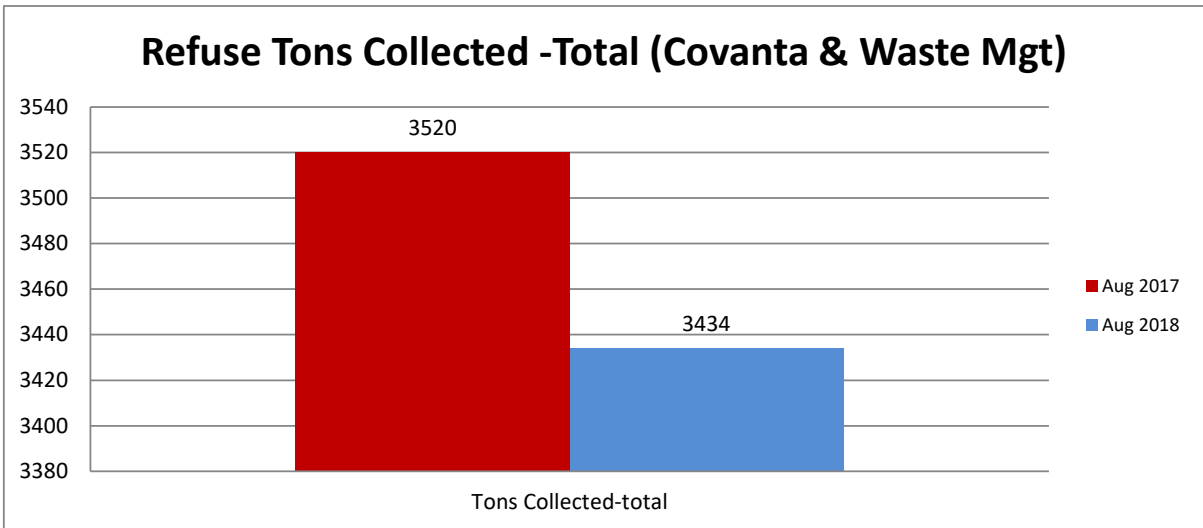
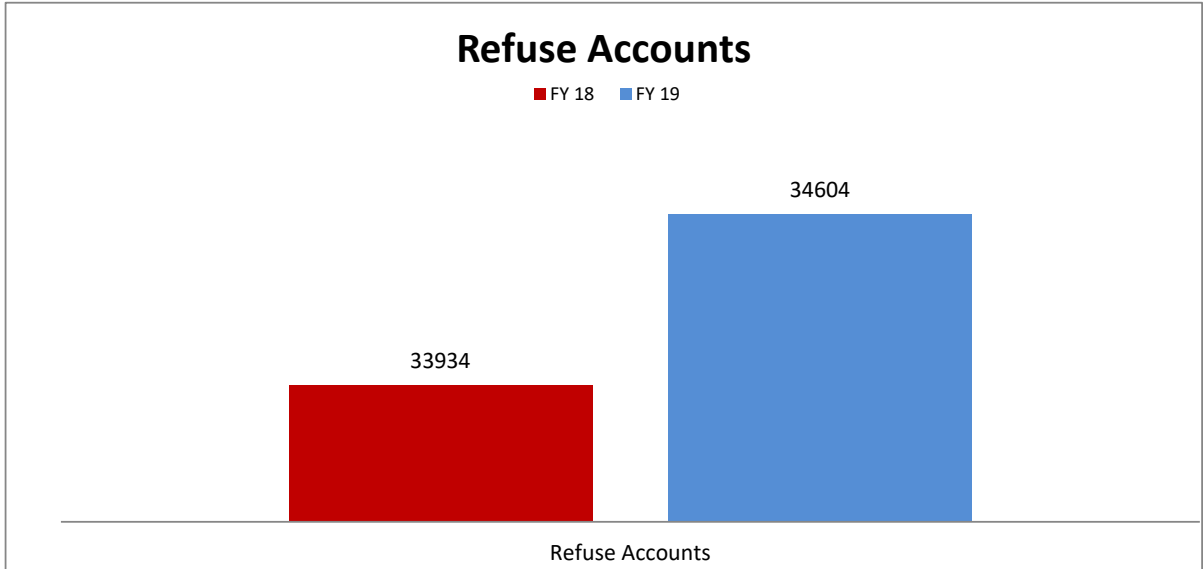
Michael Spurgeon

clm
Attachments

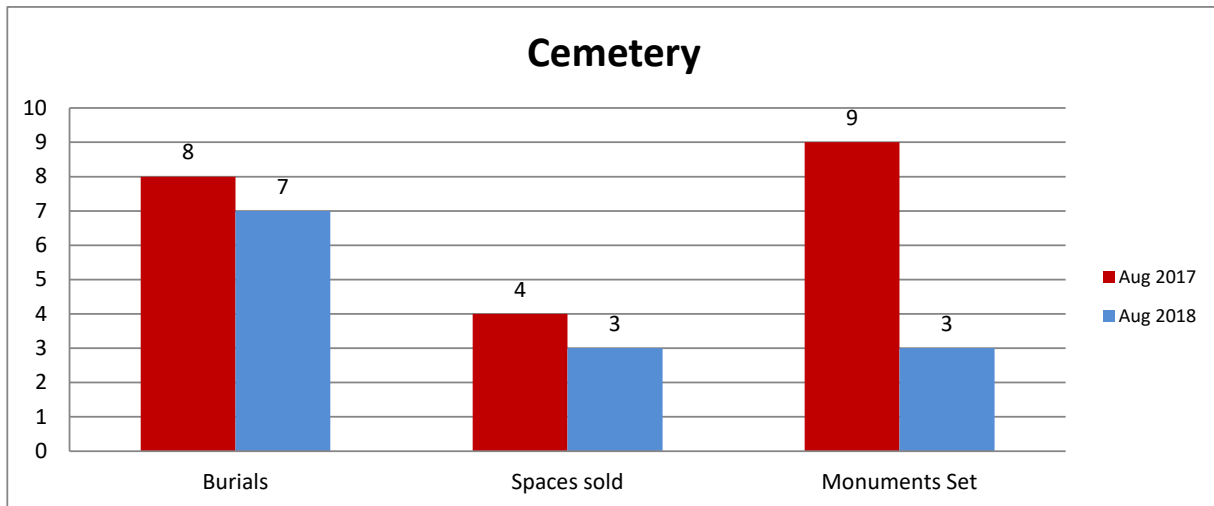
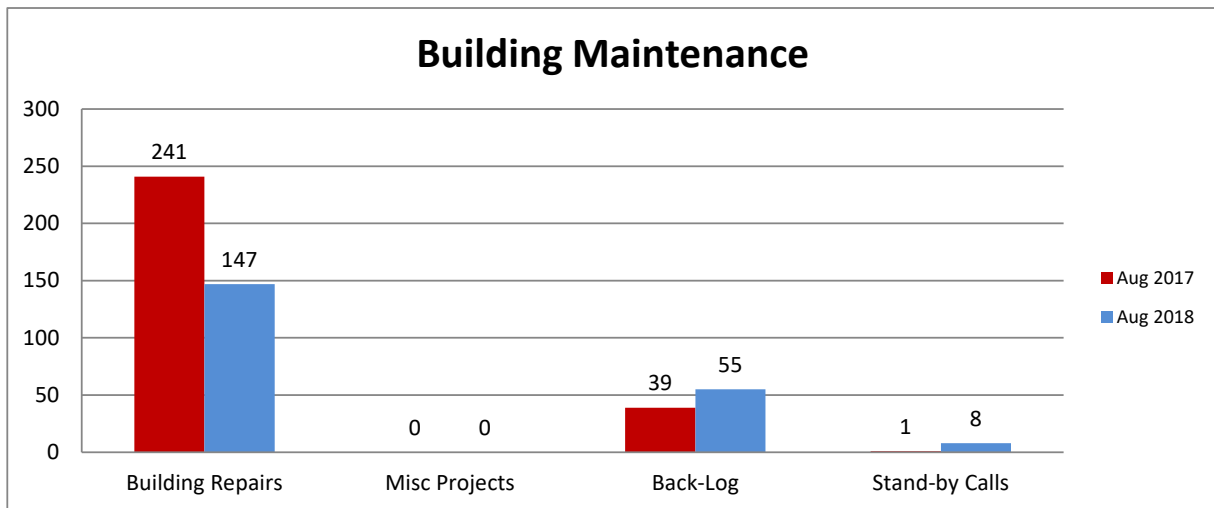
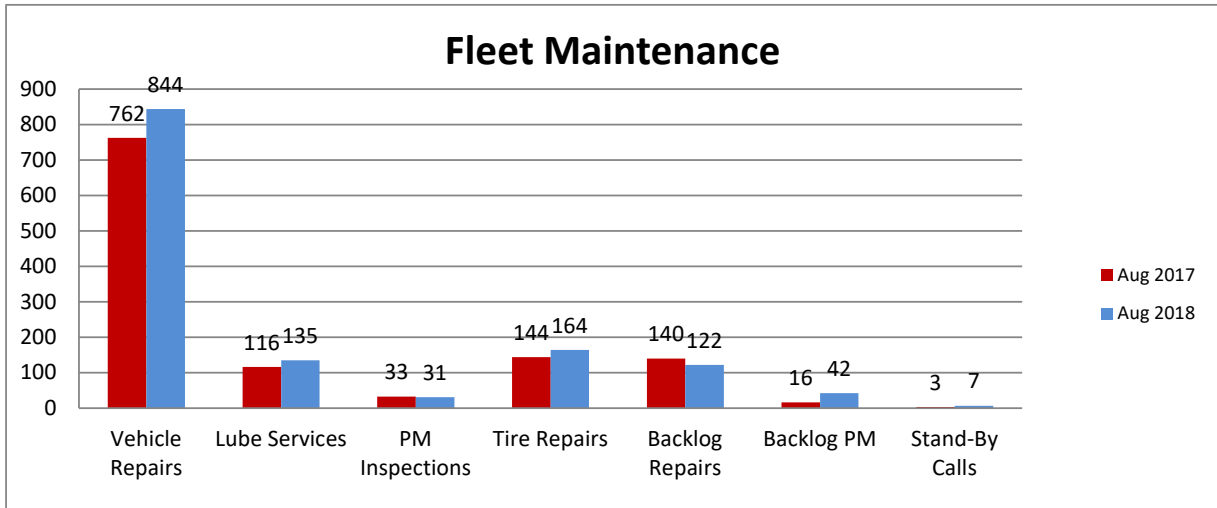
1. STAFF REPORTS / ITEMS REQUIRING IMMEDIATE ATTENTION



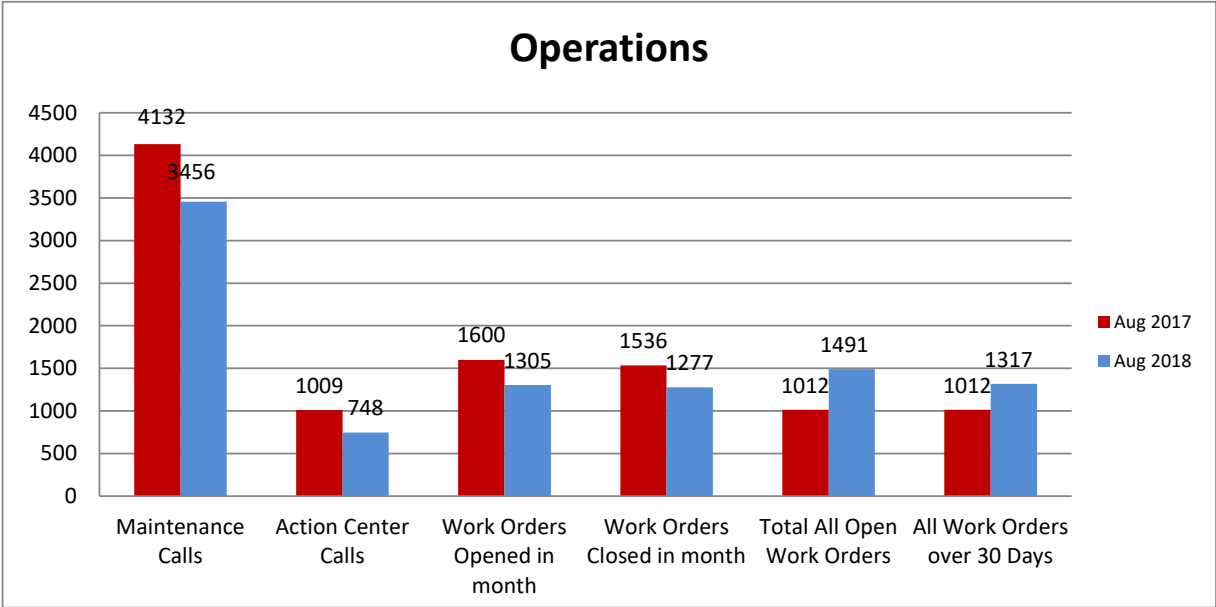
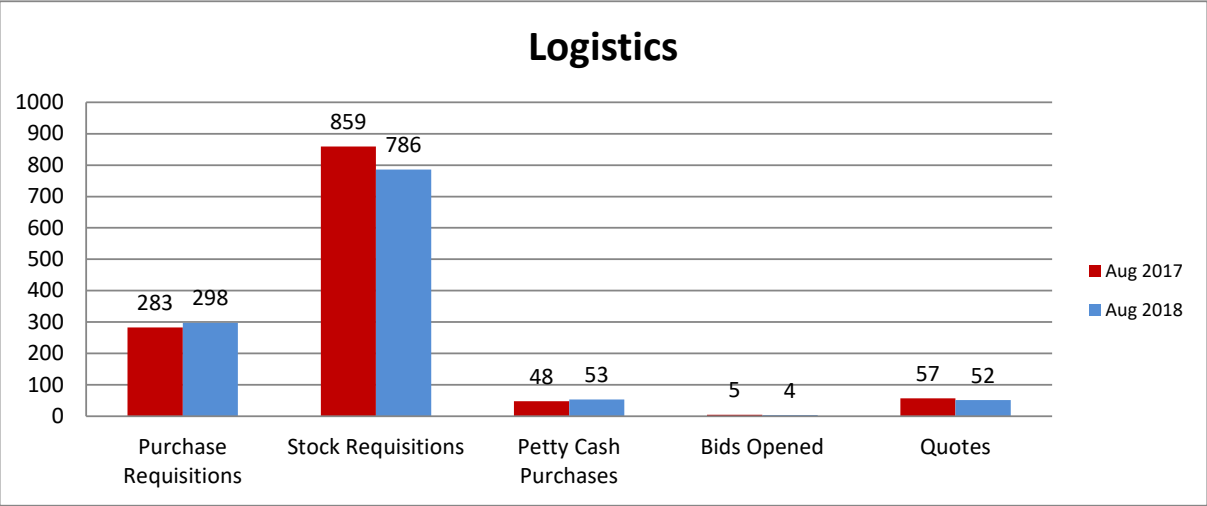
General Services Monthly Report, August 2018



General Services Monthly Report, August 2018



General Services Monthly Report, August 2018



To: Michael Spurgeon, City Manager
From: Ron Sullivan, Interim Utilities Director
Date: September 21, 2018
Re: Utilities Department Monthly Report – August 2018

	August 2018	August 2017
Water Treated, Purchased and Distributed		
Water Purchased from Tulsa	20.5 MG	17.3 MG
Water – Produced at Verdigris WTP	<u>413.3 MG</u>	<u>411.2 MG</u>
Total	433.8 MG	428.5 MG
 Wastewater Treated		
Lynn Lane Plant	123.6 MG	130.1 MG
Haikey Creek Plant flow from BA	163.0 MG	174.2 MG
Haikey Creek Plant flow from Tulsa	195.6 MG	207.4 MG

**LLWWTP Maintenance Summary-
David Handy**

1. Replaced belt on vent fan in the belt press building and put back in operation.
2. Seamed lower belt on belt press.
3. Rebuilt north gravity thickener pump (12P4).
4. Removed mud pump from contact basin and sent it for repair.
5. Disconnect breaker for chlorine analyzer pump failed. Ordered a new one.
6. Performed maintenance on grit blower, installed a new air filter and changed the oil.
7. Installed wind socks at Administration, Blower and Belt Press Buildings.
8. Performed maintenance on facility grounds.
9. Headworks Project Update: all lower level walls and floors poured, including Bio-Filter. Two sections of Outfall line installed as backfilling continues around structure.

**Lynn Lane and Haikey Creek WWTP Industrial Pretreatment Program Summary-
Lauren Wilson**

Fats, Oil & Grease (FOG) Program Activities

1. Food Handling Establishment Inspections:

- City Pretreatment staff performed 44 food handling establishment inspections in the month of August. Staff reviewed manifests for grease interceptor maintenance, inspected the interceptors, and discussed best management practices with management. Establishments with interceptors that were improperly maintained or in need of repair were given 15 days to correct the deficiency. Re-checks were done for non-compliance issues.

Industrial Pretreatment Activities:

- Blue Bell – The compliance self-monitoring and laboratory analysis reports were received and reviewed. There were three “daily maximum” violations as well as a monthly average violation for Biochemical Oxygen Demand (BOD). Monthly surcharges for conventional pollutants above residential thresholds were calculated in the amount of \$36,818.03. Surcharges have been suspended until January of 2019 when the consent order issued to Blue Bell by the City of Broken Arrow is complete and Blue Bell begins operation of a pretreatment system. The purpose of the pretreatment system is to bring Blue Bell back into compliance with the wastewater discharge permit limits issued by City of Broken Arrow. Construction of the pretreatment system is underway.

Federal and State Pretreatment regulations require City of Broken Arrow to perform a facility inspection and sample the process wastewater at least once per year at every facility with a wastewater discharge permit. Pretreatment staff inspected Blue Bell and performed wastewater monitoring in August. City staff use automatic sampling equipment to perform 24-hour composite samples per EPA regulation. Once samples are collected they are transported to a state certified laboratory for analysis. The laboratory analysis came back with no deficiencies. A bill was issued to Blue Bell, by the Finance Department, for reimbursement of laboratory charges.

- Unifirst – The compliance self-monitoring and laboratory analysis reports were received and reviewed. No deficiencies were noted. Monthly surcharges for conventional pollutants above residential thresholds were calculated in the amount of \$2,788.79 and submitted to the Finance Department for billing.
- Flight Safety International– The quarterly compliance self-monitoring and laboratory analysis reports were received and reviewed. No deficiencies were noted.
- Paccar Winch – The quarterly compliance self-monitoring and laboratory analysis reports were received and reviewed. No deficiencies were noted.

Pretreatment staff inspected Paccar Winch and performed wastewater monitoring in August. City staff use automatic sampling equipment to perform 24-hour composite samples per EPA regulation. Once samples are collected they are transported to a state certified laboratory for analysis. The laboratory analysis came back with no deficiencies. A bill was issued to Paccar Winch, by the Finance Department, for reimbursement of laboratory charges.

- Broken Arrow Powder Coating – Pretreatment staff inspected Broken Arrow Powder Coating and performed wastewater monitoring in August. City staff use automatic sampling equipment to perform 24-hour composite samples per EPA regulation. Once samples are collected they are transported to a state certified laboratory for analysis. The laboratory analysis came back with no deficiencies. A bill was issued to Broken Arrow Powder Coating, by the Finance Department, for reimbursement of laboratory charges.
- Seneca Companies Inc. – Seneca Companies submitted a “request to discharge” for groundwater at Kum & Go- 61st and Lynn Lane. Seneca pumped water off of the underground storage tanks into three 20,000gallon portable storage tanks. They performed laboratory analysis on the tanks for gasoline range organic constituents. The laboratory results showed no cause for concern, and Seneca was given written permission to discharge the water into the City of Broken Arrow sanitary sewer system. A bill for discharge of industrial wastewater was issued to Seneca, by the Finance Department, in the amount of \$3,538.73

- Republic Services/Broken Arrow Landfill – Pretreatment staff calculated a quarterly sewer bill for the Broken Arrow Landfill in the amount of \$201.15. The charges were based upon the leachate discharge reported by Republic Services for April, May and June. The Finance Department issued the bill to Republic Services.
- Lynn Lane Wastewater Treatment Plant – Pretreatment staff performed quarterly influent and effluent priority pollutant monitoring at the Lynn Lane Wastewater Treatment Plant. City staff use automatic sampling equipment to perform 24-hour composite samples per EPA regulation. Once samples are collected they are transported to a state certified laboratory for analysis. The laboratory analysis came back with no deficiencies.
- The Annual EPA Region VI Pretreatment Workshop was in August in Oklahoma City. The City of Broken Arrow Pretreatment Coordinator was asked to deliver a presentation about starting a Fats, Oil & Grease Program and moderate a roundtable discussion on legal authority and enforcement.

UTILITIES DISTRIBUTION/COLLECTIONS MAINTENANCE SUMMARY

WATER DISTRIBUTION – Jerry Hanewinkel

1. New Taps and Meters set-54
2. Responded to 725 Call Okie Line Locates
3. Replaced 366 meters
4. Repaired or Replaced 27 meter boxes and valve boxes
5. Meter leak repairs done-7
6. Responded to 42 water leak calls
7. Distribution Main Leaks repaired-18
8. Replaced 15 Curb Stops
9. Valve truck crew exercised 83 valves for the month, bringing the total to 763 for 2018
10. Service Crossings Installed-1
11. Responded to 66 water system service requests
12. Fire Hydrants Repaired-2
13. Fire Hydrants Replaced-1
14. Fire Hydrants Painted-0
15. Cleaned and restored 45 yards after water line repairs were done
16. Valve Repaired, Replaced or Installed-3
17. Flushed 84 main lines to address water quality issues
18. Checked 18 auto flushers in service
19. Replaced registers for AMR project-287
20. Repaired a service line for Parks Department at ISSC.
22. Flushed hydrants city wide (including 27 housing additions) for taste/odor issues.

SEWER COLLECTION- David Marlow

1. Service requests calls-34
2. Sewer line locates done-91
3. Sewer line blockages relieved-5
4. Stand-by and night crew responded to 11 sewer calls
5. Manholes cleaned /raised/repared-4
6. Sewer line cleaned-4,380 ft.
7. Sewer lines repaired/replaced/installed-162 ft.
8. CCTV inspections done-138
9. Sewer lines root cut-590 ft.
10. Sinkholes inspected-0

11. Clean ups done at 12 locations after repairs to sewer lines were done
12. Sanitary Sewer Overflows (SSO's) reported to ODEQ for the month-2
13. Assist other departments-9

BOOSTER AND LIFT STATIONS

1. Routine station visits (29 lift stations and 4 booster stations)-543
2. Check valves/pumps cleaned at 28 stations
3. Wet wells cleaned using vactor truck-7
4. Groundskeeping (mow, weed/pest control, trim trees)-5
5. Booster station calls-0
6. Pump station maintenance and repairs done-14
 - Pinalto-replaced float
 - Old Adams Creek-replaced flapper on pump 1A
 - Pinalto-worked on control panel
 - Adams Creek North-cleaned out bypass line
 - Pinalto-replaced relay
 - Homeland-vacuumed wet well and replaced blown transformer and fuse
 - The Greens-replaced breaker
 - Lakeside Villas-replaced alternator
 - Adams Creek North-replaced broken bolts on pump 3A
 - The Greens-pulled #3 motor to be rewound
 - ISSC-removed bolts on suction lines
 - Timberbrook-shut down generator (was not switching), waiting for parts
 - South Park South-prepped station for replacement

METER READING – Derriel Bynum

1. Replaced Meters-13
2. Placed Door Hangers for bad checks-92
3. Turn Ons for nonpayment-226
4. Turn Offs for nonpayment-262
5. New Account Service Initiated-620
6. Accounts Finaled-675
7. Read 38,586 Meters
8. Construction Meters Set-3
9. Rereads/Leak Tests-82
10. Meter boxes replaced-8
11. Meter lids replaced-10
12. Resident Request to Check Meter-2
13. Misreads-23 verified
14. Met with residents to discuss their high bill/water usage concerns-23
15. Meters pulled-1
16. Meter stop replaced-0
17. 7" meter riser replaced-1
18. UME Chambers replaced-0

AMR PROJECT-

- Retrieved water use history from 23 AMR radio devices and provided the 90 day graphs to the customers.
- AMR antennas replaced-10
- AMR registers-772

- AMR meter body-363
- Dead AMR registers replaced-11
- Meter boxes replaced-3
- Meter riser-4
- Stops replaced-0

UTILITIES CONSTRUCTION – Tommy Kimbrough

1. WL-1809 (College St water line) laid 4 pallets of sod and concreted valves.
2. ED-1701 (Alfa Laval) installed 950' of 12" C-900 and 200' of 12" DI.
3. Project 185437 (1st & Detroit sewer line) installed 140' of 8" SDR 35.
4. Line locates-20
5. Fire hydrant repair/replace-2
6. Taps & meter-1

WATER QUALITY- Diana Flora

1. Flushed dead end water lines at 28 locations.
2. Tested chlorine levels near auto flushers to verify all are working, 18 total.
3. Several dirty water calls due to water event, about 3,408,025 gallons of water flushed.
4. Collected 100 Bac-T samples and 2 chlorine (am/pm) daily for the monthly WTP reporting.
5. Distribution system-11 parameter testing at 13 locations every two weeks. Also at 5 water tower locations for this month.
6. Total gallons flushed to improve water quality in August; 7,302,900 gallons.
7. Lead and copper tested.

VERDIGRIS WTP – Jimmy Helms

1. Tested trip alarm on decant pump #2 overload. Alarm came through and cleared correctly.
2. Adjusted trip setting up on decant pump #2 overload as it was set a little low.
3. Worked with Pall programmer on pump p3102c.
4. Plumbed in new sump pump, check valve and piping on Neutralization tank containment area.
5. Re attached clamp on 6" line above sump pump.
6. Installed new solenoid valve on soften water system Hardness monitor.
7. Installed new battery in unit # 1530 Dodge pickup.
8. Installed pump head on slave #1 Brine pump.
9. Calculated amp trip setting for decant pumps. Set decant pump #2 overload to trip at 43 amps.
10. Checked hardness solenoid operation and adjusted flow.
11. Tuned P3102C VFD drive.
12. Installed and wired in new motor starter contactor and overload on decant pump #1.
13. Repaired leaking airline in CIP area south of Neutralization tank.
14. Diagnosed MOR spreadsheet generation problem.
15. Removed cam lock set up on sodium hypo pump #1 discharge hose and replaced with union.
16. Installed new CL17 in feed pump area.
17. Went to 51st water tower, flushed the transducers, and cleaned air filter for box ac.
18. Tested eye wash stations on the outside of building
19. Reinstalled fault relays in decant lift station and adjusted fault delay timer to 30 sec.
20. Changed auto cleaning time and threshold settings on rack 7,8,9 and 10 turbidity meters
21. Changed signal average setting on new free CL-17 meter.
22. Replaced 100ft cable on train #1
23. Diagnosed FLC-3010 VFD. The drive has some bad output diodes and will need replaced. FLC-3012 VFD shows same overvoltage problem as FLC-3010.

24. Removed broken roll pin from drain valve stem and replaced with stainless bolt.
25. Inspected and ordered two new sensors and two new fireboxes for alarm system.
26. Replaced out the diodes on slave #2.
27. Repaired a lose wire on the master generator on one of the analog temp sensors
28. Replaced motor for exhaust fan in CIP area.
29. Replaced softened water filter on Master generator.
30. Replaced pressure transmitter and surge protection device at Baptist Tower.
31. Removed and washed filters on High Service VFD's
32. Tightened ball valve union on Sodium hydroxide transfer pump A.
33. Adjusted brine solenoid timer to 400 seconds open time.
34. Changed out tank Brine Filter.
35. Changed all soften water filters on Sodium Hypo generators.
36. Changed pressure regulator on master soften water line.
37. Wired in Lag float to the lead float position.
38. Wired in high-level alarm float to the Lag float position.
39. Tuned PID loop for sodium hydroxide pump.
40. Wired in two new surge protection devices on P5204B chlorine transfer pump B.
41. Replace device net communications card on P5204B chlorine transfer pump B.
42. Removed Sample pump and fiberglass cover on the North west corner of pre-treatment basin
43. Repaired sludge valve #2.
44. Cleaned pre-treatment trains # 1,2,3,4.

2. GENERAL CORRESPONDENCE / NOTIFICATION



PRESS RELEASE

Contact: Krista Flasch
Director of Communications
City of Broken Arrow
Phone: (918) 259-2400, ext. 5309
Mobile: (918) 409-7771

BA City Council to consider municipal regulations for medical marijuana

City to comply with new laws enacted by State Question 788

Broken Arrow, Okla. (9/17/18) – The Broken Arrow City Council at Tuesday night’s meeting will consider adopting two ordinances that designate permissible zoning areas and licensing requirements for medical marijuana dispensaries, commercial growers and marijuana processors operating in the City of Broken Arrow. The City Council Meeting on Tuesday, Sept 18, begins at 6:30 p.m. at City Hall, 220 S. First Street.

If approved, Ordinance No. 3540 allows medical marijuana dispensaries in the CM (Commercial Mixed Use), DM (Downtown Mixed Use), CN (Commercial Neighborhood), CG (Commercial Neighborhood), and CH (Commercial Heavy) zoning districts while also being permissible within Area 6 and 7 of the Downtown Residential Overlay District. Commercial marijuana growing facilities and processors would be permitted in IL (Industrial Light) or IH (Industrial Heavy) zoning districts and must be grown and processed within a building.

In addition, Ordinance No. 3542 amends the code of ordinances Chapter 7 by adding Article XV Medical Marijuana, Business Regulations and Licensing, Establishing Regulations for Retail Medical Marijuana Establishments, Commercial Marijuana growing facilities, Wholesale Marijuana Facilities, and Marijuana Storage Facilities.

Highlights of the changes require that:

- All operators of a Medical Marijuana Dispensary, Commercial Grower or Marijuana Processor within the City of Broken Arrow must maintain a valid commercial establishment license from the Oklahoma Department of Health.

(Continued)

- All operators must have a City of Broken Arrow issued permit to operate a Medical Marijuana Dispensary, Commercial Grower or Marijuana Processor. Each permit costs \$2,500 and must be renewed annually.
- No permit shall be granted or renewed for a Medical Marijuana Dispensary, Commercial Grower or Marijuana Processor in a residence.
- A Medical Marijuana Dispensary, Commercial Grower or Marijuana Processor permit will not be granted to any applicant where the proposed location would be located within one thousand (1,000) feet from any public or private school entrance.

Additionally, Ordinance 3542 regulates medical marijuana growing facilities for personal use. A qualified patient or caregiver medical marijuana license holder can grow marijuana on property owned by the patient license holder or on rental property for which the license holder has the property owner's written permission to grow medical marijuana on the property. All home grown medical marijuana plants must be grown so that marijuana is not accessible to a member of the general public and is only accessible to the patient or caregiver.

Draft copies of the proposed Ordinance No. 3540 and Ordinance No. 3542 up for consideration are attached with this news release.

###

USE CATEGORY	USE TYPE	A G A 1	TABLE 3.1-1 TABLE OF ALLOWED USES																		SPECIFIC USE PERMIT STANDARDS						
			RESIDENTIAL					DROD AREAS							MIXED USE				COMMERCIAL /OFFICE			IND'L					
			RS1 / R1 RS2 / R2 RS3 / R3/R S4	R D	R M	R M H		1	2	3	4	5	6	7		N M	C M	D M	D F	O N		C N	C G	C H	I L	I H	
PUBLIC/INSTITUTIONAL USES																											
Community Service	Cemetery	S																								3.2.B.3.	
	Crematorium, without funeral parlor or public area	S																							P	P	3.2.B.4.
	Government administration and civic buildings	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Municipal or community recreation center	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	S			
	Places of assembly	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	S	S	S				3.2.B.6.	
	Public safety facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Cultural Facility	Art gallery or museum, public	S	S	S	S	S		S	S	S	S	P	P	P	P	P	P		P	P	P					3.2.B.2.	
	Library, public	S	S	S	S	S		S	S	S	S	P	P	P	P	P	P		P	P	P					3.2.B.5.	
Child Care Facility	Child care center	S	S	S	S	S	S	S	S	S	S	S	S	S			S	S	P	P	S						
	Day care center / nursery school	S	S	S	S	S	S	S	S	S	S	S	S	S			S	S	P	P	S						
	Home day care	P	P	P	P	P	P	P	P	P																	
Education	College or university	S	S															S	S	S		S	P	P			3.2.B.7.
	Elementary	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P								3.2.B.7.	
	Middle school or high school	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P									3.2.B.7.	
	Trade school	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	S	S	P	P	P				3.2.B.7.	
Health Care Facility	Medical office or clinic													P	P	P	P	P	P	P	P						
	Hospital	S	S	S	S	S	S												S			P	P				
PUBLIC/INSTITUTIONAL USES																											

COMMERCIAL USES																				
Food and Beverage	Bar/Nightclub																		P	P
	Catering service																		P	P
	Fruit and vegetable market																		P	P
	Restaurant, drive-in																			P
	Restaurant, without drive-thru																		P	P
Restaurant, with drive-thru																			S	P
	Micro food and beverage production*																		S	S
Office	Office, business or professional																		P	P
	Research laboratory																			P
Recreation and Entertainment, Outdoor	General outdoor recreation	S																		P
	Golf course or driving range, unlighted	P	P	P	P	P	P													
	Golf course or driving range, lighted	S																		P
	Major entertainment facility	S																		P
	Race track (auto, dog, or horse)	S																		S
	RV campground/park																			S
	Shooting range	S																		
	Zoo	S																		
Recreation And Entertainment Indoor	Art gallery or museum, private																		P	P
	Fitness and recreational sports center	S																	P	P
	General indoor recreation																		S	S
COMMERCIAL USES																				

Recreation And Entertainment Indoor Cont..	Major entertainment facility											S	S	S				S	S			S	P	P			
	Movie theatre											S	S	P				P	S	S			P	P			
Personal Services	Dry cleaning and laundry service													P				P					P	P	P		
	Funeral services													P				P					P	P	P		
	General personal services											P	P	P	P	P	P	P	P	P	P		P	P	P		
	Instructional services											P	P	P				P		P	S	P	P	P			
Retail (Sales)	Alcoholic beverages, retail sale Medical Marijuana, retail sale													P	P			P	P			P	P	P			
	Convenience store with gas sales														P								P	P	P		
	Horticulture nursery sales	S													P									P	P		
	Open-air market or flea market													S	S				S					S	S		
	Retail, general													P	P	P	P	P	P	P			P	P	P		
	Retail, large																							P	P		
	Sexually oriented business																								P		
Vehicles and Equipment	Boat and/or RV storage																							S	P	P	
	Car wash																							P	P		
	Gasoline sales														P									P	P	P	
	Parking structure													P	P	P	P	P	P	P				P	P	P	P
	Vehicle sales and rental																								S		
	Vehicle service and repair, major																									P	P
	Vehicle service and repair, minor																								P	P	P
Visitor Accommodation	Bed and breakfast	P			S	S							S	P	P	S	S	P	S				P	P			
	Hotel or motel													S	P	P				S				P	P		
INDUSTRIAL USES																											
Industrial Service	Fossil fuel storage																									S	P
INDUSTRIAL USES																											

TABLE 5.4.1: OFF-STREET PARKING SCHEDULE A		
Use Category	Use Type	Minimum Parking Spaces Required
RESIDENTIAL USES		
Household Living	Dwelling, duplex	2 per unit
	Dwelling, multi-family	2 per unit
	Dwelling, single-family attached	2 per unit
	Dwelling, single-family detached	2 per unit
	Dwelling, mobile home	2 per unit
	Dwelling, zero lot line	2 per unit
	Mobile home park	2 per unit (include visitor parking – 2 spaces per 3 mobile homes)
	Mobile home subdivision	2 per unit (include visitor parking – 2 spaces per 3 mobile homes)
Group Living	Boarding, dormitory, and rooming house	1 per bed
	Group home	1 per 2 beds, plus 1 per 100 square feet of assembly area
	Convalescent home, nursing home, or assisted living facility	1 per 2 beds/rooms (whichever is greater), plus 1 space per 2 employees on largest shift
PUBLIC INSTITUTIONAL USES		
Community Service	Cemetery	See Schedule C
	Crematorium, without funeral parlor or public area	1 space per 400 square feet of office area
	Government administration and civic buildings	1 per 300 square feet
	Municipal or community recreation center	1 per 300 square feet
	Place of assembly	1 per 4 seats in meeting area or 1 per 100 square feet in meeting area without seats
	Public safety facility	1 per 300 square feet
Cultural Facility	Art gallery or museum, public	1 per 400 square feet
	Library, public	1 per 300 square feet
Child Care Facility	Child care center	1 per 400 square feet plus 1 additional space for pick-up and delivery of children
	Day care center / nursery school	1 per 400 square feet plus 1 additional space for pick-up and delivery of children
	Home day care	2 per dwelling unit plus 1 space for day care patrons
Education	College or university	1 per 400 square feet
	Elementary school	1 per 800 square feet
	Middle school or high school	1 per 400 square feet
	Trade school	1 per each 2 students, based on design capacity
Health Care Facility	Medical office or clinic	1 per 250 square feet
	Hospital	1 per 2 beds plus 1 space per 300 square feet of office area
Parks and Open Space	Arboretum or botanical garden	1 per 300 square feet
	Campground	1 per tent site plus 1 per employee on largest shift
	Community playfields and parks	See Schedule C
Telecommunication Facility	Tower (including any facility with tower)	No parking requirement
	Broadcasting or recording studio (no tower)	1 per 300 square feet
	Transmitting station (no tower)	1 per 200 square feet
Transportation Facility	Airport	See Schedule C
	Bus and passenger train terminal	See Schedule C
	Heliport	See Schedule C
Utility	Utility facility, major	See Schedule C
	Utility facility, minor	See Schedule C

TABLE 5.4.1: OFF-STREET PARKING SCHEDULE A		
Use Category	Use Type	Minimum Parking Spaces Required
COMMERCIAL USES		
Agriculture	Agriculture	See Schedule C
	Medical Marijuana Commercial Growing /Cultivation	1 per 1,500 square feet
Animal Sales and Services	Animal pet shop, retail	1 per 300 square feet
	Animal training school	See Schedule C
	Kennel	1 per 200 square feet
	Veterinary clinic/animal hospital	1 per 200 square feet
	Veterinary clinic, large animal	1 per 200 square feet
Financial Service	Financial institution, with drive-thru	1 per 300 square feet, plus stacking spaces per Section 5.4.E. (Ord No. 3057, adopted 10-06-09)
	Financial institution, without drive-thru	1 per 300 square feet
Food and Beverage Service	Bar/Nightclub	1 per 100 square feet (including outdoor serving/seating areas)
	Catering service	1 per 300 square feet
	Fruit and vegetable market	1 per 300 square feet
	Restaurant, drive-in	1 per 100 square feet (including outdoor serving/seating areas)
	Restaurant, without drive-thru	1 per 100 square feet (including outdoor serving/seating areas)
	Restaurant, with drive-thru	1 per 100 square feet (including outdoor serving/seating areas) plus stacking requirements per Section 5.4.E. (Ord No. 3057, adopted 10-06-09)
	Micro food and beverage production	See Schedule B
Office	Office, business or professional	1 per 300 square feet
	Research laboratory	1 per 500 square feet
Recreation and Entertainment, Outdoor	General outdoor recreation	See Schedule C
	Golf course or driving range, unlighted or lighted	Golf course: 6 per hole Driving range: 1.5 spaces per tee Buildings: Additional 1 per 400 square feet
	Major entertainment facility	1 per each four seats provided in the main seating area(s)
	Race track (auto, dog, or horse)	1 per each four seats provided in the main seating area(s)
	RV campground/park	See Schedule C
	Shooting range	1 per bay
	Zoo	See Schedule C
Recreation And Entertainment Indoor	Art gallery or museum, private	1 per 400 square feet
	Fitness and recreational sports center	1 per 250 square feet
	General indoor recreation,	1 per 250 square feet
	Major entertainment facility	See Schedule C
	Movie theatre	1 per each 4 seats provided
Retail (Personal Service)	Dry cleaning and laundry service	1 per 300 square feet
	Funeral services	1 per 4 seats of main assembly room
	General personal services	Under 2,000 square feet (gross floor area): 1 per 250 square feet 2,000 square feet or more (gross floor area): 1 per 300 square feet
	Instructional services	See Schedule C
Retail (Sales)	Alcoholic beverages, retail sale Medical Marijuana, retail sale	1 per 300 square feet
	Convenience store with gas sales	1 per dispensing station plus 1 space per 200 square feet of retail space
	Horticulture nursery sales	1 per 300 square feet
	Open-air market or flea market	See Schedule B
	Retail, general	1 per 300 square feet
	Retail, large	1 space per 300 square feet

TABLE 5.4.1: OFF-STREET PARKING SCHEDULE A		
Use Category	Use Type	Minimum Parking Spaces Required
	Sexually oriented business	Bar, restaurant, or entertainment space: 1 space per 100 square feet; Retail sales/rental space: 1 space per 300 square feet
Vehicles and Equipment	Boat and/or RV storage	1 per 50 vehicles stored
	Car wash	1 per 500 square feet of building area
	Gasoline sales	1 per dispensing station plus 1 space per 200 square feet of retail space
	Parking structure	No requirement
	Vehicle sales and rental	1 per 400 square feet of office sales area, plus 1 space per 1,000 square feet outdoor display area
	Vehicle service and repair, major	1 per 400 square feet
	Vehicle service and repair, minor	1 per 400 square feet
Visitor Accommodation	Bed and breakfast	1 per bedroom, plus 2 spaces for primary residence
	Hotel or motel	1 per room, plus 1 space per employee on largest shift, plus 1 space per 300 square feet of meeting or restaurant and bar area
INDUSTRIAL USES		
Industrial Service	Fossil fuel storage	1 per employee on largest shift
	General industrial service	See Schedule C
Manufacturing and Production	Assembly, light	1 per 1,500 square feet
	Manufacturing, light	1 per 1,500 square feet
	Manufacturing, heavy	1 per 1,500 square feet
Mining and Processing	Minerals and raw materials	See Schedule C
	Oil and gas	See Schedule C
Warehouse and Freight Movement	Mini-storage	1 per 3,000 square feet
	Motor freight terminal	See Schedule B
	Office warehouse	See Schedule B
	Storage yard	See Schedule B
	Warehouse	See Schedule B
Waste and Salvage	Wholesale establishment	See Schedule B
	Auto Salvage Yard	See Schedule C
	Scrap Operations	See Schedule C
	Recycling center (outdoor or indoor)	See Schedule C
	Solid waste disposal	See Schedule C

SECTION III. Section 10.3.D.1 Definitions of General Use Categories and Specific Use Types of the Broken Arrow Zoning Ordinance (No. 2931) is hereby amended to read as follows:

1. Agriculture

The use of land for purposes including farming, ranching, dairying, pasturage, horticulture, animal and poultry husbandry, and accessory uses.

a. *Medical Marijuana Commercial Growing /Cultivation*

Indoor commercial medical marijuana growing/cultivation as established by Title 63 O.S. § 422A State of Oklahoma. Must be contained within a building per the Building Code adopted by the City of Broken Arrow.

SECTION IV. Section 10.3.D.9 Definitions of General Use Categories and Specific Use Types of the Broken Arrow Zoning Ordinance (No. 2931) is hereby amended to read as follows:

9. Retail (Sales)

Establishments engaged in the sale, lease, or rent of new or used products to the public. No outdoor display of merchandise is permitted unless specifically authorized by this Ordinance. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on-site sale. Specific use types include, but are not limited to:

a. Alcoholic Beverages, Retail Sales

A retail establishment, such as a liquor store, licensed to sell alcoholic beverages such as beer, wine, and liquor. No on-site consumption is allowed.

b. Medical Marijuana, Retail Sales

A retail establishment, like a Medical Marijuana Dispensary, licensed to sell Medical Marijuana as established by Title 63 O.S. § 421A State of Oklahoma.

i. A Medical Marijuana Dispensary permit will not be granted to any applicant where the proposed location would be located within one thousand (1,000) feet from any public or private school entrance. The distance specified shall be measured from any entrance of the school to the nearest property line point of the dispensary.

c. Convenience Store with Gas Sales (Amended 4-5-11)

An establishment engaged in the sale of convenience goods, such as but not limited to pre-packaged food items, tobacco, over-the-counter drugs, periodicals, and other household goods; and which also provides the retail sale of petroleum products that are dispensed through gasoline pumps and other supplies for motor vehicles. **(Ord No. 3155 adopted 4-5-11)**

d. Horticulture Nursery Sales

Land or buildings used to raise flowers, shrubs, trees, and other plants for retail sale.

e. Open Air Market or Flea Market

Premises intended for individual vendors who display and sale merchandise in small quantities including but not limited to household goods, appliances, tools, food, and arts and crafts. The display and sale of merchandise may be indoor or outdoor in facilities including but not limited to building, open air, or partially enclosed booths or stalls. This definition does not include retail sidewalk sales or garage sales.

f. Retail, General

Retail establishments not elsewhere classified that provide goods directly to the consumer, including but are not limited to: apparel shops, appliance sales, auto parts store, bait shop, bakeries, bookstores, camera shops, clothing stores, convenience stores without gas pumps, department stores, electronic stores, factory outlet stores, florists, grocery stores, furniture stores, hardware and building material sales, pet shops, pawn shops, pharmacies, shoe stores, and toy stores.

g. Retail, Large

A building that meets the definition of "general retail" and is 75,000 square feet or greater.

h. Sexually Oriented Business

- i.** Amusement or entertainment businesses which are distinguished or characterized by an emphasis on acts or on materials depicting, describing or relating to Sexual Conduct or Specified Anatomical Areas as defined in this Ordinance, including but not limited to topless or bottomless dancers, strippers, male or female impersonators, or similar entertainment;
- ii.** An establishment having as a significant portion of its stock in trade books, film, tape, photographs, magazines, or other periodicals which are distinguished or characterized by an emphasis on depicting or describing Sexual Conduct or Specified Anatomical Areas;
- iii.** An enclosed building used for presenting material in a theater, or theater formats, which is distinguished or characterized by an emphasis on depicting or describing Sexual Conduct or Specified Anatomical Areas;
- iv.** A motel wherein material is presented, as a part of the motel services, via closed circuit T.V. or otherwise, which is distinguished or characterized by an emphasis on depicting or describing Sexual Conduct or Specified Anatomical Areas;
- v.** Any arcade or similar facility to which the public is permitted or invited to make use of coin-operated or slug operated or electronically, electrically or mechanically controlled, still or motion picture machines, projectors, or other image-producing devices which are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis or depicting or describing Sexual Conduct or Specified Anatomical Areas;
- vi.** Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment of manipulation of the human body occurs as part of or in connection with Sexual Conduct; also, any place where any person providing any such treatment, manipulation or service related thereto, exposes Specified Anatomical Areas;
- vii.** Any place, other than a university or college art class, where, for any form of consideration or gratuity, figure models who display Specified Anatomical Areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity;
- viii.** Any building or structure which contains or is used for commercial entertainment where the patron directly or indirectly is charged a fee to engage in personal contact with or to allow personal contact by, employees, devices, or equipment or by personnel provided by the establishment which appeals to the prurient interest of the patron in Sexual Conduct.

SECTION V. Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION VI. An emergency exists for the preservation of the public health, peace, and safety, and therefore this ordinance shall become effective from and after the time of its passage and approval.

PASSED AND APPROVED and the emergency clause ruled upon separately this ____ day of _____, 2018.

MAYOR

ATTEST:

(Seal) CITY CLERK

APPROVED:

ACTING CITY ATTORNEY

Ordinance No. 3542

An Ordinance of the City of Broken Arrow Amending the City of Broken Arrow Code of Ordinances Chapter 7, adding Article XV Medical Marijuana, Business Regulations and Licensing, Establishing Regulations for Retail Medical Marijuana Establishments, Commercial Marijuana Growing Facilities, Wholesale Marijuana Facilities, Marijuana Storage Facilities; and repealing all ordinances to the contrary and declaring an emergency

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROKEN ARROW, OKLAHOMA:

SECTION I. That Chapter 7 shall be amended by adding Article XV to the Broken Arrow City Code which shall read as follows, to wit:

ARTICLE XV MEDICAL MARIJUANA

SECTION 7-363 Definitions

The following terms are defined as set forth for use in this article:

- (1) Medical Marijuana Dispensary is defined as an entity that is licensed by the Oklahoma State Department of Health pursuant to Title 63 O.S. § 421A which allows the entity to purchase medical marijuana from a Commercial Grower or Processor and sell medical marijuana only to qualified patients and caregivers.
- (2) Commercial Grower is defined as an entity that is licensed by the Oklahoma State Department of Health pursuant to Title 63 O.S. § 422A, which allows the entity to grow, harvest, and package medical marijuana for the purpose of selling medical marijuana to a dispensary, processor or researcher.
- (3) Marijuana Processor is defined as an entity that is licensed by the Oklahoma State Department of Health pursuant to Title 63 O.S. § 423A which allows the entity to purchase marijuana from a commercial grower; prepare, manufacture, package, sell to and deliver medical marijuana products to a dispensary licensee or other processor licensee; and may process marijuana received from a qualified patient into a medical marijuana concentrate, for a fee.
- (4) Qualified Patient means a person that has been issued a medical marijuana license pursuant to 63 O.S. § 420A *et seq.*
- (5) Caregiver means a person that has been issued a medical marijuana license pursuant to 63 O.S. § 420A *et seq.*
- (6) Commercial Establishment License means a license issued to a Medical Marijuana Dispensary, Commercial Grower or Processor by the Oklahoma State Department of Health pursuant to 63 O.S. § 420A *et seq.*

- (7) Permit means a current and valid Permit for a Medical Marijuana Dispensary, Commercial Grower or Marijuana Processor issued under this Ordinance, which shall be granted to a Permit Holder only for and limited to a specific Permitted Premises and specific Permitted Property.
- (8) Permit Holder means the person that holds a current and valid Permit issued under this Ordinance.
- (9) Permitted Premises means the particular building or buildings within which the Permit Holder will be authorized to conduct the Facility's activities pursuant to the Permit. Permitted Property means the real property comprised of a lot, parcel or other designated unit of real property upon which the Permitted Premises is situated.

SECTION 7-364 Permit Required; General Provisions.

- A. No person shall operate a Medical Marijuana Dispensary, Commercial Grower or Marijuana Processor at any time or at any location within the City of Broken Arrow unless a currently effective Permit for that Person at that location has been issued under this Ordinance.
- B. A Medical Marijuana Dispensary, Commercial Grower or Marijuana Processor shall operate only as allowed under this Ordinance.
- C. The requirements set forth in this Ordinance shall be in addition to, and not in lieu of, any other licensing or permitting requirements imposed by applicable federal, state or local laws, regulations, codes or ordinances.
- D. A Permit and Renewal Permit shall not confer any vested rights or reasonable expectation of subsequent renewal on the Applicant or Permit Holder, and shall remain valid only until the August 25th immediately following its approval.
- E. It is the sole and exclusive responsibility of each Permit Holder or Person applying to be a Permit Holder to immediately provide the City of Broken Arrow with all material changes in any information submitted on an Application and any other changes that may materially affect any Commercial Establishment License or City of Broken Arrow Permit.
- F. 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 granted a Permit by the City of Broken Arrow. No Permit issued under this Ordinance is transferrable to any other location except for the Permitted Premises.

- G. The original Permit issued under this Ordinance shall be prominently displayed at the Permitted Premises in a location where it can be easily viewed by the public, law enforcement and administrative authorities.
- H. No Permit shall be granted or renewed for a Medical Marijuana Dispensary, Commercial Grower or Marijuana Processor in a residence.

SECTION 7-365 Medical Marijuana Dispensary Requirements

- A. **State Licensing Requirement.** All operators of a Medical Marijuana Dispensary within the City of Broken Arrow must maintain a valid commercial establishment license from the Oklahoma Department of Health. Each person operating a Medical Marijuana Dispensary within the City of Broken Arrow shall provide the City with a copy of their commercial establishment license issued by the Oklahoma Department of Health prior to commencing operation and shall further provide the City with a copy of any renewal of the commercial establishment license not later than August 25th of each calendar year.
- B. **City Permit Requirement.** All operators of a Medical Marijuana Dispensary within the City of Broken Arrow must obtain a Medical Marijuana Dispensary permit from Development Services prior to commencing operation.
 - 1. Prior to issuance of a Medical Marijuana Dispensary permit, the physical address of the proposed Medical Marijuana Dispensary will be subject to a property inspection by an authorized City Inspector to insure compliance with all City Codes. The property inspection will occur at a time scheduled and approved by both the applicant and City Inspector. The applicant is required to be present during the inspection. All structures, equipment and apparatuses shall comply with all building and fire codes adopted by the State of Oklahoma and City of Broken Arrow.
- C. **Applications for Medical Marijuana Dispensary permit.** Any person seeking to obtain a Medical Marijuana Dispensary permit shall submit a written application to the Development Services Department on a City prescribed form to include, at a minimum, the following:
 - 1. The name of the establishment;
 - 2. Physical address of the establishment;
 - 3. Phone number of the establishment;
 - 4. Operating hours of the establishment;
 - 5. The applicant's first name, middle name, last name and suffix if applicable;
 - 6. The applicant's residence address and mailing address;
 - 7. The applicant's date of birth;
 - 8. The applicant's preferred telephone number and email address;
 - 9. An attestation that the information provided by the applicant is true and correct;

10. An application submitted on behalf of a business organization shall include an attestation that the applicant is authorized to make application on behalf of the business organization, full name of the business organization, type of business organization, mailing address for the business organization,
11. A statement signed by the applicant not to divert marijuana to any individual or entity that is not lawfully entitled to possess marijuana.
12. One copy of all of the following:
 - a. All documentation showing the proposed Permit Holder's valid tenancy, ownership or other legal interest in the proposed Permitted Premises. If the Applicant is not the owner of the proposed Permitted Premises, a notarized statement from the owner of such property authorizing the use of the property for a Medical Marijuana Dispensary.
 - b. A valid, unexpired driver's license or state issued ID for all owners, directors, officers and managers of the proposed Facility.
 - c. Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.
 - d. Application for Sign Permit, if any sign is proposed.
 - e. Any other information reasonably requested by the City of Broken Arrow to be relevant to the processing or consideration of the Application.

D. Application Fees. Application processing fees for a Medical Marijuana Dispensary permit shall be as set forth in the Manual of Fees adopted by the Broken Arrow City Council. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of Medical Marijuana Dispensary establishments.

E. Renewal Fees. Annual renewal fees of any Medical Marijuana Dispensary permit shall be as set forth in the Manual of Fees. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of Medical Marijuana Dispensary establishments.

F. Application fees and annual renewal fees are non-refundable. The application fees shall be paid at the time of the submission of an application for a license and are not prorated.

G. Location Restrictions for Medical Marijuana Dispensary.

1. A Medical Marijuana Dispensary permit will not be granted to any applicant where the proposed location would be located within one thousand (1,000) feet from any public or private school entrance. The distance specified shall be measured from any entrance of the school to the nearest property point of the dispensary.

2. A Medical Marijuana Dispensary Permit will not be granted to any applicant where the proposed location is not allowed by the Broken Arrow Zoning Ordinance.

SECTION 7-366 Commercial Grower Requirements

- A. State Licensing Requirement. All operators of a Commercial Grower within the City of Broken Arrow must maintain a valid commercial establishment license from the Oklahoma Department of Health. Each person operating a Commercial Grower within the City of Broken Arrow shall provide the City with a copy of their commercial establishment license issued by the Oklahoma Department of Health prior to commencing operation and shall further provide the City with a copy of any renewal of the commercial establishment license not later than August 25th of each calendar year.
- B. City Permit Requirement. All operators of a Commercial Grower within the City of Broken Arrow must obtain a Commercial Grower permit from Development Services prior to commencing operation.
 1. Prior to issuance of a Commercial Grower permit, the physical address of the proposed Commercial Grower will be subject to a property inspection by an authorized City Inspector to insure compliance with all City Codes. The property inspection will occur at a time scheduled and approved by both the applicant and City Inspector. The applicant is required to be present during the inspection. All structures, equipment and apparatuses shall comply with all building and fire codes adopted by the State of Oklahoma and City of Broken Arrow.
- C. Applications for a Commercial Grower permit. Any person seeking to obtain a Commercial Grower permit shall submit a written application to the Development Services Department on a City prescribed form to include, at a minimum, the following:
 1. The name of the establishment;
 2. Physical address of the establishment;
 3. Phone number of the establishment;
 4. Operating hours of the establishment;
 5. The applicant's first name, middle name, last name and suffix if applicable;
 6. The applicant's residence address and mailing address;
 7. The applicant's date of birth;
 8. The applicant's preferred telephone number and email address;
 9. An attestation that the information provided by the applicant is true and correct;
 10. An application submitted on behalf of a business organization shall include an attestation that the applicant is authorized to make application on behalf

of the business organization, full name of the business organization, type of business organization, mailing address for the business organization,

11. A statement signed by the applicant not to divert marijuana to any individual or entity that is not lawfully entitled to possess marijuana.
12. One copy of all of the following:
 - a. All documentation showing the proposed Permit Holder's valid tenancy, ownership or other legal interest in the proposed Permitted Premises. If the Applicant is not the owner of the proposed Permitted Premises, a notarized statement from the owner of such property authorizing the use of the property for a Medical Marijuana Dispensary.
 - b. A valid, unexpired driver's license or state issued ID for all owners, directors, officers and managers of the proposed Facility.
 - c. Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.
 - d. Application for Sign Permit, if any sign is proposed.
 - e. Any other information reasonably requested by the City of Broken Arrow to be relevant to the processing or consideration of the Application.

D. Application Fees. Application processing fees for a Commercial Grower permit shall be as set forth in the Manual of Fees adopted by the Broken Arrow City Council. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of Commercial Grower establishments.

E. Renewal Fees. Annual renewal fees of any Commercial Grower permit shall be as set forth in the Manual of Fees. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of Commercial Grower establishments.

F. Application fees and annual renewal fees are non-refundable. The application fees shall be paid at the time of the submission of an application for a license and are not prorated.

G. Location Restrictions for Commercial Grower.

1. A Commercial Grower permit will not be granted to any applicant where the proposed location would be located within one thousand (1,000) feet from any public or private school entrance. The distance specified shall be measure from any entrance of the school to the nearest property point of the dispensary.
2. A Commercial Grower Permit will not be granted to any applicant where the proposed location is not allowed by the Broken Arrow Zoning Ordinance.

H. Conditions of Operation for Commercial Grower.

1. All Commercial Grower facilities shall be located within an entirely enclosed and secured structure.
2. All Commercial Grower facilities must be constructed in such a manner that the growing of the medical marijuana plants cannot be seen by the public from the public right of way.
3. All Commercial Grower facilities shall comply with all building and fire codes adopted by the State of Oklahoma and the City of Broken Arrow.
4. All Commercial Grower facilities must be properly vented so as to not create humidity, mold or other related problems.
5. All Commercial Grower facilities shall be conducted in a manner that does not constitute 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.

SECTION 7-367 Marijuana Processor Requirements

- A. State Licensing Requirement. All operators of a Marijuana Processor within the City of Broken Arrow must maintain a valid commercial establishment license from the Oklahoma Department of Health. Each person operating a Marijuana Processor within the City of Broken Arrow shall provide the City with a copy of their commercial establishment license issued by the Oklahoma Department of Health prior to commencing operation and shall further provide the City with a copy of any renewal of the commercial establishment license not later than August 25th of each calendar year.
- B. City Permit Requirement. All operators of a Marijuana Processor within the City of Broken Arrow must obtain a Marijuana Processor permit from Development Services prior to commencing operation.
 1. Prior to issuance of a Marijuana Processor permit, the physical address of the proposed Marijuana Processor will be subject to a property inspection by an authorized City Inspector to insure compliance with all City Codes. The property inspection will occur at a time scheduled and approved by both the applicant and City Inspector. The applicant is required to be present during the inspection. All structures, equipment and apparatuses shall comply with all building and fire codes adopted by the State of Oklahoma and City of Broken Arrow.

- C. Applications for a Marijuana Processor permit. Any person seeking to obtain a Marijuana Processor permit shall submit a written application to the Development Services Department on a City prescribed form to include, at a minimum, the following:
1. The name of the establishment;
 2. Physical address of the establishment;
 3. Phone number of the establishment;
 4. Operating hours of the establishment;
 5. The applicant's first name, middle name, last name and suffix if applicable;
 6. The applicant's residence address and mailing address;
 7. The applicant's date of birth;
 8. The applicant's preferred telephone number and email address;
 9. An attestation that the information provided by the applicant is true and correct;
 10. An application submitted on behalf of a business organization shall include an attestation that the applicant is authorized to make application on behalf of the business organization, full name of the business organization, type of business organization, mailing address for the business organization,
 11. A statement signed by the applicant not to divert marijuana to any individual or entity that is not lawfully entitled to possess marijuana.
 12. One copy of all of the following:
 - a. All documentation showing the proposed Permit Holder's valid tenancy, ownership or other legal interest in the proposed Permitted Premises. If the Applicant is not the owner of the proposed Permitted Premises, a notarized statement from the owner of such property authorizing the use of the property for a Medical Marijuana Dispensary.
 - b. A valid, unexpired driver's license or state issued ID for all owners, directors, officers and managers of the proposed Facility.
 - c. Evidence of a valid sales tax license for the business if such a license is required by state law or local regulations.
 - d. Application for Sign Permit, if any sign is proposed.
 - e. Any other information reasonably requested by the City of Broken Arrow to be relevant to the processing or consideration of the Application.
- D. Application Fees. Application processing fees for a Marijuana Processor permit shall be as set forth in the Manual of Fees adopted by the Broken Arrow City Council. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of Marijuana Processor establishments.
- E. Renewal Fees. Annual renewal fees of any Marijuana Processor permit shall be as set forth in the Manual of Fees. The fee shall be used to offset municipal expenses covering costs related to licensing, inspection, administration and enforcement of Marijuana Processor establishments.

- F. Application fees and annual renewal fees are non-refundable. The application fees shall be paid at the time of the submission of an application for a license and are not prorated.
- G. Location Restrictions for Marijuana Processor.
 - 1. A Commercial Grower permit will not be granted to any applicant where the proposed location would be located within one thousand (1,000) feet from any public or private school entrance. The distance specified shall be measure from any entrance of the school to the nearest property point of the dispensary.
 - 2. A Marijuana Processor Permit will not be granted to any applicant where the proposed location is not allowed by the Broken Arrow Zoning Ordinance.
- H. Conditions of Operation for Commercial Grower.
 - 1. All Marijuana Processor facilities must be constructed in such a manner that the processing of the medical marijuana cannot be seen by the public from the public right of way.
 - 2. All Marijuana Processor facilities shall be located within an entirely enclosed and secure structure.
 - 3. All Marijuana Processor facilities shall comply with all building and fire codes adopted by the State of Oklahoma and the City of Broken Arrow.
 - 4. All Marijuana Processor facilities must be properly vented so as to not create humidity, mold or other related problems.
 - 5. All Marijuana Processor facilities shall be conducted in a manner that does not constitute 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.

SECTION 7-368 Approval, Issuance, Denial and Appeal.

- A. All inspections, review and process of any Application under this Ordinance shall be completed within ninety (90) days of receipt of a complete Application and all required fees. Development Services shall approve or deny the Permit within one hundred twenty (120) days of receipt of the completed Application and fees. The processing time may be extended upon written notice by Development Services for good cause, and any failure to meet the required

processing times shall not result in the automatic grant of the Permit. Any denial must be in writing and must state the reason(s) for denial. Any final denial of a Permit may be appealed to a court of competent jurisdiction; provided that the pendency of an appeal shall not stay or extend the expiration of any Permit. The City of Broken Arrow has no obligation to process or approve any incomplete Application, and any times provided under this Ordinance shall not begin to run until the City of Broken Arrow receives a complete Application as determined by Development Services. A determination of a complete Application shall not prohibit the Township from requiring supplemental information.

- B. Renewal Applications shall require approval by Development Services and shall be submitted to and received by Development Services not less than sixty (60) days prior to the expiration of the annual Permit. A Permit Holder whose Permit expires and for which a complete Renewal Application has not been received by the expiration date shall be deemed to have forfeited the Permit under this Ordinance. The City of Broken Arrow will not accept Renewal Applications after the expiration date of the Permit. The same requirements that apply to all new Applications for a Permit apply to all Renewal Applications.

SECTION 7-369 Operational and Business Plan Requirements for Medical Marijuana Dispensary, Commercial Grower and Marijuana Processor Permit Holders

- A. Business and Operation Plan. All Applicants for a Medical Marijuana Dispensary Permit, Commercial Grower Permit and/or Marijuana Processor Permit shall submit a business and operations plan with their Application showing in detail the Medical Marijuana Dispensary's, Commercial Grower's and/or Marijuana Processor's proposed plan of operation, including without limitation, the following:
 - 1. A description of the type of Facility proposed and the anticipated or actual number of employees.
 - 2. A description by category of all products to be sold.
 - 3. A list of Material Safety Data Sheets for all nutrients, pesticides and other chemicals proposed for use in the Facility.
 - 4. A description and plan of all equipment and methods that will be employed to stop any impact to adjacent uses, including enforceable assurances that no odor will be detectable from outside of the Permitted Premises.
 - 5. A plan for the disposal of Marijuana and related byproducts that will be used in the Facility.
 - 6. A security plan which shall include a general description of the security systems and confirmation that those systems will meet State requirements and be approved by the State prior to commencing operations.

- B. Operational Requirements. All Permit Holders shall at all times comply with the following operational requirements, which the City of Broken Arrow may review and amend from time to time as it determines reasonable.
1. All Permitted Premises shall comply with all respective applicable codes of the local zoning, building and health departments. The Facility must hold a valid local Permit and Commercial Establishment License for the type of Facility intended to be carried out on the Permitted Property. The Facility operator, owner or Licensee must have documentation available that local and State sales tax requirements, including holding any licenses, if applicable, are satisfied.
 2. No Permit Holder shall be permitted to operate from a moveable, mobile or transitory location except as allowed under the Oklahoma State Department of Health rules that authorize and license the transportation of medical marijuana. No person under the age of eighteen (18) shall be allowed to enter into the Permitted Premises without a parent or legal guardian.
 3. All activities of a Medical Marijuana Dispensary, Commercial Grower and Marijuana Processor, including without limitation, distribution, growth, cultivation, or the sale of Marijuana and all other related activity permitted under the Permit Holder's License or Permit must occur indoors. The Facility's operation and design shall minimize any impact to adjacent uses, including the control of any odor by maintaining and operating an air filtration system so that no odor is detectable outside the Permitted Premises.
 4. Waste Disposal. The Permit Holder, owner and operator of the Facility shall use lawful methods in controlling waste or by-products from any activities allowed under the Permit.
 5. The City of Broken Arrow may impose such reasonable terms and conditions on a Medical Marijuana Dispensary, Commercial Grower and Marijuana Processor as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Ordinance and applicable law.

SECTION 7-370 Medical Marijuana Growing Facilities for Personal Use

- A. All medical marijuana grown at home by a Qualified Patient or Caregiver patient medical marijuana license holders can only be grown on residential real property owned by the patient license holder or on rented real property for which the patient license holder has the property owner's written permission to grow medical marijuana on the property.
- B. 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 an opaque 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 lock and

key. No marijuana plants may be visible from any street adjacent to the property.

- C. 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 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.

SECTION 7-371 Additional Regulations:

1. The smell of noxious odor emitted from smoking or consumption of medical marijuana by a person possessing a valid state issued medical marijuana license shall constitute a public nuisance.
2. Smoking and vaping marijuana shall be prohibited on all city property including vehicles, buildings, parks or other facilities.
3. Revocation or suspension of Municipal issued marijuana license; hearing.
 - a. The City Manager or designee shall revoke or suspend a license issued under this Article on any of the following grounds:
 - i. Violation of City ordinance, State law or Department of Health regulations governing medical marijuana.
 - ii. The license was procured by fraudulent conduct or false statement of a material fact or a fact concerning the applicant was not disclosed at the time of the application, and such fact would have constituted just cause for refusal to issue the license.
 - b. Prior to suspension or revocation the permittee shall be given notice of the proposed action to be taken and shall have an opportunity to be heard before the City Manager or designee. If an employee has been designated by the City Manager, such designee shall make a report to the City Manager together with a recommendation as to whether the license should be suspended or revoked.
 - c. Revocation of any Department of Health Marijuana License shall result in the immediate revocation of any City issued permit under this Article.
4. Any person or entity applying for or issued a Permit by the City of Broken Arrow under this Article shall comply with all State law and Department of Health rules and regulations.

SECTION II. Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION III. An emergency exists for the preservation of the public health; peace and safety and therefore this ordinance shall become effective from time of its passage and approval.

SECTION IV. Nothing in this Ordinance is intended to permit or assist in the violation of either the Federal Controlled Substances Act or Oklahoma's Uniform Controlled Dangerous Substances Act. Furthermore, nothing in this Ordinance is intended to prevent or frustrate Federal and State enforcement of any laws or regulations applicable to the possession, use or distribution of marijuana or act as a defense to the commission of any act prohibited by Federal or State law.

SECTION V. If any provisions of this Ordinance, or of its application to any person or circumstance is declared invalid or unenforceable, as determined by a court of competent jurisdiction, the invalidity or unenforceability shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or circumstance, and to this end, the provisions of this Ordinance are severable.

PASSED AND APPROVED and this 18th day of September, 2018.

MAYOR

ATTEST:

(seal) CITY CLERK

APPROVED:

ACTING CITY ATTORNEY

PRESS RELEASE

Contact: Krista Flasch
Communications Director
Phone: (918) 259-2400, ext. 5309
Mobile: (918) 409-7771

Third public meeting scheduled for Broken Arrow Next Comprehensive Plan
Latest public meeting focuses on the preferred growth scenario and preliminary plan elements

Broken Arrow, Okla. (9/18/18) – The City of Broken Arrow will host the third public meeting of the comprehensive plan process from 6-8 p.m., Tuesday, Sept. 25, at Central on Main, 210 N. Main St. At this meeting the project team will present and seek feedback on the preferred future growth scenario that was initiated at the planning charrette held in June. The team will also seek feedback on preliminary recommendations for future land use and other key plan elements.

The first 100 attendees will receive a Broken Arrow NEXT tote bag! All Broken Arrow residents, businesses and other interested persons are invited to participate in this important meeting regarding the future of the City.

The Comprehensive Plan is an aspirational and strategic policy document to help guide the City's future development pattern and further enhance quality of life over the next 20 years. Since the last Comprehensive Plan was adopted in 1997, Broken Arrow has seen significant growth and its estimated population has climbed to approximately 112,000 — making it Oklahoma's fourth largest City. Today an update is needed to proactively prepare and respond to new and emerging market conditions in Broken Arrow. Through this 18-month planning process, many future community needs will be identified, prioritized and incorporated into the Comprehensive Plan. The information gathered at this open house will help guide the recommendations in the final plan.

The plan development process for the Broken Arrow Next is being led by Halff Associates Inc., professional planning consultants. For more information about the plans visit www.BrokenArrowNext.com.

What: Broken Arrow Next Open House

When: Tuesday, Sept. 25; 6-8 p.m.

Where: Central on Main, 210 N. Main St.

###

PRESS RELEASE

Contact: Krista Flasch
Director of Communications
City of Broken Arrow
Phone: (918) 259-2400, ext. 5309
Mobile: (918) 409-7771

BA homeowners can apply for storm shelter rebate

Residents must attend an informational meeting to qualify

Broken Arrow, Okla. (9/21/2018) – The City of Broken Arrow will begin participating in the Safe Room Rebate Program. Offered by the Federal Emergency Management Agency (FEMA) through the Oklahoma Department of Emergency Management (OEM), this program will allow homeowners who would like to install a safe room the chance to earn a rebate of up to \$2,000.

“Storm shelters safe lives,” said Jamie Ott, Emergency Management Director for the City of Broken Arrow. “And this program is designed to help homeowners protect themselves and their loved ones when severe weather strikes.”

To help guide residents through the process, the City and OEM will host two public information and application meetings for those interested. **ATTENDANCE AT ONE OF THESE MEETING IS REQUIRED TO QUALIFY FOR THE REBATE.** The meetings are scheduled for 6:30 p.m. on Thursday, Oct. 4, and Tuesday, Oct. 9. Both meetings will be at Central on Main, 210 N. Main St.

To participate:

- Must be the homeowner
- Must be your primary residence (income properties not eligible)
- Home must be located within the City of Broken Arrow
- Shelter cannot be installed in a floodplain
- Must submit paperwork for rebate
- Already installed units are not eligible for rebate

The rebate program is a process that could take several months to complete, though applicants only need to submit a one-page Voluntary Participation Notice, which can be completed during the public information meetings. Everyone who registers through the program will be approved and notified at the same time. Rebate recipients will be chosen by random drawing once the City’s application is approved.

###

3. SPECIAL EVENTS / ACTIVITIES

