

CHAPTER 31 MARIJUANA

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31.001. Purpose. The purpose of this Chapter is to create a registration program for marijuana businesses. (Ord No. 17-14; Ord No. 12-16)

31.005. Definitions. Except as the context otherwise specifically requires, as used in this Chapter, the following mean:

- (a) Career school has the meaning as defined on Oregon Administrative Rule 333-008-1010(5).
- (b) Chief means the Chief of the Salem Police Department or the Chief's designee.
- (c) Marijuana has the meaning given that term in ORS 475.302.
- (d) Marijuana business means a person or entity that operates a business that transfers or sells marijuana, grows commercial marijuana, or manufactures marijuana items. Marijuana business does not include individual persons who grow marijuana for their own personal use in compliance with state law.
- (e) Person means any natural person, partnership, corporation, Limited Liability Company, government entity, association or other entity in law or fact.
- (f) Principal means members, partners, or corporate officers, and all stockholders holding more than ten percent of the voting stock for any applicant who is not a natural person.
- (g) Marijuana has the meaning given that term in ORS 475B.015. (Ord No. 17-14; Ord No. 12-16)

31.010. Administration; Rulemaking.

- (a) The Chief shall administer and enforce the provisions of this Chapter, and shall have the authority to inspect businesses required to be registered under this Chapter, render written and oral interpretations, and to adopt administrative rules and procedures necessary for its proper administration and enforcement. (Ord No. 17-14; Ord No. 12-16)

31.015. Registration Required. All marijuana businesses must register with the Chief.

- (a) Registration Requirements. All marijuana businesses required to register under this section must provide;
 - (1) The name and address of the business and the names and residence addresses of all principals of the business;
 - (2) The name and address of the location of the business;
 - (3) The signature of the business, if a natural person, or otherwise the signature of an authorized agent of the business, if the applicant is other than a natural person;
 - (4) If the business is leasing the property where the business will be located, the name and address of the owner, landlord, and property manager of the location of the business;
 - (5) Certification that the business has obtained, and is in full compliance with, all required permissions of the State of Oregon,

- (6) Certification that the business, at the location indicated in the application, is allowed in the applicable zoning district, and will comply with all applicable land use regulations, and;
- (7) Other information deemed reasonably necessary by the Chief to complete review of the application.
- (b) The Chief shall register a marijuana business upon a finding by the Chief that the applicant has provided all the information and certifications required by this section.
- (c) Registrations shall be renewed annually.
- (d) A marijuana business shall present its registration upon request of the Chief.
- (e) A marijuana business shall update its registration with the City upon the occurrence of any of the following:
 - (1) Change in ownership of the business;
 - (2) Change in location of the business;
 - (3) Change in type of business, or;
 - (4) Revocation or suspension (temporary or otherwise) of any state-issued license, permit or registration required by law for the business to operate.
- (f) A registration may be revoked or suspended upon a finding by the Chief that the business is in violation of this Chapter or any applicable state law. The Chief shall provide written notice of revocation or suspension to the business. The written notice shall state the basis for revocation or suspension of the registration and shall inform the business of the right to appeal as set forth in SRC Chapter 20J.
- (g) The denial of a registration, or the revocation or suspension of a registration may be appealed pursuant to the procedures for contested cases set forth in SRC Chapter 20J. (Ord No. 17-14; Ord No. 12-16)

31.020. Registration Fee. The initial registration fee and any renewal fee shall be \$100.00 per location. (Ord No. 17-14; Ord No. 12-16)

31.025. Inspection.

- (a) The Chief may inspect the location of a marijuana business to determine compliance with this Chapter and other applicable law.
- (b) A marijuana business shall be open for inspection by any law enforcement officer during all operating hours. (Ord No. 17-14; Ord No. 12-14)

31.030. Unlawful Activity by a Marijuana Business.

- (a) It shall be unlawful for a person to operate in the City, or to allow or permit the employees or agents of a marijuana business to operate on behalf of the business unless the business has obtained and maintains a valid registration with the City.
- (b) It shall be unlawful for a person to refuse to permit an inspection of a marijuana business by any law enforcement officer during operating hours.
- (c) A violation of this section is a misdemeanor.
- (d) Upon conviction for the above offense, the court may in addition to any other sanction or condition of probation authorized by law, prohibit the defendant from operating, being employed, volunteering or having a financial interest in the marijuana business within the City. (Ord No. 17-14; Ord No. 12-16)