

TITLE XI: BUSINESS REGULATIONS

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CHAPTER 110: GENERAL BUSINESS LICENSING

Section

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Cross-reference:

Business license not to be issued if parking lot fee not paid, see § 112.04

§ 110.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS. Professions, trades, occupations, shops, and all and every kind of calling carried on for profit or nonprofit, as hereinafter specifically mentioned and listed.

PERSON. All domestic and foreign corporations, associations, syndicates, partnerships of every kind, joint adventures, societies, and

individuals transacting and carrying on business in the city.

(Ord. 70-47, passed 12-28-70)

§ 110.02 PURPOSE OF REGULATIONS.

(A) No person whose income is based solely on an hourly, daily, weekly, monthly, or annual wage or salary shall, for the purpose of this chapter, be deemed a person transacting or carrying on any business in the city; and it is the intention that all license taxes and fees levied herein shall be borne by the employer for the privilege of doing business in the city.

(B) This chapter is enacted for the purpose of providing revenue for municipal purposes and revenue to pay the necessary expenses required to issue the license.

(C) This chapter is enacted, except as hereinafter otherwise specified, to provide revenue for municipal purposes and to provide revenue to pay for the necessary expenses required to issue the license.

(D) It is the intention of the Council that any business paying a revenue or regulatory license tax or fee under ordinances now existing shall not be required to pay a license tax or fee under this chapter. (Ord. 70-47, passed 12-28-70; Am. Ord. 97-15, passed 6-23-97)

§ 110.03 LIABILITY FOR PAYMENT; EXEMPTION.

(A) The agent or agents of a nonresident proprietor engaged in any business for which a license is required by this chapter shall be liable for the payment of the fee thereon, as herein provided,

and for the penalties for failure to pay the same or to comply with the provisions of this chapter to the extent and with like effect as if such agent or agents were themselves the proprietors or owners thereof.

(B) Any person representing himself or itself, or exhibiting any sign or advertisement that he or it is engaged in any of the businesses in the city on which a license fee is levied by the ordinance, shall be deemed to be actually engaged in such business and shall be liable for the payment of such license fee and subject to the penalties for failure to pay the same.

(C) Nothing in this chapter shall be construed to apply to any person transacting and carrying on any business within the city, which is exempt from such license fee or regulation by the city by virtue of the constitution or laws of the United States of America, or the constitution or laws of the state.
(Ord. 70-47, passed 12-28-70)

§ 110.04 UNLAWFUL, ILLEGAL OR PROHIBITED BUSINESSES NOT AUTHORIZED.

The levy or collection of a license fee upon any business shall not be construed to be a license or permit of the city, to the person engaged therein, in the event such business shall be unlawful, illegal, or prohibited by the laws of the state or the United States or ordinances of the city. Notwithstanding the aforementioned provisions, a license can be issued for medical marijuana dispensaries and recreational marijuana retailers that comply with the additional licensing requirements in Chapter 118 or medical and recreational marijuana production and processing facilities that comply with the additional licensing requirements in Chapter 119.

(Ord. 70-47, passed 12-28-70; Am. Ord. 2015-04, passed 5-11-15; Am. Ord. 2015-07, passed 8-10-15; Am. Ord. 2016-02, passed 3-14-16; Am. Ord. 2016-05, passed 11-14-16)

§ 110.05 PAYMENT OF LICENSE FEE REQUIRED.

It shall be unlawful for any person to carry on any business, trade, occupation, profession, or calling, or transact any business as in this chapter specified, without first paying in advance to the city, the license fee imposed by this chapter.

(Ord. 70-47, passed 12-28-70) Penalty, see § 110.99

§ 110.06 TAX YEAR; DUE DATE.

The tax year for which license fees shall be charged hereunder shall commence with January 1 of each year and terminate with the close of December 31 of each year. The first license fee year shall begin with January 1, 1971, and all license fees shall be due and payable on January 1 of each year, which shall be in advance for the ensuing year; and if not paid before February 1 of the respective year, the license fee will be delinquent and the penalties and rights given the city under this chapter may be imposed as hereinafter set forth, subject to further provisions set forth in § 110.07.

(Ord. 70-47, passed 12-28-70)

§ 110.07 PERSONS OPERATING MORE THAN ONE BUSINESS.

If any person is engaged in operating or carrying on in the city, more than one trade, shop, profession, occupation, business, or calling, then such person shall pay the license fee prescribed for as many of the trades, businesses, professions, occupations, shops, or callings as are carried on by such person.

(Ord. 70-47, passed 12-28-70)

§ 110.08 APPLICATION FOR LICENSE.

On or before January 1 of each and every license year, as herein provided, after the passage of this chapter, every person, as herein defined, engaged in business, as defined herein, in the city, which businesses are in this chapter scheduled and designated, shall make application to the Council upon suitable blanks furnished by the city for a license to carry on his business for the license year; and at the time of filing same, shall make payment of the license fee herein required. The application shall be filed with the Auditor for use of the Council and city officials.

(Ord. 70-47, passed 12-28-70; Am. Ord. 94-02, passed 1-24-94; Am. Ord. 97-15, passed 6-23-97)

§ 110.09 QUESTIONS BETWEEN LICENSEE AND AUDITOR TO BE REFERRED TO COUNCIL.

If a question arises between the applicant for a license and the Auditor as to classification, fee, or other question, the same shall be referred to the Council for its determination.

(Ord. 70-47, passed 12-28-70; Am. Ord. 97-15, passed 6-23-97)

§ 110.10 INCREASE OR DECREASE IN FEES; RECLASSIFICATION OF BUSINESSES.

Nothing herein contained shall be taken or construed as vesting any right in any licensee as a contract obligation on the part of the city as to the amount or character of license hereunder. The license fee may be increased or decreased in any or all instances at any time by the city. Any trade, business, profession, or occupation herein scheduled may be reclassified or subclassified at any time. All license fees herein levied shall be due and payable in advance. Before an amendment is made to this chapter changing the amount of the license fee or fees, notice thereof shall be published in the city official newspaper at least once a week for two weeks, and the public shall be given an opportunity to be heard before the proposed amendment is adopted.

(Ord. 70-47, passed 12-28-70)

§ 110.11 SCHEDULE OF LICENSE FEES.

General business license fees for the city shall be divided into six categories as follows:

1. General
2. Lodging
3. Foodservice, Restaurant, Lounge, Tavern, Bar
4. Vending and Distributing
5. Arcades
6. Sole Proprietorship

(A) *General.*

(1) Definition: Retail, Services, Amusement, Entertainment, Professional, Contractors, Transient Business License.

(2) Schedule of License Fees:

<i>Number of Employees</i>	<i>Fee</i>
0 - 1	\$ 75
2 - 3	100
4 - 6	150
7 - 11	250
12 - 20	500
21 - 40	800
41 plus	1,200

Number of employees is determined by dividing the total hours worked for a one-year period by 2080. Hours worked by temporary or leased employees are included. Owners actively working in the business and salaried employees are considered to work 2080 hours during the one-year period.

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(3) Transient Business License. For all businesses located outside of the city, doing business within the city. For transient business licenses, the number of employees is determined by the maximum number of employees working within the city at one time.

<i>Number of Employees</i>	<i>Fee</i>
11 - 25	300
26 - 49	450
50 - 75	600
76 - 100	800
101 plus	1,200

(B) *Lodging.*

(1) Hotel, Motel, Time-share. Full service hotels - fee to be based on number of rooms only. There is no separate charge for in-house food service (including restaurants/lounge) owned and operated by the hotel.

Number of employees is determined by dividing the total hours worked for a one-year period by 2080. Hours worked by temporary or leased employees are included. Owners actively working in the business and salaried employees are considered to work 2080 hours during the one-year period.

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(a) Minimum	\$75
(b) 8 or more rooms	\$10 per room

(D) *Vending and Distributing.*

(1) Definition: Vending and distributing includes vending routes (such as placement and distribution of amusement devices, pop machines, etc.) food distributors, advertising solicitors, and laundry services. It does not include delivery services such as Federal Express, Interstate Trucking, UPS, etc.

(2) Vacation Rentals, Bed and Breakfasts tiered as follows:

(a) Small: 1 to 5 occupants	\$475
(b) Medium: 6 to 10 occupants	\$500
(c) Large: 11 plus occupants	\$550

Fee \$100

(2) General Clarifications:

(3) Apartments: \$75 minimum or \$5 per unit whichever is greater.

(a) Any business not included in any of the above categories shall be considered to be included in the General category.

(4) Assisted Living: \$75 minimum or \$5 per unit, whichever is greater.

(b) The number of employees for a new business shall be made by good faith estimate and shall be reevaluated after the first of the year.

(5) Trailer, Campsites: \$75 minimum or \$5 per full hook-ups, whichever is greater.

(c) Temporary employment agencies will count their staff personnel only.

(C) *Foodservice, Beverage Service, Restaurant, Lounge, Tavern, Bar.*

(d) A one-time application/processing fee of \$20 will be assessed for new businesses, the proceeds of which will be retained by the city.

<i>Number of Employees</i>	<i>Fee</i>
0 - 3	\$ 75
4 - 10	150

(E) *Arcades.*

Fee \$,1000

(F) *Sole Proprietorship* operating on a part time basis at home with no employees.

Fee \$30

(G) *Businesses not otherwise classified.* Any person operating any trade, shop, business, profession, or calling of a business nature in the city, not otherwise classified herein or not licensed under any other ordinance of the city, shall pay as set out hereinabove a license fee as determined by the Council.

(Ord. 70-47, passed 12-28-70; Am. Ord. 87-29, passed 12-29-87; Am. Ord. 92-06, passed 2-10-92; Am. Ord. 97-15, passed 6-23-97; Am. Ord. 2000-04, passed 8-14-00; Am. Ord. 2019-06, passed 10-29-19)

§ 110.12 DISTRIBUTION OF LICENSE FEE REVENUE.

The City Finance Director is hereby authorized to receive such license fees and shall distribute the license fee revenue as follows.

(A) In a fiscal year:

(1) The first \$100,000 collected is designated for the city.

(2) Sixty percent of any money collected over the first \$100,000, up to a maximum of \$165,000, is designated for the Seaside Chamber of Commerce. At no time shall the Chamber of Commerce receive more than \$39,000.

(3) Forty percent of any money collected over the first \$100,000, up to a maximum of \$165,000, is designated for the Seaside Downtown Development Association. At no time shall the S.D.D.A. receive more than \$26,000.

(4) Any money collected in excess of \$165,000 is designated for capital improvements in the Convention Center Capital Improvement Fund.

(B) License fee revenue distribution will be reviewed by the City Council after the first year, and then every five years, of if revenue exceeds \$175,000, whichever comes first.

(C) Non-profit (501(c)(3)) local business groups whose goal is to improve the economic base of the city may apply to the City Council for consideration to be included in the distribution of license fee revenue.

(D) All funds distributed from the business license fee revenue to any other eligible organization must be accounted for by filing with the city an annual budget and quarterly expenditure reports.

(Ord. 70-47, passed 12-28-70; Am. Ord. 92-06, passed 2-10-92; Am. Ord. 96-23, passed 6-10-96; Am. Ord. 97-15, passed 6-23-97; Am. Ord. 97-21, passed 11-10-97; Am. Ord. 2000-04, passed 8-14-00; Am. Ord. 2005-04, passed 6-27-05; Am. Ord. 2009-07, passed 10-26-09)

§ 110.13 VIOLATIONS.

(A) It shall be unlawful for any person to wilfully make any false or misleading statement to the Auditor in his application for the purpose of determining the amount of any license fee herein provided to be paid by any such person, or to fail or refuse to comply with any of the provisions of this ordinance to be complied with or observed by such person, or to fail or refuse to pay before the same shall be delinquent any license fee or penalty hereby required to be paid by any such person.

(B) In the event any person hereby required to pay a license fee shall fail or neglect to pay the business licence fee within 60 days of the due date, the fee shall be considered delinquent and a penalty of 50% of the scheduled fee will be assessed.

(C) The conviction of any person for violation of any of the provisions of this chapter shall not operate to relieve such person from paying any license fee or penalty thereupon for which such person shall be liable; nor shall the payment of any such license fee be a bar to or prevent any prosecution in the city municipal court of any complaint for the violation of any of the provisions of this chapter.

(Ord. 70-47, passed 12-28-70; Am. Ord. 2000-04, passed 8-14-00)

§ 110.14 ADDITIONAL REMEDIES.

In addition to the penalty provided for the violation of this chapter, and as separate and distinct remedies, the city may sue in any court of competent jurisdiction to obtain judgment and enforce collection of the license fees, or any of them, due under this chapter, and may avail itself of the right of mandamus or injunction in such courts to properly enforce the provisions of this chapter.

(Ord. 70-47, passed 12-28-70)

§ 110.99 PENALTY.

Any person violating any of the provisions of this chapter shall, upon conviction thereof in the municipal court of the city, be punished by a fine of not to exceed \$700, in the discretion of the municipal judge. This shall be clearly stated on the application form.

(Ord. 70-47, passed 12-28-70; Am. Ord. 97-15, passed 6-23-97; Am. Ord. 2000-04, passed 8-14-00)

CHAPTER 111: (RESERVED)

CHAPTER 112: BUSINESS PARKING LOT

Section

- 112.01 Businesses in designated area subject to fee
- 112.02 Payment and delinquency dates
- 112.03 Determination of assessment amounts
- 112.04 Business license not to be issued if parking fee not paid
- 112.05 Late penalty for past due assessments authorized
- 112.06 Disposition of funds

§ 112.01 BUSINESSES IN DESIGNATED AREA SUBJECT TO FEE.

All businesses bordering or included in the area on the south side of 1st Avenue from the Prom to Holladay Drive, then on the south side of Oceanway to Lot 5, Block 3, Ocean Grove, then north to the alley between Oceanway and 1st Avenue to Roosevelt Drive, then south on Roosevelt Drive to Avenue "A", then including the property on the north side of Avenue "A" to the west bank of the Necanicum River, then south to Avenue "C" including the property on the north side of Avenue "C" to Beach Drive, then including the property on the north side of Avenue "A" to the Prom, are subject to the fee hereby imposed for the purchase and development of the public parking area benefitting said businesses. (Ord. 92-14, passed 8-10-92)

§ 112.02 PAYMENT AND DELINQUENCY DATES.

Payments shall be billed October 1 for the current year from July 1 through June 30, and shall become delinquent November 1 of the current year.

Assessments shall not be billed after October 1, 1998. (Ord. 92-14, passed 8-10-92)

§ 112.03 DETERMINATION OF ASSESSMENT AMOUNTS.

(A) Each business shall be assessed an amount based on the number of parking spaces required in accordance with the parking section of the Zoning Ordinance No. 83-10, as amended, for areas outside the downtown area, less the amount based on the number of parking spaces provided by the businesses. Where square footage is applicable, the area measured shall be the gross floor area primary to the functioning of the particular use of property, but shall exclude space devoted to off-street parking or loading.

(B) The annual parking fee for businesses west of the Necanicum River shall be \$16 multiplied by the number of spaces required under division (A) above. Businesses located east of the Necanicum River shall be assessed an annual fee of \$8 multiplied by the number of spaces required under division (A). (Ord. 92-14, passed 8-10-92)

§ 112.04 BUSINESS LICENSE NOT TO BE ISSUED IF PARKING FEE NOT PAID.

No business license shall be issued to a business in accordance with Chapter 110 if any amount of parking fee is due under this chapter. (Ord. 92-14, passed 8-10-92)

§ 112.05 LATE PENALTY FOR PAST DUE ASSESSMENTS AUTHORIZED.

The Finance Department shall be authorized to assess a late penalty of up to 5% of the outstanding balance on all past due assessments.
(Ord. 92-14, passed 8-10-92)

§ 112.06 DISPOSITION OF FUNDS.

(A) Funds collected under this chapter shall be used for payment of the bonds for the purchase and improvement of the parking lot property. Five percent of the amount collected shall be transferred to the general fund of the city for administrative costs.

(B) Any funds collected in excess of the amount needed in accordance with this chapter shall be credited to the assessments billed in 1998.
(Ord. 92-14, passed 8-10-92)

CHAPTER 113: GARAGE SALES

Section

- 113.01 Definition
- 113.02 Permits
- 113.03 Advertising regulations
- 113.04 Illegal signs; disposition

- 113.99 Penalty

§ 113.01 DEFINITION.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

GARAGE SALE. General sales open to the public conducted from or on a residential premise in any residential district, or from a temporarily arranged site elsewhere within the city, for the purpose of disposing of personal property including, but not limited to, all sales titled "garage, moving, lawn, yard, attic, porch, backyard, patio, basement," or other similarly intended nature.

PERSONAL PROPERTY. Property which is utilized, owned and maintained by an individual or by members of a residence and acquired in the normal course of living in or maintaining of a residence. It does not include merchandise which was purchased for resale or obtained from close-outs, fire sales, or other quantity liquidations, or commercial consignments.

(Ord. 74-3, passed 2-11-74; Am. Ord. 2007-09, passed 7-23-07)

§ 113.02 PERMITS.

(A) The City Manager or his or her designee shall issue a permit for a garage sale upon application, if it appears from the application that the applicant will comply with the terms and provisions of this chapter. No person or household shall hold more than two garage sales during one calendar year. A garage sale permit shall be issued for a period not to exceed three consecutive days and the hours of operation shall be between 8:00 a.m. and 7:00 p.m.

(B) Permits may be obtained from the Police Department and will identify the responsible person(s) conducting the sale, address of the sale, dates of the sale, hours of operation and general requirements covered under this chapter. There will be no charge for the permit obtained prior to the sale. If the person(s) conducting a garage sale fails to obtain a permit, a police officer will advise the responsible person(s) to immediately obtain a delinquent permit at the Police Department. The delinquent permit fee is \$25.

(C) Personal property offered for sale may be displayed within the residence, in a garage, carport, and/or in the yard of the residence; and only in such areas. No property offered for sale shall be displayed in any public right-of-way, sidewalk, alley or street. (Ord. 74-3, passed 2-11-74; Am. Ord. 2007-09, passed 7-23-07)

§ 113.03 ADVERTISING REGULATIONS.

(A) There shall be allowed one sign, not to exceed six square feet, posted on the premises from which the garage sale is to be held under the provision of this section.

(B) There shall be allowed a maximum of two signs, not to exceed six square feet, posted off-premises provided the signs are NOT posted on utility poles, regulatory signs or posts, placed on sidewalks or any other public right-of-way. Signs placed on private property must be with the consent of the owner of such property. Within 24 hours of the conclusion of a garage sale, all such advertising signs shall be removed.

(C) This section is not intended to prohibit advertising in newspaper, radio, or television. (Ord. 74-3, passed 2-11-74; Am. Ord. 2007-09, passed 7-23-07)

§ 113.04 ILLEGAL SIGNS; DISPOSITION.

(A) Signs found within the city which are unlawfully posted upon utility poles, regulatory signs or posts, or are placed on sidewalks, in public right-of-ways or any other area not allowed by this chapter, are hereby declared a nuisance to public safety, as they detract from the driving public's attention to traffic signals as well as other vehicular and pedestrian traffic. Police officers or designated city employees may summarily remove posted signs as evidence of unlawful activity in preparation for prosecution. If no prosecution is taken, the signs may be destroyed.

(B) In the enforcement of this section, it shall be a presumption that an address or telephone number listed on any garage sale sign shall be that of the individual(s) responsible for posting the sign. In addition, any signs directing the public by way of arrows or other directional symbols or phrases to a particular residence shall be presumed to have been erected by the owner(s) or occupants(s) of said residence.

(Ord. 2007-09, passed 7-23-07)

§ 113.99 PENALTY.

Any person violating any of the provisions of this chapter shall be deemed guilty of a violation and upon conviction for a first offense, shall be fined not less than \$25 or more than \$250, excluding court costs and assessments. In addition, the court may assign to the convicted individual(s) appropriate community service not to exceed 40 hours. Each day that a sale is conducted in violation of this chapter shall constitute a separate offense.

(Ord. 74-3, passed 2-11-74; Am. Ord. 2007-09, passed 7-23-07)

CHAPTER 114: ITINERANT MERCHANTS

Section

- 114.01 Definitions
- 114.02 Application to be approved by City Council; fee required
- 114.03 Exemptions
- 114.99 Penalty

§ 114.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ITINERANT MERCHANT. A person occupying a temporary fixed location, who promotes, solicits or sells from stock or inventory on hand or displays samples and solicits orders for merchandise in stock.

TEMPORARY FIXED LOCATION.

(1) Any business location or private property that is not enclosed within the confines of or used as accessory to a permanent commercial structure built in compliance with provisions of the *Oregon Uniform Building Code*, or exempted from its provisions by some specific provisions of the code, city ordinance, or by state statute.

(2) All merchandise and ancillary equipment at a temporary fixed location must be enclosed within the confines of a permanent commercial structure between the hours of 10:00 p.m. and 8:00 a.m.
(Ord. 84-14, passed 5-30-84; Am. Ord. 95-14, passed 2-27-95)

§ 114.02 APPLICATION TO BE APPROVED BY COUNCIL; FEE REQUIRED.

(A) No person shall be issued an Itinerant Merchant License unless he has submitted an application on a form provided by the city and received approval of the City Council. The required fee as provided by this chapter shall accompany the application.

(B) The fee for Itinerant Merchant License is \$50 per day or any portion thereof to a maximum of \$1,000 in a calendar year.
(Ord. 84-14, passed 5-30-84)

§ 114.03 EXEMPTIONS.

Any charitable, fraternal or religious organization may make application to the City Council to be exempted from the provisions of this chapter, and upon approval of the Council, may conduct fund raising activities without payment of any fee or license payment or complying with other requirements of this chapter.

(Ord. 84-14, passed 5-30-84; Am. Ord. 95-14, passed 2-27-95)

§ 114.99 PENALTY.

A person in violation of this chapter shall be subject to a fine not exceeding \$500. Each day's violation of the provisions of this chapter shall constitute a separate offense.

(Ord. 84-14, passed 5-30-84)

CHAPTER 115: SOCIAL GAMES

Section

- 115.01 Social games permitted
- 115.02 Definitions
- 115.03 License required
- 115.04 Application requirements
- 115.05 Application renewal
- 115.06 License fee
- 115.07 Standards for issuance of license
- 115.08 License not transferable
- 115.09 Responsibilities of licensee
- 115.10 Tournament format required
- 115.11 Terms of license
- 115.12 Revocation of license
- 115.13 Suspension of license

- 115.99 Penalty

be used as a card table for the playing of cards only, and the use of which is available to the public.

GAMBLING. Any contest, game, gaming scheme, gaming device, or machine in which the outcome depends in a material degree upon an element of chance. **GAMBLING** does not include "social games" or bingo, lotto or raffles operated in compliance with Oregon law by a charitable, religious or fraternal organization, or off-track wagering operated in compliance with Oregon law.

HOUSE BANK. The operation of social games whereby a charitable, fraternal or religious organization employs a person to supervise a single social game for the purpose of securing a portion of any monetary gain contributed directly by the individual players to that single game.

HOUSE INCOME. Any monetary net gain or advantage received by the house directly from the actual play of a single social game conducted by a charitable, fraternal or religious organization.

HOUSE ODDS. The operation of social games by a charitable, fraternal or religious organization whereby the probabilities of success of the single social game exist in favor of the operation.

HOUSE PLAYER. A principal or employee of a charitable, fraternal or religious organization that conducts social games; who participates on behalf of the organization for the purpose of altering the normal probabilities associated with social gaming.

PLAYER. A person who engages in any form of social gaming solely as a contestant or bettor, without receiving or becoming entitled to receive any profit

§ 115.01 SOCIAL GAMES PERMITTED.

Social games, other than a lottery, between players in a private business, private club or in a place of public accommodation, where no house player, house bank or house odds exist and there is no **HOUSE TAKE** (meaning no house income from the operation of the social game), are hereby permitted as provided herein.
(Ord. 2010-04, passed 6-28-10)

§ 115.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CARD ROOM. Any space, room or enclosure furnished or equipped with a table used or intended to

other than personal winnings, and without otherwise rendering any material assistance to the conduct or operation of the particular activity.

SOCIAL GAME. As authorized by O.R.S. 167.121, a game involving the playing of cards between players only, which does not include lotteries or any game involving the use of any property, instrument or device designed or adapted for any type of gambling activity, in a private home, private business, private club or place of public accommodation, where no house player, house bank or house odds exist, and there is no house income from the operation of the social game.
(Ord. 2010-04, passed 6-28-10)

§ 115.03 LICENSE REQUIRED.

Any person(s), business, private club, non-profit organization or place of public accommodation desiring to permit patrons or invitees to engage in any social game within the city shall acquire and maintain a valid city social gaming license. Licenses shall be granted only upon application to the city, and upon approval by the City Manager.
(Ord. 2010-04, passed 6-28-10) Penalty, see § 115.99

§ 115.04 APPLICATION REQUIREMENTS.

(A) Before a license for social gaming may be granted by the City Manager, an applicant must submit an application for a license to the Business Office with the following information and allow an investigation to be made.

(B) A completed application form must include the true names, dates of birth, Social Security numbers, and addresses of all persons financially interested in the business, and/or all persons who are either on the board of directors of or hold offices in the entity or organization.

(1) The term **PERSONS FINANCIALLY INTERESTED IN THE BUSINESS** shall include all persons who share in the profits of the business where the social gaming activity is located, on the basis of gross or net revenue, including landlords, lessors, lessees, and the owners of the building, fixtures or equipment used in the social game.

(2) The application sponsors if different from persons financially interested in the business.
(Ord. 2010-04, passed 6-28-10)

§ 115.05 APPLICATION RENEWAL.

The grantee of a social gaming license must notify the Business Office within ten days of any change in the persons financially interested in the business, or in the names of any persons who are either on the board of directors of or hold offices in the entry or organization, and request a renewal of its license. At the time of such request, the applicant shall submit the information required by § 115.04
(Ord. 2010-04, passed 6-28-10)

§ 115.06 LICENSE FEE.

For each business or other entity or organization licensed, an annual \$50 fee, in addition to a business license fee, shall be required. The City Council may modify this fee at any time.
(Ord. 2010-04, passed 6-28-10)

§ 115.07 STANDARDS FOR ISSUANCE OF LICENSE.

(A) The City Manager shall either approve the application and grant the license applied for, or deny the application and refuse to grant the license.

(B) The license shall not be granted, or it shall be temporarily revoked or suspended, if any applicant or any person(s) financially interested in the business, entity or organization have:

(1) Supplied any false or misleading information in the application or omitted any requested information from the application;

(2) Pleaded no contest to or been convicted of any felony within the last ten years;

(3) Had a license in his or her name that was revoked or suspended three times by the Oregon Liquor Control Commission, either of which was in the last five years;

(4) Been convicted and is currently on parole for any crime involving or related to gambling;

(5) Had two or more convictions within five years for gambling-related activities; or

(6) Violated any provision of this chapter. (Ord. 2010-04, passed 6-28-10)

§ 115.08 LICENSE NOT TRANSFERABLE.

No license shall be assigned or transferred; any such attempt shall void the license. (Ord. 2010-04, passed 6-28-10)

§ 115.09 RESPONSIBILITIES OF LICENSEE.

It shall be the responsibility of the licensee to ensure that:

(A) No form of unlawful gambling is permitted upon the licensed premises;

(B) Social games are conducted consistent with the provisions of state law, city ordinances and this section;

(C) There shall be no house player, house bank or house odds, and there shall be no house income from the operation of the social game;

(D) All social games shall be open to public inspection during all hours of operation;

(E) There are no off-premises signs advertising gambling, card playing, or social games;

(F) The playing of all social games shall be so arranged as to provide equal access and visibility to any interested party;

(G) No person under the age of 21 years shall be permitted to participate in a social game;

(H) No charge, other than an entry fee, shall be collected from a player for the privilege of participating in a game;

(I) No participant in a social game shall be charged a price for any consumer goods higher or lower than that charged non-participants;

(J) This chapter, the rules for the social games and the social gaming license are posted in a conspicuous place near the area where the games are being played;

(K) The room or enclosure where the social games take place is open to free and immediate access by law enforcement officers. Doors leading into the room or enclosure remain unlocked during all hours of operation;

(L) No social game is conducted between the hours of 2:00 a.m. and 10:00 a.m. (Ord. 2010-04, passed 6-28-10) Penalty, see § 115.99

§ 115.10 TOURNAMENT FORMAT REQUIRED.

(A) All social games shall utilize a tournament format.

(B) A *TOURNAMENT FORMAT* shall include:

(1) A set entry fee;

(2) Players in card games shall receive in-game currency represented by chips (poker type), which shall be non-redeemable;

(3) Participants shall compete for awards corresponding to a participant's relative standing at the conclusion of the tournament;

(4) All entry fees and monies taken in for the tournament shall be paid back to the contestants at the conclusion of the tournament.
(Ord. 2010-04, passed 6-28-10)

§ 115.11 TERMS OF LICENSE.

(A) All licenses issued hereunder shall be for a period of one year, and shall be renewed no later than June 30 of each year.

(B) Licenses are nontransferable.

(C) Licenses must be reapplied for at least 30 days prior to the renewal date each year, accompanied by the appropriate fee.

(D) All persons securing a license after the first business day of January each year shall be required to pay the total annual fee of \$50.

(E) All renewals shall be approved by the City Manager.
(Ord. 2010-04, passed 6-28-10)

§ 115.12 REVOCATION OF LICENSE.

(A) A license is subject to revocation at anytime for violation of this chapter or any of the provisions of state law related to gambling.

(B) If at any time facts arise or become known to the City Manager that are sufficient to show violation of this chapter or state law, the City Manager shall notify the licensee, in writing, that the license is to be revoked and that all social gaming activities must cease within 15 days.

(C) The violations need not lead to a conviction, but must establish a reasonable doubt about the licensee's ability to perform the licensed activity without danger to property, public health or safety.

(D) The notice of revocation shall state the reason for the revocation, set a period of no less than 30 days before social gaming activities can recommence, and inform the licensee of the procedures for filing an appeal.

(Ord. 2010-04, passed 6-28-10) Penalty, see § 115.99

§ 115.13 SUSPENSION OF LICENSE.

(A) Upon determining that a licensed activity presents an immediate danger to person or property, the City Manager may suspend the license for the activity.

(B) The suspension shall take effect immediately on notice being received by the licensee, or being delivered to the licensee's business address, as stated on the licensee's application for the license that is being suspended.

(C) The notice shall be mailed to the licensee and state the reason for the suspension, and inform the licensee of the procedures for filing an appeal.

(D) The City Manager may continue the suspension for as long as the reason for the suspension exists, or until a decision by the appellate authority on an appeal regarding the suspension concludes the matter.

(Ord. 2010-04, passed 6-28-10) Penalty, see § 115.99

§ 115.99 PENALTY.

In addition to the suspension or revocation of any license, any licensee, firm, corporation, association or person(s) associated with licensee who violates any provision of this chapter, may, upon conviction, be fined in the amount not to exceed \$500 for each violation. Each day that a violation is permitted to occur is considered a separate violation.

(Ord. 2010-04, passed 6-28-10)

CHAPTER 116: STREET VENDORS

Section

- 116.01 Definition
- 116.02 Health and sanitary licenses required
- 116.03 Insurance requirements
- 116.04 Maximum number of licenses issued
- 116.05 Street vendor activities regulated
- 116.06 Requirements for pushcarts or other mobile devices
- 116.07 Review of licensee upon complaint

- 116.99 Penalty

§ 116.01 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

STREET VENDOR. Any person who travels from street to street upon a public street, sidewalk or thoroughfare, carrying, conveying or transporting food, beverages, merchandise or services and offering or exposing same for sale from a mobile-type device, which may or may not be pushed by humans or powered by mechanical means.

(Ord. 81-10, passed 4-13-81)

§ 116.02 HEALTH AND SANITARY LICENSES REQUIRED.

No person shall be issued a street vendor's license unless he submits with his application documentation that he has obtained all health and sanitary licenses from the state and county.

(Ord. 81-10, passed 4-13-81) Penalty, see § 116.99

§ 116.03 INSURANCE REQUIREMENTS.

Before a street vendor's license is issued to any person, the applicant shall first obtain and file with the City Auditor a certificate showing a public liability, food products liability and property damage insurance policy protecting the licensee and the city from all claims for damage to property or bodily injury, including death, which may arise from or in connection with operations under the license. Such insurance shall provide coverage of not less than a \$1,000,000 combined single limit per occurrence for bodily injury and property damage. Such insurance shall be without prejudice to coverage otherwise existing and shall name as additional insured the city, its officers and employees, and shall further provide that the policy shall not terminate or be canceled prior to the completion of the contract without 30 days' written notice to the City Auditor.

(Ord. 81-10, passed 4-13-81; Am. Ord. 95-27, passed 6-26-95)

§ 116.04 MAXIMUM NUMBER OF LICENSES ISSUED.

No more than four street vendors' licenses shall be issued and in effect within a calendar year. If more than four applications are received, consideration will be given to prior licensees and then by lottery for the remaining licenses.

(Ord. 81-10, passed 4-13-81)

§ 116.05 STREET VENDOR ACTIVITIES REGULATED.

(A) No street vendor shall make any loud or unreasonable noise of any kind by vocalizing or otherwise, for the purpose of advertising or attracting attention to his wares.

(B) No street vendor may offer for sale or expose merchandise or goods within 200 feet of Broadway, from the west line of Roosevelt Drive to the west line of the Prom, or within 20 feet of the east line of the Prom, from Avenue "U" on the south to Eighteenth Avenue on the north.

(C) The sale of merchandise, goods or services is prohibited from sidewalks, streets, thoroughfares or public places except food, ice cream or beverage items which are normally intended for immediate consumption.

(D) Street vendors shall not operate, park or utilize sidewalk space or other pedestrian areas with pushcarts or other mobile devices.

(Ord. 81-10, passed 4-13-81) Penalty, see § 116.99

§ 116.06 REQUIREMENTS FOR PUSHCARTS OR OTHER MOBILE DEVICES.

A pushcart or mobile device shall be no wider than eight feet and no longer than 22 feet, and if moved over city streets after dark or before dawn shall have approved lighting on the vehicle. Prior to issuance of a street vendor's license, the Code Enforcement Officer and the Police Chief shall inspect each mobile device to be used and certify that the device will not create a nuisance or hazard to the public, and the size of the cart or mobile device meets the requirements of the city.

(Ord. 81-10, passed 4-13-81; Am. Ord. 2002-05, passed 6-11-02) Penalty, see § 116.99

§ 116.07 REVIEW OF LICENSEE UPON COMPLAINT.

Upon receiving three signed written complaints from three separate persons against a street vendor, a review of the licensee will be conducted by the City Manager and a recommendation forwarded to the City Council.

(Ord. 81-10, passed 4-13-81)

§ 116.99 PENALTY.

Any persons convicted of violating any of the terms or provisions of this chapter shall be punished by a fine of not more than \$500.

(Ord. 81-10, passed 4-13-81)

CHAPTER 117: TAXICABS AND SHUTTLES

Section

117.01	Definitions	
117.02	Taxi/shuttle company business license required	(2) CHARTER. Any motor vehicle originating from the Seaside area, marked with the company's business name, operated for hire to transport a group of seven or more persons with the fare based on a fixed group rate rather than an individual rate;
117.03	Driver's permit required	
117.04	Payment of license fee required	
117.05	Insurance requirements	
117.06	Identification of taxicab/shuttle	
117.07	Operations	(3) TOUR BUS. A motor vehicle accepting individual passengers for a fare for sightseeing or guided tours, making occasional stops at certain points of interest and returning the passengers to the point of origin;
117.08	Violations	
117.99	Penalty	

§ 117.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DRIVER. Any person who drives a taxicab whether operator or an employee of the operator.

OPERATOR. Any person owning or engaging in the business of operating one or more taxicabs.

PERSON. Includes all natural persons of either sex, corporations, partnerships, and associations.

TAXICAB/SHUTTLE. Any motor vehicle that is operated for hire by a taxicab or shuttle company, other than a limousine, charter, tour bus, accessible vehicle, medical transport vehicle, or ambulance. For purposes of this section, the following definitions shall apply.

(1) **LIMOUSINE.** Any luxury class motor vehicle that is operated for hire on a reserved, hourly basis.

(4) **ACCESSIBLE VEHICLE.** Any motor vehicle constructed and equipped for the non-emergency transportation of persons in wheelchairs, persons using other mobility aids, or with other mobility impairments;

(5) **MEDICAL TRANSPORT VEHICLE.** Any motor vehicle constructed and equipped for non-emergency transportation of persons in connection with their illness, injury or disability only while such vehicle is being operated for the purpose of transporting persons to or from such medical treatment or appointment with a health care provider;

(6) **AMBULANCE.** Any motor vehicle constructed and equipped for the emergency transportation of persons because of or in connection with their illness, injury, or disability.

(Ord. 92-32, passed 10-26-92; Am. Ord. 2007-06, passed 6-11-07; Am. Ord. 2013-01, passed 3-12-13)

**§ 117.02 TAXI/SHUTTLE COMPANY
BUSINESS LICENSE REQUIRED.**

Every operator must obtain a license under the following requirements:

(A) A business license shall not be issued to the applicant who does not meet the following requirements:

(1) The applicant shall not have been convicted of a felony within ten years prior to the date of application.

(B) *Application.* An application for a business license shall be filed with the city on a form provided by the city, which shall contain the following information, in addition to any information required under the city's business license ordinance:

(1) The name and address of the applicant (if partnership or joint venture, the application must so state and contain the names and addresses of all parties thereto);

(2) The business name under which the operator will do business;

(3) The carrying capacity of each vehicle to be operated under the operator's license;

(4) The year, model, serial number, and state license number of each vehicle;

(5) Evidence of insurance as hereinafter required;

(6) The color scheme and/or insignia to be used to designate any vehicle of the applicant, which shall not resemble or in any way infringe upon an existing taxi/shuttle company's color scheme and/or insignia. Taxi/shuttle companies in operation on the effective date of this ordinance are exempt from this provision providing the color scheme and/or insignia is not changed;

(7) A record of all vehicular and pedestrian accidents involving property damage and/or personal

injury involving the applicant within ten years of the date of application; and

(8) A computerized criminal history check, to be conducted by the Police Department, reflecting all crimes of which the Applicant has been convicted. (Ord. 92-32, passed 10-26-92; Am. Ord. 2007-06, passed 6-11-07; Am. Ord. 2013-01, passed 3-12-13)

§ 117.03 DRIVER'S PERMIT REQUIRED.

No person shall drive a taxicab or shuttle for hire unless the person has obtained a taxicab/shuttle driver's business license and has met the following requirements.

(A) *Application.* The original and all renewal applications for a taxicab/shuttle driver's business license shall be filed with the city on forms provided by the city. The application shall contain the following information, in addition to any information required under the city's business license ordinance:

(1) The applicant's name, residence address, business address, age, sex, height, weight, and color of eyes and hair;

(2) Proof the applicant possesses a valid Oregon driver's license;

(3) Proof of the applicant's citizenship or registered alien status;

(4) Proof the applicant has attained a minimum age of 23 years;

(5) A letter or other documentation demonstrating the applicant is or will be employed or otherwise engaged by a taxi/shuttle company licensed to do business in the city;

(6) A computerized record conducted by the police department reflecting all crimes of which the applicant has been convicted;

(7) A record of all traffic offenses committed by the applicant for the three years

preceding the application. Three moving citations in the previous two years, one traffic crime conviction in the previous three years, or one driving under the influence of intoxicants may be cause for refusal by the city to grant a taxicab/shuttle driver's business license; and

(8) Each business license application shall be accompanied with a Seaside Police Review/Approval Form and payment of the business license fee.

(B) Following a computerized background check and approval of the application, the city shall issue the business license. The application receipt shall serve as a temporary license for a period not to exceed 15 days from the date of the receipt.

(C) (1) Every taxicab/shuttle driver shall obtain from the Chief of Police a permit containing the following:

- (a) A current photograph of the taxicab/shuttle driver;
- (b) Full name;
- (c) The taxicab/shuttle driver's Oregon driver's license number; and
- (d) Expiration date.

(2) A valid permit from another city within county shall meet the requirements of this section. However, a copy of such permit must be given to the Police Department.

(D) The taxicab/shuttle permit shall be on the person of the driver while operating the taxicab/shuttle and must be provided upon request.

(E) A taxicab/shuttle driver's permit may be suspended by the City Manager upon proof of conviction of any crime, ordinance violation or any state law regulating traffic or the use of a motor

vehicle, whether or not the violations involved the operation of a taxicab/shuttle.

(F) No taxicab/shuttle driver shall knowingly deceive any passenger who may desire to ride with him concerning the route, destination, or distance traveled or to be traveled.

(G) The taxicab/shuttle driver shall notify the nearest police station within 24 hours of all property of value left in the vehicle by any passenger.

(H) No taxicab/shuttle driver shall use profane or obscene language while transporting passengers. (Ord. 92-32, passed 10-26-92; Am. Ord. 95-16, passed 4-10-95; Am. Ord. 2013-01, passed 3-12-13) Penalty, see § 117.99

§ 117.04 PAYMENT OF LICENSE FEE REQUIRED.

No certificate may be issued or continue in operation until the applicant has paid to the city a non-refundable one time application fee. The annual license fee is due and payable on January 1 of each year and the amounts of such fees shall be set by resolution of City Council. (Ord. 92-32, passed 10-26-92; Am. Ord. 2013-01, passed 3-12-13)

§ 117.05 INSURANCE REQUIREMENTS.

The operation of all taxicabs/shuttles shall be covered by public liability insurance insuring the taxicab/shuttle, operator and driver with minimum limits of liability coverage in an amount not less than \$500,000. The operator of the taxicab/shuttle shall maintain on file with the city a certificate evidencing insurance coverage in compliance with this section while the license provided for in this chapter is in effect. (Ord. 92-32, passed 10-26-92; Am. Ord. 2013-01, passed 3-12-13) Penalty, see § 117.99

§ 117.06 IDENTIFICATION OF TAXICAB/SHUTTLE.

Each taxicab/shuttle shall be clearly marked on both sides with the company name, the word "taxi", or "shuttle", and the phone number to call for service. Signage must be legible for a distance of 25 feet. Each company shall post, on either the inside or outside of each taxicab/shuttle, a summary of the rate structure and applicable complaint procedures.

(Ord. 92-32, passed 10-26-92; Am. Ord. 2007-06, passed 6-11-07; Am. Ord. 2013-01, passed 3-12-13) Penalty, see § 117.99

§ 117.07 OPERATIONS.

(A) *Rates.* Rates shall be set by each taxi/shuttle company, and shall be uniform within each classification of the rate structure. A statement of rate structure shall be submitted to the city at the time of application for the business license. A change of rate structure shall be reported in writing by the taxi/shuttle company to the city within seven days following implementation of the revised rate structure.

(B) *Receipts.* Written receipts shall be supplied to customers upon request. Receipts shall show, at a minimum, the date of, and amount for services, taxi/shuttle company's name, and driver's name.

(C) *Hours of operation.* Taxi/shuttle companies shall maintain and have available taxicab/shuttle service during each hour of the day and each day of the year.

(D) *Complaints.* Taxi/shuttle companies shall maintain a central complaint file. Complaints shall remain on file for three years.

(E) *Dispatch records.* Dispatch records shall be an accurate record of each call taken or ride dispatched by the taxi/shuttle company dispatcher. Dispatch records shall include the time of call; time the call was dispatched; location of the pick-up; time

of pick-up; destination, including stops; and time the call was completed. Dispatch records shall be kept in a central location for ease of access, and shall be maintained for a minimum of one year.

(F) *Insurance.* Each taxi/shuttle company shall provide the city proof of commercial insurance for each vehicle and driver transporting persons or goods for the taxi/shuttle company, and shall direct the insurance carrier for that policy to notify the city in the event of cancellation of the insurance policy.

(G) *Alcohol.* Alcohol or drug use by on-duty taxi/shuttle drivers or taxi/shuttle company personnel is prohibited; no taxi/shuttle driver or taxi/shuttle company personnel shall consume alcohol or prescription drugs containing warnings about operating vehicles or machinery and operate a taxi/shuttle within eight hours prior to going on duty.

(H) *Disorderly persons.* Drivers are not required to pick up disorderly persons. For the purposes of this subsection, a disorderly person includes, but is not limited to, an unsanitary person, a person engaging in disorderly conduct, or any person who has been disorderly towards the taxi/shuttle company or taxi/shuttle driver within the past three years.

(I) *Right to be paid.* Each driver has the right to be paid for services rendered, which may be requested in advance. Should a customer refuse to pay, the driver may refuse the ride.

(J) *Maintenance.* Each taxi/shuttle company shall establish a vehicle maintenance program for the purpose of meeting safety standards and documentation of all applicable compliance standards.

(K) *Shared ride.* No passenger shall be required to share a taxicab/shuttle with another passenger. A driver may pick up a second passenger only if the original passenger has given permission. Under no circumstance shall a driver pick up a second passenger when transporting a minor unless minor is accompanied by parent/guardian.

(L) *Scanners.* When used, scanners shall be used in compliance with all applicable Federal Communications Commission regulations, including the prohibition of use of a scanner for personal gain.

(M) *Compliance.* Each taxi/shuttle company shall be operated in compliance with all applicable city, county, state, and federal laws, administrative rules, and regulations not covered in this chapter.

(N) Each taxicab/shuttle vehicle shall bear a device or devices provided by the city on the outside of the vehicle at such places and of the type and design approved by the police chief indicating that the vehicle is licensed to operate in the city.

(Ord. 92-32, passed 10-26-92; Am. Ord. 2013-01, passed 3-12-13) Penalty, see § 117.99

§ 117.08 VIOLATIONS.

(A) *Revocation and suspension.*

(1) Violation of any provision of this chapter may be grounds for revocation or suspension of the taxi/shuttle company or taxi/shuttle operator's business license, or, in proper case, revocation, or suspension of both.

(2) *Procedure.*

(a) When the Chief of Police has grounds for revocation or suspension of a business license, the Chief shall provide a notice and order of revocation or suspension, as the case may be, to the taxicab/shuttle company or driver. The notice and order shall state the grounds for revocation or suspension and the effective date. The notice and order shall also contain a provision informing the taxicab/shuttle company or driver that the notice and order may be appealed by filing written notice of intent to appeal with the City Manager not more than seven days after the date of service of the notice and order.

(b) The notice and order shall be served on the taxicab/shuttle company or driver by

personal delivery, or first class mail and certified mail, return receipt requested, delivered to the last known address of the taxicab/shuttle company or driver, as reflected in the records of the police department. If service is made by mail, service shall be deemed complete when deposited in the mail, and shall not be deemed ineffective by a taxicab/shuttle company's or driver's refusal to receive the certified letter.

(c) A hearing shall be held before the City Manager as soon as is practicable. The City Manager may affirm, reverse, or modify the notice and order. A decision of City Manager on the appeal shall be the final action of the city and shall be binding on all parties. Action of the city on the appeal may be effective immediately or as soon thereafter as deemed appropriate by the City Manager.

(Ord. 92-32, passed 10-26-92; Am. Ord. 2013-01, passed 3-12-13)

§ 117.99 PENALTY.

Any violation of provisions of this chapter shall, upon conviction, be punishable by a fine not to exceed \$750. For a continuing violation, the fine may be imposed for each day the violation has occurred.

(Ord. 92-32, passed 10-26-92; Am. Ord. 2013-01, passed 3-12-13)

**CHAPTER 118: MEDICAL MARIJUANA DISPENSARIES AND LICENSE RECREATIONAL
RETAILERS**

Section

- 118.01 Definitions
- 118.02 Purpose of regulation
- 118.03 License required
- 118.04 Operational requirements
- 118.05 License validity and annual review for renewal
- 118.06 Revocation of license
- 118.07 Suspension of license

- 118.99 Penalty

to a consumer in this state in accordance with the applicable provision of Oregon Administrative Rule OAR 845-025-1000 to 845-025-8590. (Ord. 2015-04, passed 5-11-15; Am. Ord. 2016-02, passed 3-14-16; Am. Ord. 2018-11, passed 8-27-18)

§ 118.02 PURPOSE OF REGULATION.

(A) To protect the public health and safety from unlawful use and sale of marijuana, all medical marijuana dispensaries shall be registered with the Oregon Health Authority in accordance with ORS Chapter 475.300 to 475.346 and the applicable Oregon Administrative Rule (OAR 333-008).

(B) Likewise, recreational marijuana retailers shall be licensed with the Oregon Liquor Control Commission in accordance with Oregon Administrative Rule OAR 845-025-1100. Registration by the Oregon Health Authority or a license from the Oregon Liquor Control Commission is not a guarantee the dispensary or recreational marijuana retailer is permitted to operate under applicable local municipal regulations. All dispensaries and retailers shall comply with the regulations set forth in the Code of Seaside.

(C) The regulations set forth by the City of Seaside in this chapter provide reasonable regulations that supplement the Oregon Health Authority's Medical Marijuana Program and Oregon Recreational Marijuana Laws. These regulations are intended to solely address the issue of selling or dispensing medical and recreational marijuana. These regulations do not address and shall not be applied to any recreational or other use of marijuana that does not relate to the authorized use under Oregon's existing Medical Marijuana Act. (Ord. 2015-04, passed 5-11-15; Am. Ord. 2016-02, passed 3-14-16; Am. Ord. 2018-11, passed 8-27-18)

§ 118.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the content clearly indicates or requires a different meaning:

CARDHOLDERS. Persons authorized under Oregon's Medical Marijuana Program to buy and transfer medical marijuana. This includes patients, designated primary caregivers, person responsible for a medical marijuana facility, and person responsible for a medical marijuana grow site.

DISPENSARY. A medical marijuana facility registered by the Oregon Health Authority under ORS 475.314.

LICENSE. A medical marijuana dispensary or recreational marijuana retailer license issued pursuant to this chapter.

MARIJUANA. As defined under ORS 475.005.

RECREATIONAL MARIJUANA RETAILER (RETAILER). A person licensed by the Oregon Liquor Control Commission who sells marijuana items

§ 118.03 LICENSE REQUIRED.

(A) No person shall establish, maintain or operate a dispensary or recreational marijuana retailer within the city unless an annual license is obtained from the city. Every place or building where a dispensary is established shall be deemed a dispensary subject to the provisions of this chapter. Each licensee shall also obtain a General Business License in accordance with Code of Ordinance Chapter 110.

(B) No license will be issued without proof of registration to operate a dispensary or license for a recreational marijuana retailer issued by the State of Oregon. The applicant for the license must also provide copies of the written detailed policies and procedures and training for employees on the policies and procedures that were used as the basis for documenting compliance with OAR 333-008-1200(4) or OAR 845-025-1030(4).

(C) The city may deny a license if any owner, manager, operator, employee, agent, or volunteer:

(1) Has been convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II within five years from the date the application for a license was received by the city;

(2) Has been convicted more than once for the manufacture or delivery of a controlled substance in Schedule I or Schedule II; or

(3) Is prohibited by a court from participating in the Oregon Medical Marijuana Program (OMMP) or activities associate with Oregon Recreational Marijuana Laws.

(D) Application for a license must include the information necessary for criminal record background checks for any owner, manager, operator, employee, agent, or volunteer. The City of Seaside Police Department will conduct all necessary background checks.

(E) No license shall be issued until after a criminal record background check has been completed

for the applicant and all individuals employed or volunteering with the dispensary or retailer.

(F) Once the dispensary or retailer is licensed, the licensee must notify the city and submit necessary information for criminal record background checks of any new owner, manager, operator, employee, agent, or volunteer.

(G) Each licensee shall be required to pay the applicable license fee as set by resolution of the Seaside City Council.

(H) The requirements of §§ 118.01 to 118.04 shall apply to the owners, managers, operators, employees, agents, and volunteers of the licensee's business.

(Ord. 2015-04, passed 5-11-15; Am. Ord. 2016-02, passed 3-14-16; Am. Ord. 2018-11, passed 8-27-18)

§ 118.04 OPERATIONAL REQUIREMENTS.

(A) Dispensaries and retailers must be located in accordance with ORS 475.314 and retailers will be subject to the same 1,000 foot separation requirement from other retailers and dispensaries. They are also subject to an additional exclusion area described as follows:

The area lying between a line drawn 600 feet north of the Broadway right-of-way that extends from the east side of North Prom to the west side of North Roosevelt Drive and a line drawn 600 feet south of the Broadway right-of-way that extends from the east side of South Prom to the west side of South Roosevelt Drive.

(B) Remain in compliance with all of the applicable provision of OAR 333-008 or OAR 845-025 and specifically recognize local law enforcement officers as government officials that have

jurisdiction over some aspect of the registered facility and licensed retailer or that otherwise have authority to be on the premises of the registered facility as specified in OAR 333-008-1200(3)(h) and OAR 845-025-1600(1).

(C) *Non-operational hours.* No sale or other distribution of marijuana shall occur upon the premises or via delivery between 10:00 p.m. and 8:00 a.m.

(D) *Giveaways.* Dispensaries and retailers shall not distribute to consumers marijuana or marijuana-infused products free of charge. (Ord. 2015-04, passed 5-11-15; Am. Ord. 2015-05, passed 6-22-15; Am. Ord. 2016-02, passed 3-14-16; Am. Ord. 2018-11, passed 8-27-18)

§ 118.05 LICENSE VALIDITY AND ANNUAL REVIEW FOR RENEWAL.

(A) A license will be valid for one calendar year and a new application for a license must be submitted each year. A previously licensed business may continue to operate during the next calendar year until the status of their new application is determined, provided a complete renewal application is submitted in December.

(B) A license for a medical marijuana dispensary or a recreational marijuana retailer may be converted prior to expiration of a current license; however, each conversion will require a new application and the prior license will become void at the time the new license is approved. (Ord. 2015-04, passed 5-11-15; Am. Ord. 2016-02, passed 3-14-16; Am. Ord. 2018-11, passed 8-27-18)

§ 118.06 REVOCATION OF LICENSE.

(A) A license is subject to revocation at any time for violation of this chapter or any of the provisions of state law or the applicable Oregon Administrative Rules.

(B) If at any time facts arise or become known to the City Manager that are sufficient to show violation of this chapter, state law, or Oregon Administrative Rule; the City Manager shall notify the licensee, in writing, that the license is to be revoked and that all dispensary activities must cease within 15 days.

(C) The violations need not lead to a conviction, but must establish a reasonable doubt about the licensee's ability to perform the licensed activity without danger to property, public health or safety. (Ord. 2015-04, passed 5-11-15; Am. Ord. 2016-02, passed 3-14-16; Am. Ord. 2018-11, passed 8-27-18)

§ 118.07 SUSPENSION OF LICENSE.

(A) Upon determining that a licensed activity presents an immediate danger to person or property, the City Manager may suspend the license for the activity.

(B) The suspension shall take effect immediately on notice being received by the licensee, or being delivered to the licensee's business address, as stated on the licensee's application for the license that is being suspended.

(C) The notice shall be mailed to the licensee and state the reason for the suspension, and inform the licensee of the procedures for filing an appeal.

(D) The City Manager may continue the suspension for as long as the reason for the suspension exists, or until a decision by the appellate authority on an appeal regarding the suspension concludes the matter.

(Ord. 2015-04, passed 5-11-15; Am. Ord. 2016-02, passed 3-14-16; Am. Ord. 2018-11, passed 8-27-18)

§ 118.99 PENALTY.

(A) Any person violating any of the provisions of this chapter shall, upon conviction thereof in the municipal court of the city, be punishable by a fine not to exceed \$700.

(B) Each day a violation of a provision of this chapter constitutes a separate violation.

(C) Revocation or suspension of a license is not a penalty for violation of this chapter and it does not relieve a person of any fine for the violation.

(D) Interest shall be added to the overall tax amount due at the same rate established under ORS 305.220 for each month, or fraction of a month, from the time the return to the Oregon Department of Revenue was originally required to be filed by the marijuana retailer to the time of payment.

(E) If a marijuana retailer fails to file a return with the Oregon Department of Revenue or pay the tax as required, a penalty shall be imposed upon the marijuana retailer in the same manner and amount provided under ORS 314.400.

(F) Every penalty imposed, and any interest that accrues, becomes a part of the financial obligation required to be paid by the marijuana retailer and remitted to the Oregon Department of Revenue.

(G) Taxes, interest and penalties transferred to the City of Seaside by the Oregon Department of Revenue will be distributed to the city.

(H) If at any time a marijuana retailer fails to remit any amount owed in taxes, interest or penalties, the Oregon Department of Revenue is authorized to enforce collection on behalf of the city of the owed amount in accordance with ORS 475B.700 to 475B.755, any agreement between the Oregon Department of Revenue and City of Seaside under ORS 305.620 and any applicable administrative rules adopted by the Oregon Department of Revenue. (Ord. 2015-04, passed 5-11-15; Am. Ord. 2016-02, passed 3-14-16; Am. Ord. 2018-11, passed 8-27-18)

**CHAPTER 119: MEDICAL AND RECREATIONAL MARIJUANA PRODUCTION, WHOLESALE,
AND PROCESSING FACILITIES**

Section

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- 119.02 Purpose of regulation
- 119.03 License required
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MEDICAL MARIJUANA GROW SITE. A location registered under O.R.S. 475B.420 by the Oregon Health Authority where marijuana is produced for use by a registry identification cardholder.

MEDICAL MARIJUANA PROCESSING SITE. A marijuana processing site registered under O.R.S. 475B.435 or a site for which an applicant has submitted an application for registration under O.R.S. 475B.435 by the Oregon Health Authority.

RECREATIONAL MARIJUANA PROCESSING. A premises where marijuana items are processed and licensed under O.R.S. 475B.090 by the Oregon Liquor Control Commission.

RECREATIONAL MARIJUANA PRODUCTION. A premises where marijuana is produced and licensed under O.R.S. 475B.070 by the Oregon Liquor Control Commission.

RECREATIONAL MARIJUANA WHOLESALE. A premises where marijuana items are received, stored, or delivered; and licensed under O.R.S. 475B.100 by the Oregon Liquor Control Commission.
(Ord. 2015-07, passed 8-10-15; Am. Ord. 2016-05, passed 11-14-16)

§ 119.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the content clearly indicates or requires a different meaning:

LICENSE. A medical or recreational marijuana production, wholesale or processing site license issued pursuant to this chapter.

MARIJUANA. All parts of the plant Cannabis family Moraceae, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination, or industrial hemp, as defined in O.R.S. 571.300, or industrial hemp commodities or products.

§ 119.02 PURPOSE OF REGULATION.

(A) To protect the public health, safety, and welfare from unlawful production, wholesale, and processing of marijuana, these uses must all be licensed or registered in accordance with O.R.S. 475B. and the applicable Oregon Administrative Rule.

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(B) Registration by the Oregon Health Authority or licensing by the Oregon Liquor Control Commission is not a guarantee that a marijuana use will be permitted to operate under applicable local municipal regulations. All said uses shall comply with the regulations set forth in this code.

(C) The regulations set forth by the city in this chapter provide reasonable regulations that supplement the Oregon Medical Marijuana Act and the Control and Regulation of Marijuana Act. These regulations are intended to solely address the issue of medical marijuana and recreational marijuana production, wholesale, and processing facilities. These regulations do not address and shall not be applied to medical marijuana dispensaries or recreational marijuana retailers. (Ord. 2015-07, passed 8-10-15; Am. Ord. 2016-05, passed 11-14-16)

§ 119.03 LICENSE REQUIRED.

(A) No person shall establish, maintain or operate a medical or recreational marijuana production, wholesale, or processing facility within the city unless an annual license is obtained from the city. Every premises or building where a facility is established shall be subject to the provisions of this chapter. Each licensee shall also obtain a general business license in accordance with Chapter 110 of this code.

(B) No license will be issued without proof of registration or license to operate a medical or recreational marijuana facility from the appropriate state agency of Oregon. The applicant for the license must also provide copies of electrical permits obtained in order to facilitate the production and processing of marijuana and written documentation of the security measures in place to prevent unauthorized entry into any facility.

(C) The city may deny a license if any owner, manager, operator, employee, agent, or volunteer:

(1) Has been convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II within five years from the date the application for a license was received by the city; or

(2) Has been convicted more than once for the manufacture or delivery of a controlled substance in Schedule I or Schedule II; or

(3) Is prohibited by a court from participating in activities associated with the Oregon Marijuana Acts.

(D) Application for a license must include the information necessary for criminal record background checks for any owner, manager, operator, employee, agent, or volunteer. The city's police department will conduct all necessary background checks.

(E) No license shall be issued until after a criminal record background check has been completed for the applicant and all individuals employed or volunteering at any facility.

(F) No license shall be issued until after the facility has been inspected by the City Building Official and approved for the proposed occupancy in accordance with the State of Oregon Structural Specialty Code, Fire and Life Safety Regulations, and the Uniform Building Code adopted by the city.

(G) Once the facility is licensed, the licensee must notify the city and submit necessary information for criminal record background checks of any new owner, manager, operator, employee, agent, or volunteer.

(H) Each licensee shall be required to pay the applicable license fee as set by resolution of the City Council. (Ord. 2015-07, passed 8-10-15; Am. Ord. 2016-05, passed 11-14-16)

§ 119.04 OPERATIONAL REQUIREMENTS.

(A) Medical or recreational marijuana production, wholesale, or processing facilities are not allowed to operate within 1,000 feet of the real property comprising a public or private elementary, secondary or career school.

(B) Grow sites must remain in compliance with all of the applicable provisions of O.R.S. Chapter 475B. and the applicable Oregon Administrative Rule.

(C) All facilities are subject to periodic inspection by the Fire Marshal to ensure they remain in compliance with applicable Fire and Life Safety Regulations.
(Ord. 2015-07, passed 8-10-15; Am. Ord. 2016-05, passed 11-14-16)

§ 119.05 LICENSE VALIDITY AND ANNUAL REVIEW FOR RENEWAL.

A license will be valid for one calendar year and a new application for a license must be submitted each year. A previously licensed facility may continue to operate during the next calendar year until the status of their new application is determined, provided a complete renewal application is submitted in December.
(Ord. 2015-07, passed 8-10-15; Am. Ord. 2016-05, passed 11-14-16)

§ 119.06 REVOCATION OF LICENSE.

(A) A license is subject to revocation at any time for violation of this chapter or any of the provisions of state law or the applicable Oregon Administrative Rule.

(B) If at any time facts arise or become known to the City Manager that are sufficient to show violation of this chapter, state law, or Oregon Administrative Rules; the City Manager shall notify the licensee, in writing, that the license is to be revoked and that all regulated activities under the license must cease within 15 days.

(C) The violations need not lead to a conviction, but must establish a reasonable doubt about the licensee's ability to perform the licensed activity without danger to property, public health or safety.
(Ord. 2015-07, passed 8-10-15; Am. Ord. 2016-05, passed 11-14-16)

§ 119.07 SUSPENSION OF LICENSE.

(A) Upon determining that a licensed activity presents an immediate danger to person or property, the City Manager may suspend the license for the activity.

(B) The suspension shall take effect immediately on notice being received by the licensee, or being delivered to the licensee's address, as stated on the licensee's application for the license that is being suspended.

(C) The notice shall be mailed to the licensee and state the reason for the suspension, and inform the licensee of the procedures for filing an appeal.

(D) The City Manager may continue the suspension for as long as the reason for the suspension exists, or until a decision by the appellate authority on an appeal regarding the suspension concludes the matter.
(Ord. 2015-07, passed 8-10-15; Am. Ord. 2016-05, passed 11-14-16)

§ 119.99 PENALTY.

(A) Any person violating any of the provisions of this chapter shall, upon conviction thereof in the municipal court of the city, be punishable by a fine not to exceed \$700.

(B) Each day a violation of a provision of this chapter persists constitutes a separate violation.

(C) Revocation or suspension of a license is not a penalty for violation of this chapter and it does not relieve a person of any fine for the violation.

(Ord. 2015-07, passed 8-10-15; Am. Ord. 2016-05, passed 11-14-16)