

Administration and Government

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**Town of Disney, Oklahoma**

**Ordinance No. 2019-04**

**AN ORDINANCE RELATING TO SECTION 2, ADMINISTRATION AND GOVERNMENT, CHAPTER 1, GOVERNMENT ORGANIZATION, SECTION 2-102 MEETING OF THE BOARD OF TRUSTEES.**

WHEREAS the current ordinance discourages public participation in the many local events held within the corporate limits of the Town of Disney; and

WHEREAS the current ordinance does allow future growth of the many local events held within the corporate limits of the Town of Disney.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA, THAT:

**Section One:** SECTION 2-102 MEETINGS OF THE BOARD OF TRUSTEES.

A. Regular meetings of the board of trustees shall be held on the second Monday of every month at 7:00 p.m. at the town hall unless, in the case of an emergency, the board of trustees designates another place. If such a Monday falls on a town holiday, the regular meeting shall be held at that time on the next day which is not a holiday. Any adjourned meeting may be held at any other place in the town designated by the board of trustees.

B. The board of trustees may from time to time adopt rules to govern the proceedings of the board of trustees.

State Law Reference: See also Open Meetings Act, 25 O.S. Sec. 301 et seq.

**Section Two:** If any provision of this ordinance or the application thereof, to any person or circumstance, is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.


**Section Three:** In order to assure the public safety and well-being of the Town of Disney and its citizens, it is necessary for such Ordinance to go into effect immediately upon publication. Further, in order that said Ordinance may do so, an emergency is thereby declared, with such emergency being voted on and approved separately.


Dated this 15<sup>th</sup> Day of October, 2019

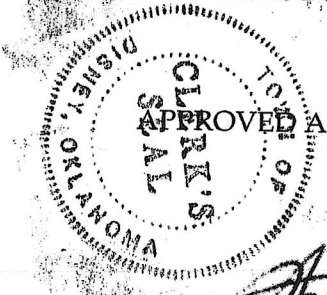
ORDAINED THIS 15 day of October, 2019, BY THE MAYOR AND TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA


BOOK 1393 PAGE 0602

\$ 10.00 Town of Disney

  
Chris Tuter, Mayor

  
Anna Marie Davidson, Town Clerk



  
Harlan S. Pinkerton, Jr., Town Attorney

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CHAPTER 1

GOVERNMENT ORGANIZATION

Section 2-101	Form of government.
Section 2-102	Meetings of the board of trustees.
Section 2-103	Mayor's powers and duties.
Section 2-104	Town elections.
Section 2-105	Town clerk appointment, duties.
Section 2-106	Town treasurer election, duties.
Section 2-107	Town attorney.
Section 2-108	Administrative departments, officers, and agencies.
Section 2-109	Bonds for town officers and employees.
Section 2-110	Compensation.
Section 2-111	Books delivered to successor.

SECTION 2-101      FORM OF GOVERNMENT.

The town is governed under the board of trustees form of government. The board of trustees shall consist of five (5) trustees. All powers of the town shall be exercised in the manner prescribed by the town code, by state statute and in such manner prescribed by ordinances adopted by the town board of trustees.

SECTION 2-102      MEETINGS OF THE BOARD OF TRUSTEES.

A. Regular meetings of the board of trustees shall be held on the second Tuesday of every month at 7:00 p.m. at the town hall unless, in the case of an emergency, the board of trustees designates another place. If such a Tuesday falls on a town holiday, the regular meeting shall be held at that time on the next day which is not a holiday. Any adjourned meeting may be held at any other place in the town designated by the board of trustees.

B. The board of trustees may from time to time adopt rules to govern the proceedings of the board of trustees.

State Law Reference: See also Open Meetings Act, 25 O.S. Sec. 301 et seq.

SECTION 2-103      MAYOR'S POWERS AND DUTIES.

The mayor and acting mayor shall have all the powers and duties prescribed by state law, and as may be prescribed by ordinance.

SECTION 2-104      TOWN ELECTIONS.

A. Pursuant to Section 16-302 of Title 11 of the Oklahoma Statutes, the town hereby declares that it is governed by the Oklahoma Town Meeting Act for electing its officers and deciding initiative and referendum questions.

B. In accordance with Section 11-205 of Title 11 of the Oklahoma Statutes, the officers

## Administration and Government

of the town shall be elected as follows:

1. Trustees are elected at large. At the general election on the first Tuesday in April Trustees Two (2) and Four (4) are elected for terms of four (4) years. At the next general election on the first Tuesday in April, two years later, Trustees One, Three (3) and Five (5) and the ~~Town Treasurer~~ are elected for terms of four (4) years;

2. The board of trustees shall have authority to appoint the town clerk;

3. The board of trustees shall have the authority to appoint a police chief and all other appointed officers of the town.

### SECTION 2-105 TOWN CLERK APPOINTMENT, DUTIES.

A. The town clerk is an officer of the town.

B. As clerk, the town clerk shall:

1. Keep the journal of proceedings of the board of trustees;

2. Enroll all ordinances and resolutions passed by the board of trustees in a book or set of books kept for that purpose;

3. Have custody of documents, records, and archives as may be provided for by law or by ordinance, and have custody of the town seal;

4. Attest and affix the seal of the town to documents as required by law or ordinance;

5. Collect or receive such revenue and other money for the town as the law or ordinances may provide, and deposit it daily with the town treasurer, and keep proper records and accounts of all the financial transactions of his office;

6. Countersign all warrants properly and legally drawn by the purchasing officer of the board of trustees on the town treasurer;

7. Be available during normal business hours to provide all public records as required by the Oklahoma Open Records Act for inspection, copying or mechanical reproduction during regular business hours, and charge such fees as are set by motion or resolution of the board of trustees for reproduction;

8. Have such other powers, duties and functions related to the statutory duties of the clerk as may be prescribed by law or ordinance.

C. When the words "clerk" or "town clerk" are used in this code or in other ordinances of the town, they shall be deemed to mean the town clerk unless another meaning is clearly indicated by the context.

Ed. Note: Fee for photo reproduction is \$ .25 per page; \$2.50 for cassette tape reproduction. *digital reproduction \$6.00*

State Law Reference: Records which must be kept available for inspection, see 51 O.S.

## Administration and Government

24(A)(5).

### SECTION 2-106                      TOWN TREASURER DUTIES.

- A.        The town treasurer is appointed by the Board of Trustees.
- B.        When the words "treasurer" or "town treasurer" are used in this code or in other ordinances of the town, they shall be deemed to mean the town treasure unless another meaning is clearly indicated by the contest.
- C.        The town treasurer shall:
  1.        Maintain accounts and books to show where and from what source all monies paid to the town have been derived and to whom and when any monies have been paid;
  2.        Deposit daily funds received for the town in depositories as the board of trustees may designate; and
  3.        Have such other powers, duties and functions related to the statutory duties of the treasurer as may be prescribed by law or ordinance.

### SECTION 2-107                      TOWN ATTORNEY.

The town attorney is an officer of the town, appointed by the mayor with the confirmation of the board of trustees. The town attorney shall have such duties as are prescribed by the town board.

### SECTION 2-108                      ADMINISTRATIVE DEPARTMENTS, OFFICERS AND AGENCIES.

There shall be such other administrative departments, agencies and officers as the board of trustees may establish.

### SECTION 2-109                      BONDS FOR TOWN OFFICERS AND EMPLOYEES.

The town clerk, the town treasurer and such officers and employees as are designated by the town board of trustees shall, before entering upon the discharge of their duties, execute and file with the town clerk surety bonds issued by a surety company authorized to operate in the state conditioned upon the faithful performance of their duties. The town shall pay the premium on such bonds.

### SECTION 2-110                      COMPENSATION.

Compensation of elected officers of the town shall be as provided by the ordinances of the town. The compensation of other officers and employees shall be set by motion or resolution. That the Mayor and Trustees may, in their discretion, waive any and all payments in which they are entitled under these ordinances by omitting to take their pay by the end of the month in which services are rendered.

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SECTION 2-111

BOOKS DELIVERED TO SUCCESSOR.

All books, vouchers, monies or other property belonging to the corporation in charge or possession of any officer of the same shall be delivered to his successor when qualified.

CHAPTER 2

RETIREMENT AND PENSIONS

ARTICLE A

SOCIAL SECURITY

Section 2-201 Town officers and employees under federal social security.

ARTICLE B

FIRE FIGHTERS PENSION AND RETIREMENT SYSTEM

Section 2-211 System created.

Section 2-212 System to be operated in accordance with law.

ARTICLE A

SOCIAL SECURITY

SECTION 2-201 TOWN OFFICERS AND EMPLOYEES UNDER FEDERAL SOCIAL SECURITY.

A. It is hereby declared to be the policy of the town to extend, at the earliest date, to the employees and officials thereof, not excluded by law or this section, and whether employed in connection with a governmental or proprietary function, the benefits of the system of federal old-age and survivors insurance as authorized by the Federal Social Security Act, and amendments thereto. In pursuance of this policy, the town shall take such action as may be required by applicable state or federal laws or regulations.

B. The mayor is hereby authorized and directed to execute all necessary agreements and amendments thereto with the State Department of Human Services as agent or agency, to secure coverage of employees and officials as provided in Subsection A hereof.

C. Withholdings from salaries or wages of employees and officials for the purpose provided in Subsection A hereof are hereby authorized to be made in the amounts and at such times as may be required by applicable state or federal laws or regulations, and shall be paid over to the state or federal agency designated by the laws or regulations.

D. There shall be appropriated from available funds such amounts at such times as may be required by applicable state or federal laws or regulations for employer's contributions, which shall be paid over to the state or federal agency designated by said laws or regulations.

E. The town shall keep such records and make such reports as may be required by applicable state or federal laws or regulations.

F. There is hereby excluded from this section any authority to make any agreement with respect to any position or any employee or official now covered or authorized to be covered by any other ordinance creating any retirement system for any employee or official of the town.



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G. There is hereby excluded from this section any authority to make an agreement with respect to any position or any employee or official, compensation for which is on a fee basis, or any position or any employee or official not authorized to be covered by applicable state or federal laws or regulations.

### ARTICLE B

#### FIRE FIGHTERS PENSION AND RETIREMENT SYSTEM

##### SECTION 2-211      SYSTEM CREATED.

There is hereby created, for the purpose of providing pension retirement allowance and other benefits for fire fighters of the town, a fire fighters pension and retirement system. It is declared to be the official policy of the town to participate in the pension system as provided by state law.

State Law Reference: Firefighter's pension system, 11 O.S. Secs: 49-101 et seq.

##### SECTION 2-212      SYSTEM TO BE OPERATED IN ACCORDANCE WITH LAW.

A. The fire fighters pension and retirement system as established by Sections 49-100.1 et seq. of Title 11 of the Oklahoma Statutes is hereby adopted by reference.

B. The local board of trustees of the fire fighters pension and retirement system, servicing the fire fighters of the town, shall be constituted as provided by state law and shall have the powers and duties prescribed thereby.



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Brittany True-Howard - Mayes County  
State of Oklahoma

**TOWN OF DISNEY, OKLAHOMA  
ORDINANCE NO. 2020-01**

**AN ORDINANCE RELATING TO ORDINANCE SECTION 2, ADMINISTRATION AND GOVERNMENT, CHAPTER 3, TOWN RECORDS, SECTION 2-304; REQUESTS TO BE DIRECTED TO CUSTODIANS.**

WHEREAS the current ordinance provides out of date prices for Open Records Act requests.

WHEREAS the current ordinance costs the Town of Disney excessively for administrative costs for Open Records Requests.

THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA, THAT:

**Section One:**

**SECTION 2-302 DESIGNATION OF ADDITIONAL RECORD CUSTODIANS.**

A. Each of the official custodians appointed in Section 2-301 of this code is hereby authorized to designate any subordinate officers or employees to serve as record custodian. The record custodians shall have such duties and powers as are set out in the Oklahoma Open Records Act.

B. Whenever an official custodian shall appoint another person as a record custodian, he shall notify the town clerk of such designation and the town clerk shall maintain a register of all such designations.

**SECTION 2-303 DUTIES OF CUSTODIANS.**

All town officials and employees appointed or designated under this chapter shall: protect public records from damage and disorganization; prevent excessive disruption of the essential functions of the town; provide assistance and information upon request; insure efficient and timely action and response to all applications for inspection of public records; and shall carry out the procedures adopted by this town for inspecting and copying open public records.

**SECTION 2-304 REQUESTS TO BE DIRECTED TO CUSTODIANS.**

A. All members of the public, in seeking access to, or copies of, a public record in accordance with the provisions of the Oklahoma Open Records Act, shall address their requests to the custodian charged with responsibility for the maintenance of the record sought to be inspected or copied.

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\$ 16 Town of Disney

B. Whenever any town official or employee appointed or designated as a custodian under this chapter is presented with a request for access to, or copy of a public record which record the custodian does not have in his possession and which he has not been given responsibility to keep and maintain, the custodian shall so advise the person requesting the record. The person making the request shall be informed as to which custodian the request should be addressed to, if such is known by the custodian receiving therequest.

SECTION 2-305 PROCEDURES REGARDING BOTH INSPECTION AND COPYING OF OPEN PUBLIC RECORDS.

The following procedures are hereby adopted and shall be applied by each official custodian and record custodian:

1. Consistent with the policy, duties and procedures established by the Oklahoma Open Records Act, record custodians shall provide full access and assistance in a timely and efficient manner to persons who request access to open public records;
2. Record custodians shall protect the integrity and organization of public records with respect to the manner in which such records are inspected and copied;
3. Record custodians may prevent excessive disruptions of essential functions and provide the record at the earliest possible time;
4. All inspections and copying of open public records shall be performed by or under the supervision of the record custodian responsible for such records;
5. All persons requesting the inspection of or a copy of open public records shall make such request in writing prior to the request being honored, except that no form shall be required for requests made for records which have been reproduced for free public distribution;
6. All record inspection and copying forms are to be completed by the person requesting the record. The record custodian may demand reasonable identification of any person requesting a record;
7. Any fees for record inspection or for copies are due at the time the records, or copies thereof, are provided to the requester, unless the record custodian has demanded that prepayment of all or part of such fees be made. Fees are to be paid to the record custodian or town clerk;
8. The record custodian or town clerk shall demand full or partial prepayment of fees whenever the estimate for such fees exceeds the amount set out in Section 2-308 of this code;
9. No record search or copying fee shall be assessed against officers or employees of the town who make requests which are reasonably necessary to the performance of their official duties;
10. Hours for making requests for inspection or copying shall be all regular working hours for each day the office maintains regular office hours;
11. Removal of open public records from the office where kept and maintained, for purposes of inspection or the making of copies, shall not be permitted; and

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12. The above procedures, as well as any other inspection and copying procedures, shall be posted in a conspicuous place in the office of the record custodian.

Ed. Note: Town board has set fee for photo reproduction at \$.25 per page; \$5.00 for digital copy per disc.

SECTION 2-306      PROCEDURES REGARDING INSPECTION OF OPEN PUBLIC RECORDS.

The following procedures are hereby adopted and shall be applied by every official custodian and record custodian:

1. Record custodians shall handle all inspection request,; in accordance with their duties to protect and preserve public records and to assist persons requesting inspection of open public records;
2. All request forms must be completed by the party requesting the record. In all cases the party so requesting must sign his or her individual name to the form. Written requests shall be made on the form provided by the record custodian and presented to the record custodian;
3. A written request is sufficient if it reasonably describes the record sought. In instances where the requester cannot provide sufficient information to identify a record, the custodian shall assist in making such identification; and
4. The record custodian shall, upon making a denial of an inspection request, forward a copy of the denial to the town clerk and notify the person who requested the document.

SECTION 2-307      PROCEDURES REGARDING COPIES OF OPEN PUBLIC RECORDS.

The following procedures apply regarding copies of records:

1. Record custodians shall handle all copy requests in accordance with their duties to protect and preserve public records and to assist persons requesting copies of open public records;
2. All request forms must be completed by the party requesting the copies. In all cases the party so requesting must sign his or her individual name to the form. Written requests shall be made on the form provided by the record custodian;
3. Mechanical reproduction of a record shall not be undertaken when it is the judgment of the record custodian that any available means of mechanically reproducing the subject record is likely to cause damage to such records; and
4. No copy fee shall be assessed when multiple copies of the record requested have been prepared for free public distribution, or when the record custodian determines that the cost of charging and handling the fee exceeds the cost of providing a copy without charge.

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SECTION 2-308

FEES

A. Where a request has been made for the inspection of an open public record, no fee shall be charged.

B. A fee per page as set by the board of trustees by motion or resolution shall be charged for photocopying an open public record, such fee to cover the cost of labor, materials and equipment. The charges shall be \$.25 per page and \$5 for a disc.

C. For researching, preparation and copying any open public records the requester shall be charged the hourly fee of the person or entity that does the search.

D. For copying any open public record which cannot be reproduced by photocopying, such as a computer printout or a blueprint, the requester shall be charged the actual cost to the town, including the cost of labor, materials and equipment.

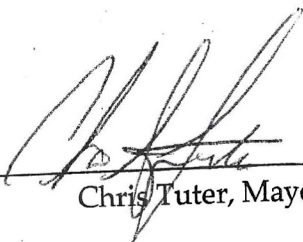
E. A record custodian may demand prepayment of a fee whenever the estimated amount exceeds Twenty Dollars (\$20.00). The prepayment amount shall be an estimate of the cost of copying, mechanical reproduction or searching for the record. Any overage or underage in the prepayment amount shall be settled prior to producing the requested record or delivering the copy or mechanical reproduction of the record.

**Section Two:** If any provision of this ordinance or the application thereof, to any person or circumstance, is held invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

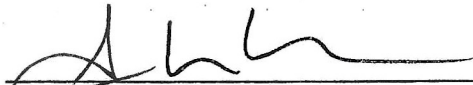
**Section Three:** In order to assure the public safety and well-being of the Town of Disney and its citizens, it is necessary for such Ordinance to go into effect immediately upon publication. Further, in order that said Ordinance may do so, an emergency is thereby declared, with such emergency being voted on and approved separately.

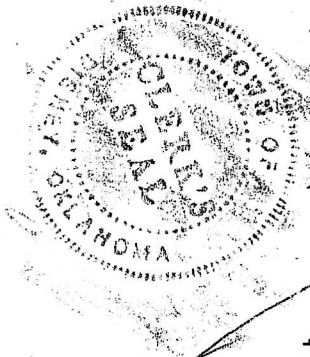
ORDAINED THIS 13 day of January, 2020, BY THE MAYOR AND TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA

Dated this 13 day of January, 2020

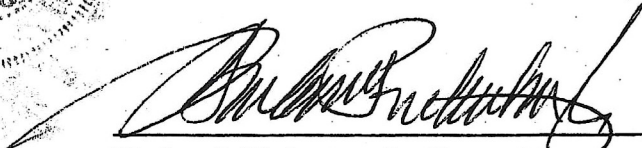
  
Chris Tuter, Mayor

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\_\_\_\_\_  
Anna Marie Davidson, Town Clerk



APPROVED AS TO FORM:

  
\_\_\_\_\_  
Harlan S. Pinkerton, Jr., Town Attorney

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CHAPTER 3

TOWN RECORDS

Section 2-301	Appointment of official custodians.
Section 2-302	Designation of additional record custodians.
Section 2-303	Duties of custodians.
Section 2-304	Requests to be directed to custodians.
Section 2-305	Procedures regarding both inspection and copying of open public records.
Section 2-306	Procedures regarding inspection of open public records.
Section 2-307	Procedures regarding copies of open public records.
Section 2-308	Fees.

SECTION 2-301      APPOINTMENT OF OFFICIAL CUSTODIANS.

The following town official is hereby appointed as official custodian for purposes of the Oklahoma Open Records Act and is charged with responsibility for compliance with that act with respect to the following listed public records:

Town clerk. All public records kept and maintained in the town clerk's office and all other public records not provided for elsewhere in this chapter.

State Law Reference: Open Records Act, 51 O.S. Sections 24.A.1 to 24.A.18.

SECTION 2-302      DESIGNATION OF ADDITIONAL RECORD CUSTODIANS.

A. Each of the official custodians appointed in Section 2-301 of this code is hereby authorized to designate any subordinate officers or employees to serve as record custodian. The record custodians shall have such duties and powers as are set out in the Oklahoma Open Records Act.

B. Whenever an official custodian shall appoint another person as a record custodian, he shall notify the town clerk of such designation and the town clerk shall maintain a register of all such designations.

SECTION 2-303      DUTIES OF CUSTODIANS.

All town officials and employees appointed or designated under this chapter shall: protect public records from damage and disorganization; prevent excessive disruption of the essential functions of the town; provide assistance and information upon request; insure efficient and timely action and response to all applications for inspection of public records; and shall carry out the procedures adopted by this town for inspecting and copying open public records.

SECTION 2-304      REQUESTS TO BE DIRECTED TO CUSTODIANS.

A. All members of the public, in seeking access to, or copies of, a public record in accordance with the provisions of the Oklahoma Open Records Act, shall address their requests to the custodian charged with responsibility for the maintenance of the record sought to be inspected or copied.

B. Whenever any town official or employee appointed or designated as a custodian under this chapter is presented with a request for access to, or copy of, a public record which the custodian does not have in his possession and which he has not been given responsibility to keep and maintain, the custodian shall so advise the person requesting the record. The person making the request shall be informed as to which custodian the request should be addressed to, if such is known by the custodian receiving the request.

SECTION 2-305      PROCEDURES REGARDING BOTH INSPECTION AND COPYING OF OPEN PUBLIC RECORDS.

The following procedures are hereby adopted and shall be applied by each official custodian and record custodian:

1. Consistent with the policy, duties and procedures established by the Oklahoma Open Records Act, record custodians shall provide full access and assistance in a timely and efficient manner to persons who request access to open public records;
2. Record custodians shall protect the integrity and organization of public records with respect to the manner in which such records are inspected and copied;
3. Record custodians may prevent excessive disruptions of essential functions and provide the record at the earliest possible time;
4. All inspections and copying of open public records shall be performed by or under the supervision of, the record custodian responsible for such records;
5. All persons requesting the inspection of or a copy of open public records shall make such request in writing prior to the request being honored, except that no form shall be required for requests made for records which have been reproduced for free public distribution;
6. All record inspection and copying forms are to be completed by the person requesting the record. The record custodian may demand reasonable identification of any person requesting a record;
7. Any fees for record inspection or for copies are due at the time the records, or copies thereof, are provided to the requester, unless the record custodian has demanded that prepayment of all or part of such fees be made. Fees are to be paid to the record custodian or town clerk;
8. The record custodian or town clerk shall demand full or partial prepayment of fees whenever the estimate for such fees exceeds the amount set out in Section 2-308 of this code;
9. No record search or copying fee shall be assessed against officers or employees of the town who make requests which are reasonably necessary to the performance of their official duties;
10. Hours for making requests for inspection or copying shall be all regular working hours for each day the office maintains regular office hours;
11. Removal of open public records from the office where kept and maintained, for purposes of inspection or the making of copies, shall not be permitted; and



## Administration and Government

12. The above procedures, as well as any other inspection and copying procedures, shall be posted in a conspicuous place in the office of the record custodian.

Ed. Note: Town board has set fee for photo reproduction at \$.25 per page; cassette tape reproduction at \$2.50. *Digital \$5.00*

### SECTION 2-306      PROCEDURES REGARDING INSPECTION OF OPEN PUBLIC RECORDS.

The following procedures are hereby adopted and shall be applied by every official custodian and record custodian:

1. Record custodians shall handle all inspection requests in accordance with their duties to protect and preserve public records and to assist persons requesting inspection of open public records;

2. All request forms must be completed by the party requesting the record. In all cases the party so requesting must sign his or her individual name to the form. Written requests shall be made on the form provided by the record custodian and presented to the record custodian;

3. A written request is sufficient if it reasonably describes the record sought. In instances where the requester cannot provide sufficient information to identify a record, the custodian shall assist in making such identification; and

4. The record custodian shall, upon making a denial of an inspection request, forward a copy of the denial to the town clerk.

### SECTION 2-307      PROCEDURES REGARDING COPIES OF OPEN PUBLIC RECORDS.

The following procedures apply regarding copies of records:

1. Record custodians shall handle all copy requests in accordance with their duties to protect and preserve public records and to assist persons requesting copies of open public records;

2. All request forms must be completed by the party requesting the copies. In all cases the party so requesting must sign his or her individual name to the form. Written requests shall be made on the form provided by the record custodian;

3. Mechanical reproduction of a record shall not be undertaken when it is the judgment of the record custodian that any available means of mechanically reproducing the subject record is likely to cause damage to such records; and

4. No copy fee shall be assessed when multiple copies of the record requested have been prepared for free public distribution, or when the record custodian determines that the cost of charging and handling the fee exceeds the cost of providing a copy without charge.

### SECTION 2-308      FEES.

A. Where a request has been made for the inspection of an open public record, no fee shall be charged.

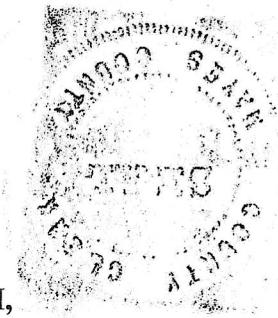
## Administration and Government

B. A fee per page as set by the board of trustees by motion or resolution shall be charged for photocopying an open public record, such fee to cover the cost of labor, materials and equipment.

C. For copying any open public record which cannot be reproduced by photocopying, such as a computer printout or a blueprint, the requester shall be charged the actual cost to the town, including the cost of labor, materials and equipment.

D. A search fee shall be charged a requester who is using the record solely for a commercial purpose. Such fee shall be the actual cost to the town of producing the record, including the cost of labor, materials and equipment.

E. A record custodian may demand prepayment of a fee whenever the estimated amount exceeds Twenty Dollars (\$20.00). The prepayment amount shall be an estimate of the cost of copying, mechanical reproduction or searching for the record. Any overage or underage in the prepayment amount shall be settled prior to producing the requested record or delivering the copy or mechanical reproduction of the record.



**TOWN OF DISNEY, OKLAHOMA  
ORDINANCE NUMBER 2019-02**

**AN ORDINANCE RELATING TO HEALTH AND SANITATION PART II, CHAPTER 26 ADDING ARTICLE III, MEDICAL MARIJUANA; ESTABLISHING REGULATIONS FOR BUSINESS LICENSING; ESTABLISHING REGULATIONS FOR RETAIL MEDICAL MARIJUANA DISPENSARIES; ESTABLISHING REGULATIONS FOR COMMERCIAL MEDICAL MARIJUANA GROWING FACILITIES; ESTABLISHING REGULATIONS FOR MARIJUANA PROCESSORS AND STORAGE FACILITIES; AND ESTABLISHING REGULATIONS FOR ~~MEDICAL MARIJUANA GROWING FACILITIES FOR PERSONAL USE~~, PROVIDING FOR SEVERALABILITY, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.**

**BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF DISNEY, MAYES COUNTY, STATE OF OKLAHOMA, AS FOLLOWS:**

**SECTION 1:** An ordinance relating to Part II, Chapter 26, adding Article III, Section 26-41 et seq. establishing regulations for business licensing; establishing regulations for retail medical marijuana dispensaries; establishing regulations for commercial medical marijuana growing facilities; establishing regulations for marijuana processors and storage facilities; and establishing regulations for medical marijuana growing facilities for personal use.

**ARTICLE III MEDICAL MARIJUANA**

**SECTION 26-41 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.

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- (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.*

SECTION 26-42 Medical Marijuana Dispensary Requirements

- A. State Licensing Requirement. All operators of a Medical Marijuana Dispensary within the Town of Disney must maintain a valid commercial establishment license from the Oklahoma Department of Health. Each person operating a Medical Marijuana Dispensary within the Town of Disney shall provide the Town with a copy of their commercial establishment license issued by the Oklahoma Department of Health prior to commencing operation and shall further provide the Town with a copy of any renewal of the commercial establishment license not later than September 1<sup>st</sup> of each calendar year.
- B. Applications for Medical Marijuana Dispensary permit. Any person seeking to obtain a Medical Marijuana Dispensary permit shall submit a written application to the Disney Town Clerk on a Town 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.

- D. Location Restrictions for Medical Marijuana Dispensary.

Medical Marijuana Dispensary Permit will not be granted to any applicant where the proposed location is not allowed by the Disney Zoning Ordinances.

- E. **Business Permit Fee.** A business permit fee of \$500.00 for a medical marijuana dispensary shall be due and payable to the Town of Disney before any medical marijuana dispensary business shall be permitted to engage in business within the Town of Disney. All business license fees shall be paid for the full year and no such fees shall be prorated. An annual renewal fee of \$500.00 for the license to operate a medical marijuana dispensary within the Town of Disney shall be due on or before September 1<sup>st</sup> of each year.

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**SECTION 26-43 Commercial Grower Requirements**

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- A. **State Licensing Requirement.** All operators of a Commercial Grower within the Town of Disney must maintain a valid commercial establishment license from the Oklahoma Department of Health. Each person operating a Commercial Grower within the Town of Disney shall provide the Town with a copy of their commercial establishment license issued by the Oklahoma Department of Health prior to commencing operation and shall further provide the Town with a copy of any renewal of the commercial establishment license not later than September 1<sup>st</sup> of each calendar year.
- B. **Town Permit Requirement.** All operators of a Commercial Grower within the Town of Disney must obtain a Commercial Grower permit from the Disney Town Clerk prior to commencing operation.
- C. **Applications for a Commercial Grower permit.** Any person seeking to obtain a Commercial Grower permit shall submit a written application to the Disney Town Clerk on a Town 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,
- D. **Location Restrictions for Commercial Grower.**

A Commercial Grower Permit will not be granted to any applicant where the proposed location is not allowed by the Disney Zoning Ordinances.

**E. Business Permit Fee.** A business permit fee of \$500.00 for a commercial grower shall be due and payable to the Town of Disney before any commercial grower business shall be permitted to engage in business within the Town of Disney. All license and occupational fees shall be paid for the full year and no such fees shall be prorated. An annual renewal fee of \$500.00 for the license to operate as a commercial grower within the Town of Disney shall be due on or before September 1<sup>st</sup> of each year.

~~SECTION 26-44 Marijuana Processor Requirements~~

**A. State Licensing Requirement.** All operators of a Marijuana Processor within the Town of Disney must maintain a valid commercial establishment license from the Oklahoma Department of Health. Each person operating a Marijuana Processor within the Town of Disney shall provide the Town with a copy of their commercial establishment license issued by the Oklahoma Department of Health prior to commencing operation and shall further provide the Town with a copy of any renewal of the commercial establishment license not later than September 1<sup>st</sup> of each calendar year.

**B. Applications for a Marijuana Processor permit.** Any person seeking to obtain a Marijuana Processor permit shall submit a written application to the Disney Town Clerk on a Town 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,

**C. Location Restrictions for Marijuana Processor.**

A Marijuana Processor Permit will not be granted to any applicant where the proposed location is not allowed by the Disney Zoning Ordinances.

**D. Business Permit Fee.** A business permit fee of \$500.00 for a marijuana processor shall be due and payable to the Town of Disney before any marijuana processor

business shall be permitted to engage in business within the Town of Disney. All license and occupational fees shall be paid for the full year and no such fees shall be prorated. An annual renewal fee of \$500.00 for the license to operate a marijuana processor within the Town of Disney shall be due on or before September 1<sup>st</sup> of each year.

**SECTION 26-45 Medical Marijuana Growing Facilities for Personal Use**

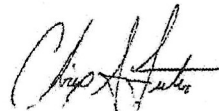
- A. All homegrown medical marijuana plants must be grown so that the marijuana is not accessible to a member of the general public and is only accessible to the patient or caregiver. If grown outdoors, it must be grown behind an opaque fence that is at least six (6) feet in height. The marijuana plants 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.

**SECTION 2:** The provisions of this ordinance are severable and if any part or parts of this ordinance are held to be invalid, then the decision of the court so holding shall not affect the remaining provisions.

**SECTION 3:** All ordinances or parts of ordinances in conflict herewith are expressly repealed.

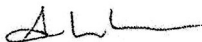
**SECTION 4:** In order to assure the public safety and well-being of the Town of Disney and its citizens, it is necessary for such Ordinance to go into effect immediately upon publication. Further, in order that said Ordinance may do so, an emergency is thereby declared, with such emergency being voted on and approved separately.

ORDAINED THIS \_\_\_\_ day of JUNE, 2019, BY THE MAYOR AND TRUSTEES OF THE TOWN OF DISNEY, OKLAHOMA



Chris Tuter, Mayor

**ATTEST:**



Anna Marie Davidson, Town Clerk

**APPROVED AS TO FORM:**

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Harlan S. Pinkerton Jr., Town Attorney

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