

**CITY OF MOORE
ORDINANCE 1029.23**

**AN ORDINANCE OF THE CITY OF MOORE, OKLAHOMA, AMENDING PART 10,
CHAPTER 5, SECTION 10-502 OF THE MOORE MUNICIPAL CODE, BY
AMENDING SECTION 10-502 BY ADDING THE UNLAWFUL POSSESSION OF
OTHER CONTROLLED DANGEROUS SUBSTANCES, IN ADDITION TO
MARIJUANA, PROVIDING FOR PENALTIES, PROVIDING FOR REPEALER
AND PROVIDING FOR SEVERABILITY.**

NOW THEREFORE, be it ordained by the Council of the City of Moore, in the State of Oklahoma, as follows:

SECTION 1: AMENDMENT "Sec 10-502 Marijuana And Controlled Dangerous Substances Prohibited" of the Moore Municipal Code is hereby *amended* as follows:

AMENDMENT

Sec 10-502 Marijuana And Controlled Dangerous Substances Prohibited

A. It is unlawful for any person to:

1. Possess a controlled dangerous substance including, but not limited to: methamphetamine, heroin, opium, opiates, cocaine or any other illegal substances as noted in Title 63 O.S. §2-101 et seq., unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his or her professional practice.
2. Possess marijuana in any place within the city; unless that person is in possession of an appropriate license issued by the Oklahoma Medical Marijuana Authority of the State of Oklahoma. No person shall possess a quantity of medical marijuana in excess of the amounts proscribed by state law as established for each category of license; possession of up to one and one half ounces of marijuana by a person who can state a medical condition, but are not in possession of a state issued medical marijuana license shall be punishable by a fine not to exceed \$400.00 or maximum allowed by state law. Unless otherwise stated, violation of any provision contained in this paragraph is punishable by a fine of up to \$500.00 and court costs.
3. Use marijuana in any place within the city except as legally prescribed by a physician licensed to practice in the state; or to use smokable, vaporized, vappable and e-cigarettes medical marijuana and medical marijuana products smoked by a patient license holder at locations that would violate 63 O.S. § 1-1521 et seq., commonly referred to as the "Smoking in Public Places and

Indoor Workplace Act" and part 8, chapter 7 sections 8-701 through 8-704 of this Code; or

4. Be about a place where marijuana is sold or furnished illegally.
- B. For the purpose of this section, the term "marijuana" means all parts of the plant *cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds or resin, but shall not include the mature stalks of such plant, fibre produced from such stalks, oil or cake made from the derivative, mixture or preparation of such mature stalks (except resin extracted therefrom), fibre, oil or cake, or the sterilized seed of such plant which is incapable of germination.
- C. For the purpose of this section, the term "controlled dangerous substance" means a drug, substance or immediate precursor in Schedules I through V of the Uniform Controlled Dangerous Substances Act or any drug, substance or immediate precursor listed either temporarily or permanently as a federally controlled substance. Any conflict between state and federal law with regard to the particular schedule in which a substance is listed shall be resolved in favor of state law.
- D. Any person who violates any of the provisions of this section or fails to comply with any of the requirements thereof, as it pertains to a controlled dangerous substance other than marijuana, shall be, upon conviction, guilty of a misdemeanor punishable by a fine not to exceed the lesser of \$500.00 and court costs or the maximum allowed by state law.

(Prior Code, § 16-63, in part; Code 1999, § 10-502)

State Law reference— Controlled dangerous substances, 63 O.S. § 2-101 et seq.

SECTION 2: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from ~~7/21/2023~~ and after the required approval and publication according to law.

7-5-23

PASSED AND ADOPTED BY THE CITY OF MOORE COUNCIL

6-5-23

Presiding Officer

Glenn Lewis
Glenn Lewis, Mayor, City of Moore

Attest

Vanessa Kemp
Vanessa Kemp, City Clerk, City of
Moore

Brian K. Miller
Brian K. Miller, City Attorney,
Approved as to Form, City of Moore