

IMPACT STATEMENT

Legislation title: Amend City's marijuana business regulations (Ordinance; amend Code Chapter 14B.130, Portland Policy Document ADM-20.01)

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Purpose of proposed legislation and background information:

The 2015 Oregon Legislature enacted HB 3400 to amend Measure 91. Measure 91 legalized the consumption of marijuana by adults 21 and over and the legal production and sale of Marijuana and marijuana items. HB 3400 also granted local government limited time place and manner authority over operational aspects of the businesses that produce, process, transfer, or sell marijuana.

Portland City Council voted to develop the Marijuana Policy Program in November of 2014 to advocate at the state legislature and implement a local regulatory program that would support the legitimization of the marijuana industry while protecting the welfare of the Portland community. Portland City Council voted to adopt Portland City Code 14B.130 to regulate business that produce, process, transfer, or sell marijuana.

The proposed code amendments introduced by this ordinance will add four categories of marijuana-related businesses to Chapter 14B.130: Marijuana Retail Courier, Micro-Producer Tier I, Micro-Producer Tier II, Micro-Wholesaler. In addition, this ordinance will lift the restriction on the delivery of recreational marijuana to consumers in the City; change the hours of operation of marijuana businesses to match those of the State; strike the requirement that video data from medical dispensaries and marijuana businesses be stored off-site; and introduce a series of technical changes that fix grammatical errors, clarify terms.

Financial and budgetary impacts:

The proposed legislation is accompanied by an amended fee schedule that reflects the licensing and application fees for the Marijuana Retail Courier license type proposed. The fee schedule for Micro-Producer Tier I and Micro-Producer Tier II shall be equal to the fees for Marijuana Producer. Accordingly, the fees for Micro-Wholesaler shall be equal to the fees for Marijuana Wholesalers. Lastly, the total cost of the program is expected to increase with the potential added cost of regulating the delivery of recreational marijuana to consumers.

Community impacts and community involvement:

The current proposed legislation has been informed by a public involvement process, including regular meetings of the Marijuana Policy Oversight Team which consists of both members of the community and the marijuana industry. Marijuana Policy Program Staff have attended neighborhood association meetings, marijuana educational trainings, national symposiums, and other events to learn about and implement best practices and processes in a way that reflects the unique fabric of Portland's neighborhoods. The program has also been receptive to feedback received from both neighbors and the marijuana industry, be it by email, phone, letter, or in person, and the changes proposed in this ordinance reflect that feedback.

Budgetary Impact Worksheet

Does this action change appropriations?

YES: Please complete the information below.

NO: Skip this section

| Fund | Fund Center | Commitment Item | Functional Area | Funded Program | Grant | Sponsored Program | Amount |
|------|-------------|-----------------|-----------------|----------------|-------|-------------------|--------|
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Amendment to proposed code changes re: Retail Courier:

14B.130.040. Minimum Standards

E. No medical dispensary, or marijuana retailer or marijuana retail courier may locate its licensed premises for business operations ~~operate or conduct business~~ within 1,000 feet of:

1. Any public elementary or secondary school for which attendance is compulsory under ORS 339.020 (2013); or
2. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1) (a) (2013).
3. The distance from a school to a medical dispensary or a marijuana business retailer shall be computed by direct measurement from the nearest property line of the land used for the school to the nearest portion of the building in which the medical dispensary or marijuana retail business is located.

Exhibit A

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a. Section 14B.130.020, Definitions, is amended to read as follows:

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14B.130.020 Definitions.

As used in this Chapter, unless the context requires otherwise, the following definitions apply:

- A. "Applicant" means any individual that is directly involved in the management and operation of, or has at least 10 percent ownership interest in, the marijuana business or medical dispensary in the City.
- B. "Cannabinoid concentrates" means any substance obtained by separating cannabinoids from marijuana by;
 - 1. A mechanical extraction process;
 - 2. A chemical extraction process using a nonhydrocarbon-based or other solvent, such as water, vegetable glycerin, vegetable oils, animal fats, isopropyl alcohol or ethanol;
 - 3. A chemical extraction process using the hydrocarbon-based solvent carbon dioxide, provided that the process does not involve the use of high heat or pressure; or
 - 4. Any other process identified by the Oregon Liquor Control Commission or the Oregon Health Authority, by rule.
- C. "Cannabinoid edibles" means food or potable liquids into which a cannabinoid concentrate, extract, or dried marijuana leaves or flowers have been incorporated.
- D. "Cannabinoid extracts" means a substance obtained by separating cannabinoids from marijuana by;
 - 1. A chemical extraction process using hydrocarbon-based solvent, such as butane, hexane, or propane;
 - 2. A chemical extraction process using the hydrocarbon based solvent carbon dioxide, if the process uses high heat or pressure, or;
 - 3. Any other process identified by the Oregon Liquor Control Commission or the Oregon Health Authority, by rule.
- E. "Cannabinoid Product" means an edible and any other product intended for human consumption or use, including a product intended to be applied to the skin or hair, that contain cannabinoids or dried marijuana leaves or flowers. Cannabinoid product does not include;
 - 1. Usable marijuana by itself;
 - 2. A concentrate by itself;
 - 3. A cannabinoid extract by itself;
 - 4. Industrial Hemp, as defined in ORS 571.300.
- F. "Chief of Police" means the Chief of the Bureau of Police, or the Chief's designee.
- G. "Consumer" means a person who purchases, acquires, owns, holds, or uses marijuana seeds, immature marijuana plants, marijuana or marijuana items other than for the purpose of resale.
- H. "Director" means the Director of the Office of Neighborhood Involvement, or the Director's designee.

- I. “Financial consideration” or “For consideration” means value that is given or received either directly or indirectly through sales, barter, trade, fees, charges, dues, contributions or donations.
- J. “Licensee” means a person who holds a license issued under PCC Chapter 14B.130.
- K. “Licensee representative” means an owner, director, officer, manager, employee, agent or other representative of a licensee, to the extent that the person acts in a representative capacity.
- L. “Licensed premises” means all public and private enclosed areas at the location that are used ~~in~~ for the business operated at the location, including offices, kitchens, rest rooms and storerooms; all areas outside a building that the City has specifically licensed for the production, processing, wholesale sale, retail sale or transfer of marijuana and marijuana items.
- M. “Marijuana” means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. “Marijuana” does not include industrial hemp, as defined in ORS 571.300.
- N. “Marijuana Business” means any business location-located within the City that is licensed or has submitted or is required to submit an application to be licensed by the Oregon Liquor Control Commission as any of the following:
1. “Marijuana micro-producer tier I” means a person who produces marijuana in the City with an indoor canopy size of up to 625 square feet in the City.
 2. “Marijuana micro-producer tier II” means a person who produces marijuana in the City with an indoor canopy size 626 to 1250 square feet in the City.
 3. “Marijuana micro-wholesaler” means a person that only purchases or receives seeds, immature plants or usable marijuana from a producer with a micro tier I or tier II canopy for resale to a person other than a consumer in the City.
 - ~~1.~~ 4. “Marijuana processor” means a person who processes marijuana items in this City.
 - ~~2.~~ 5. “Marijuana producer” means a person who produces marijuana in the City.
 - ~~3.~~ 6. “Marijuana retailer” means a person who sells or makes available for purchase marijuana or marijuana items in the City.
 7. “Marijuana retail courier” means a marijuana retailer who sells or makes available for purchase marijuana or marijuana items only by delivery to residences located within the City.
 - ~~4.~~ 8. “Marijuana wholesaler” means a person who purchases or receives seeds, immature plants or usable marijuana from marijuana producers for resale to a person other than a consumer in the City.
- O. “Marijuana items” means marijuana, cannabinoid products, cannabinoid concentrates and cannabinoid extracts.
- P. “Marijuana Laboratory” means any person who is conducting tests of marijuana under Oregon law.
- Q. “Marijuana Regulatory License” means a license issued by the City to produce, process, sell or transfer marijuana and marijuana items.

- R. “Medical Dispensary” means a business located within the City that is registered with the Oregon Health Authority under ORS 475.314 and authorized to transfer usable marijuana, marijuana items and immature marijuana plants, or a site for which an applicant has submitted an application for registration under ORS 475.314.
- S. “Primary Contact” means the person designated in the application who has authority to conduct business with the City on behalf of the applicant or licensee.
- T. “Processor” means the processing, compounding or conversion of marijuana into cannabinoid products, cannabinoid concentrates or cannabinoid extracts.
- U. “Produces” means the planting, cultivation, or growing of marijuana.
- S. V. “Sale”, or “Sales” or “Sold” means any transfer, exchange or barter, in any manner or by any means, for consideration, and includes all sales made by any person including gifts for the purposes of advertising by marijuana businesses.
- F. W. “Research Certificate Holder” means any person authorized under Oregon law to receive marijuana items for the purpose of medical or public health and safety research.

b. Section 14B.130.040, Minimum Standards, is amended to read as follows:

14B.130.040 Minimum Standards.

- A. A marijuana regulatory license may only be issued for a specific, fixed locations which shall be considered the licensed premises. The licensed premises must be within a building or structure subject to a building or zoning permit. review and approval under the Oregon Structural Specialty Code, fire code and related building codes as promulgated by the Oregon Department of Consumer and Business Services. Licensee must obtain the appropriate applicable permits and remain in compliance with fire and building and zoning codes.
- B. If the location is a medical dispensary, the location may be no closer than 1,000 feet of another medical dispensary. The distance between the dispensaries shall be computed by direct measurement of the nearest portion of the building in which one medical dispensary is located to the nearest portion of the building in which the other medical dispensary is located.
- C. Except for marijuana retail couriers, if the location is a marijuana retailer, the location may be no closer than 1,000 feet of another marijuana retailer. The distance between the retailers shall be computed by direct measurement of the nearest portion of the building in which one marijuana retailer is located to the nearest portion of the building in which the other marijuana retailer is located.
- D. Distance Restrictions for Dispensaries and Retailers.
1. Except for marijuana retail couriers, aA marijuana regulatory license will not be granted for a medical dispensary or a marijuana retailer that is within 1,000 feet of another medical dispensary or another marijuana retailer. The distance between the dispensaries and retailers shall be computed by direct measurement of the nearest portion of the building in which one medical dispensary or marijuana retailer is located to the nearest portion of the building in which the other medical dispensary or marijuana retailer is located.

2. The distance requirement in Subsection 14B.130.040 D.1. shall not apply for applications for medical dispensary licenses received by the Director between November 1, 2015 and January 29, 2016, that meet the following criteria:
 - a. The medical dispensary has been:
 - (1) Registered, operating and in good standing with the Oregon Health Authority since on or before July 1, 2015 and had a valid City of Portland Business License on or before July 1, 2015.
 - (2) Registered and in good standing with the Oregon Health Authority since on or before September 30, 2015, if the Director finds that the applicant demonstrates that they incurred significant financial obligations prior to that date, such as entering a lease, hiring employees, or obtaining fixtures and equipment, and had a valid City of Portland Business License on or before September 30, 2015.
 - b. The medical dispensary has no outstanding compliance issues pending with the Oregon Health Authority.
 - c. The application for the medical dispensary has not submitted for or obtained a marijuana regulatory license for a marijuana retailer within 1,000 feet of the location to be licensed under this exception; and
 - d. The applicant meets all other requirements of this Chapter.
3. The requirements of Subsection D.1. shall not apply to current, valid renewal applications for medical dispensary licenses issued under Subsection D.2.
4. The distance requirement in Subsection 14B.130.040 D.1., shall not apply for applications for marijuana retail licenses received by the Director that meet the following criteria:
 - a. The application is from an existing medical dispensary licensee operating under a current, valid medical dispensary located within the City of Portland;
 - b. The marijuana retail license application is for the same address at which the medical dispensary is currently operating;
 - c. The medical dispensary has no outstanding compliance issues pending with the Oregon Health Authority;
 - d. Upon issuance of a marijuana retail license from the State ~~The~~ applicant, under conditional approval for a marijuana retailer

license, may operate without a Marijuana Regulatory License for a period of no longer than 5 business days surrenders its medical dispensary license to the City of Portland and the Oregon Health Authority within 5 business days of receiving notice from the State of the issuance of a marijuana retail license to allow for the transition from the medical market to the recreational market;

- e. The applicant meets all other requirements of this Chapter.
- E. No medical dispensary, ~~or~~ marijuana retailer or marijuana retail courier may operate or conduct business within 1,000 feet of:
 1. Any public elementary or secondary school for which attendance is compulsory under ORS 339.020 (2013); or
 2. A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1) (a) (2013).
 3. The distance from a school to a medical dispensary or a marijuana business retailer shall be computed by direct measurement from the nearest property line of the land used for the school to the nearest portion of the building in which the medical dispensary or marijuana retail business is located.
- F. No medical dispensary, marijuana business, marijuana laboratory, or research certificate holder may be located in residential zones RF through RH or where otherwise not allowed per City Code.
- G. A marijuana retail courier may not operate their licensed premises as being generally open to the public for business. All sales must be conducted off-site by delivery to consumers in accordance with the standards established in OAR 845-025-2880, as in effect on December 1, 2016.
- ~~H.~~ G. A person or business operating a medical dispensary, marijuana business, marijuana laboratory, or research certificate holder must comply with all state and local regulations that apply.

c. Section 14B.130.050, Application Procedure, is amended to read as follows:

14B.130.050 Application Procedure.

- A. Applications for marijuana regulatory licenses will be processed in the order they are received by the Director. The application shall not be considered received until all the required information and documentation has been submitted and the application fee has been paid. An applicant for a marijuana regulatory license shall complete an application that includes the following information:
 1. All completed forms fully executed and signed, including:
 - a. Personal history forms, as developed by the Office of Neighborhood Involvement, for any person who will be directly involved in the management or operation of the proposed medical dispensary or marijuana business for review of the application under Subsection 14B.130.070 C.

- b. An information form, as developed by the Office of Neighborhood Involvement that includes a description of the planned business operations and a security plan describing how the applicant intends to comply with the requirements of Section 14B.130.080.
- c. If the application is for a medical dispensary or marijuana retailer, a Marijuana Control Plan to address security protocols, potential nuisance activities and other public safety concerns.
2. A Business License Certificate of Compliance as provided in Section 7.02.300, and;
- ~~3. A change of use permit~~ A Certificate of Occupancy for a new building or Commercial Building Permit for an existing building as proof of occupancy for the intended use as required by City code, when a change in the designated use or a change in the occupancy occurs.
- ~~3.4.~~ Documentation of having an existing security system and proof of application submittal for an alarm permit from the Portland Police Bureau, and electrical permit from the Bureau of Development services as needed, applied for or obtained an alarm permit for the premise. 's security system.
- ~~4. Licensee must~~ Documentation of having an existing install and maintain an air filtration system or proof of application submittal for applicable permits to ensure odor impacts upon neighboring properties are minimized.
5. Proof of ownership or legal possession of the premises to be licensed for the term of the proposed license. If the licensed premises will be leased, the application shall include, a true and complete copy of the executed lease showing the property owner has authorized the use as a medical dispensary or marijuana business.
- ~~6. If the application is for a marijuana processor, or marijuana micro-producer tier I, marijuana micro-producer tier II or marijuana producer, documentation of having applied for or obtained all necessary permits from the Portland Fire & Rescue and Bureau of Development Services. Marijuana producers and processors must provide documentation showing that all applicable City permits have been applied for or obtained.~~
7. A non-refundable application fee as stated in the fee schedule adopted by City Council. Fees will be updated annually or on an as needed basis and will be sufficient to cover the cost of administering this Chapter. The approved fee schedule will be available through the Office of Neighborhood Involvement.
8. The Director may, at the Director's discretion, require additional documentation associated with the application as may be relevant to the requirements of this Chapter. To the extent any materials have been included with the applicant's state license application and forwarded to the City by the state licensing authority, the Director may rely upon the information forwarded from the state without requiring submittal of the same materials in conjunction with the marijuana regulatory license application.

9. The licensee shall notify the Office of Neighborhood Involvement of any changes in the information required in Subsections 14B.130.050 A.1.a.-c. within 10 business days of the change.
- B. Applications for renewal of marijuana regulatory licenses must demonstrate compliance with Subsections 14B.130.050 A.1.-7. on a form provided by the Office of Neighborhood Involvement and pay an annual fee as stated in the fee schedule adopted by City Council.
- d. Section 14B.130.070, Issuance and Renewal of the License, is amended to read as follows:

14B.130.070 Issuance and Renewal of the License.

- A. Upon filing of an application and payment of the required application fee, the Director shall ensure that the location proposed to be licensed or registered meets the minimum standards as defined in Section 14B.130.040. If the proposed location meets the minimum standards the Director shall proceed with processing the application. If the location does not meet the minimum standards the Director shall deny the application.
- B. If the proposed location meets the minimum standards as defined in Section 14B.130.040, the Director in consultation with the Chief of Police, shall conduct an investigation of the application and all principals listed according to the requirements in Subsection 14B.130.050 A. If no cause exists for denial, the Director shall issue the license after the following has been received;
1. Proof that a state license or registration has been issued.
 2. The license fee as stated in the fee schedule adopted by City Council. Fees will be updated annually or on an as needed basis and will be sufficient to cover the cost of administering this Chapter. The approved fee schedule will be available through the Office of Neighborhood Involvement.
 3. Marijuana producers and processors must provide documentation showing that all applicable City permits have been obtained and received final inspection approval.
- C. Except as provided for in Subsection 14B.130.070 D., the Director shall deny an initial or renewal application for a marijuana regulatory license if any of the following apply.
1. The applicant, or any person engaged in the direct management and operation of the medical dispensary or marijuana business, or anyone with 10 percent or more interest in the business has previously owned or operated a business regulated by Chapter 14B.130; and
 - a. The license has been revoked for cause that would be grounds for revocation pursuant to Chapter 14B.130.
 - b. The Director has determined that the business has contributed to crime or livability incidents in the area where the medical dispensary or marijuana business is located.
 2. Any statement in the application is false or any required information is withheld;

3. If the application is for a medical dispensary, the location is not registered with the state under ORS 475.314;
 4. If the application is for a marijuana business, the location is not licensed with the Oregon Liquor Control Commission;
 5. The Director finds by preponderance of the evidence that the applicant or any person directly engaged in the management and operation of the medical dispensary or marijuana business has violated local or State law including a permitting or licensing requirement.
- D. Notwithstanding Subsection 14B.130.070 B., the Director may grant a license after consulting with the Chief of Police despite the presence of one or more factors as outlined in Subsection 14B.130.070 C., if the applicant establishes to the Director's satisfaction that,
1. The behavior evidenced by such factor is not likely to reoccur;
 2. The behavior evidenced by such factor is remote in time; or
 3. The behavior evidenced by such factor occurred under circumstances that diminish the seriousness of the factor as it relates to this Chapter.
- E. Marijuana regulatory licenses are valid for a term of 1 year and a renewal schedule will be established by rule. The license is non-transferable and valid only for a single fixed location.
1. When the business location is to be changed, the licensee shall provide the address of the new location in writing to the Director to review for compliance with the requirements of this Chapter at least 60 days prior to the change.
 2. A person with multiple dispensaries or business locations must apply for and obtain a license for each separate location.
- F. Upon denial of an application for a marijuana regulatory license, the Director shall give the applicant written notice of the denial in accordance with the minimum requirements of Chapter 3.130 of Portland City Code.
1. Service of the notice ~~shall will be accomplished by mailing the notice to the applicant by certified mail, return receipt requested, to the address of the primary contact for the application on file with the Director. In addition, the Director may also send notices to other addresses known for the applicant or person including electronic delivery.~~
 2. Mailing of the notice will be prima facie evidence of receipt of the notice.
- G. The denial will be effective the date the notice is sent.
- H. Denial of a marijuana regulatory license may be appealed by filing written notice of an appeal within 10 business days of the date of denial in accordance with Section 14B.130.120.

e. Section 14B.130.080, Requirements, is amended to read as follows:

14B.130.080 Requirements.

- A. A marijuana regulatory licensee must comply with the following regulations:
1. Licensee must display the marijuana regulatory license at the business location in a manner readily visible to patrons.

2. Licensee may not allow consumption of marijuana or marijuana items on the premises licensed under Chapter 14B.130, except as specifically authorized by Oregon law for employees of medical marijuana dispensaries who are valid, current registry identification cardholders.
 3. Licensee must install and maintain in proper working order at the licensed premises a security system including alarms, safes, and surveillance cameras.
 - a. Licensee must maintain camera surveillance data backup offsite.
 - b. Licensee must retain camera surveillance data for a minimum of 30 days.
 4. ~~Except for marijuana processor, marijuana micro-producer tier I, marijuana micro-producer tier II or marijuana producer or processor, sales, transfers and distribution of any marijuana or marijuana items by a Licensee shall only occur in only upon the licensed premises, of marijuana or marijuana items off site, except as expressly allowed under Oregon law regarding delivery off site to holders of Medical Marijuana Patient or Caregiver cards as established under ORS 475.314.~~
- B.** Any person with a marijuana regulatory license for a medical dispensary or marijuana retailer must comply with the following regulations:
1. Licensee must designate personnel at the entrance intended for consumers to require all persons entering the premises to produce an approved form of identification according to ORS 614.24.1.a-e in order to ensure that no one under the age of 21 is allowed on the premises, except as provided for under ORS 475.314.
 2. Licensee must maintain hours of operation no earlier than 8~~7~~ a.m. and no later than 10 p.m.
 3. Licensee must not make marijuana or marijuana items available for sale from a vendor cart, temporary structure, or satellite location, or through exterior openings of the licensed premises, such as drive-thru facilities or walk up windows.
 4. ~~Licensee must install and maintain an air filtration system to ensure odor impacts upon neighboring properties are minimized.~~
- C.** Any person with a marijuana regulatory license for a marijuana retailer must comply with the following regulations:
1. Licensee may provide delivery of marijuana and marijuana items to a residence in Portland in accordance with OAR 845-025-2880, as in effect on December 1, 2016 and subject to compliance with the requirements of this Chapter.
 2. Licensee may sell marijuana items for medical purposes in accordance with OAR 845-025-2900, effective December 1, 2016.
- C. D.** Any person with a processor marijuana regulatory license must comply with the following requirements:
1. Licensee must not allow the licensed location to be open to the general public.

2. Licensee must adhere to applicable state and local regulations for food production, ensuring that marijuana items made for consumption by eating or drinking are processed in a licensed facility.
- D. E.** Any person with a marijuana micro-producer tier I, marijuana micro-producer tier II, producer, marijuana micro-wholesaler or marijuana wholesaler marijuana regulatory license must comply with the following requirements:
1. Licensee must not allow the licensed location to be open to the general public.
 2. ~~Licensee must install and maintain an air filtration system to ensure odor impacts upon neighboring properties are minimized.~~

f. Section 14B.130.090 E, execution of inspection warrants, is amended to read as follows:

- E.** Execution of inspection warrants.
1. Occupied Property. Except as provided in Subsection 2. of this Section, in executing an inspection warrant, the person authorized to execute the warrant shall, before entry into the occupied premises, make a reasonable effort to present the person's credentials, authority and purpose to an occupant or person in possession of the property designated in the warrant and show the occupant or person in possession of the property the warrant or a copy thereof upon request.
 2. Unoccupied Property. In executing an inspection warrant, the person authorized to execute the warrant need not inform anyone of the person's authority and purpose, as prescribed in Subsection 1. of this Section, but may promptly enter the property if it is at the time unoccupied or not in the possession of any person or at the time reasonably believed to be in such condition. In such case a copy of the warrant shall be conspicuously posted upon the property.
 3. Return. An inspection warrant must be executed within 10 ~~working~~ business days of its issue and returned to the judge by whom it was issued within 10 ~~working~~ business days from its date of execution. After the expiration of the time prescribed by this Subsection, the warrant unless executed is void.

g. Section 14B.130.100, Penalties, is amended to read as follows:

14B.130.100 Penalties.

- A. The Director may assess civil penalties in an amount up to \$5,000 for any violation of this Chapter.
- B. Procedure.
 1. Having made a determination that a violation of this Chapter has occurred, the Director shall give written notice of a decision to assess civil penalties. The Director's written notice shall be in accordance with the minimum requirements of Chapter 3.130 of the Portland City Code.
 2. Service of the notice ~~will~~ shall be ~~accomplished by mailing the notice by certified mail;~~ accomplished by mailing the notice by certified mail; to the address of the primary contact for the Licensee on file

with the Director return receipt requested to the mailing address provided by the licensee. In the case of a person operating without a Marijuana Regulatory License, service of the notice shall be by mail to such address as the Director has on file for that person, or is otherwise available to the Director. In addition, the Director may also send notices to other addresses known for the person including electronic delivery.

3. Mailing of the notice will be prima facie evidence of receipt of the notice.
 4. The civil penalty will be due 10 business days from the date of the notice unless appealed in accordance with Section 14B.130.120.
- C. In determining the amount of the civil penalty to be imposed for violations of the provisions of this Chapter, the Director shall consider:
1. The extent and nature of the person's involvement in the violation;
 2. The economic or financial benefit accruing or likely to accrue as a result of the violations;
 3. Whether the violations were repeated or continuous, or isolated and temporary;
 4. The magnitude and seriousness of the violation;
 5. The City's costs of investigating the violations and correcting or attempting to correct the violation; and,
 6. Any other factors the Director may deem to be relevant.
- h. Section 14B.130.110, Revocation or Suspension of License, is amended to read as follows:

14B.130.110 Revocation or Suspension of License.

- A. The Director may, after consulting with the Chief of Police, revoke or suspend any license issued pursuant to this Chapter.
1. For any cause that would be grounds for denial of a license; or,
 2. Upon finding that any violation of the provisions of this Chapter, State, or local law has been committed and the citation is connected with the operation of the licensed business location so that the person in charge of the business location knew, or should reasonably have known, that violations or offenses were permitted to occur at the location.
 3. If payment of civil penalties has not been received within 10 business days by the Office of Neighborhood Involvement.
- B. The Director, upon revocation or suspension of any license issued pursuant to this Chapter, shall give the Licensee written notice of the revocation or suspension in accordance with the minimum requirements of Chapter 3.130 of Portland City Code.
1. Service of the notice ~~will~~ shall be accomplished by mailing the notice by via regular and certified mail; return receipt requested to the address of the primary contact for the Licensee on file with the Director. In addition, the Director may also send notices to other addresses known for the applicant or person including electronic delivery.
 2. Mailing of the notice by regular mail will be prima facie evidence of receipt of the notice.

- C. Revocation will be effective and final 10 business days after the date of notice unless the revocation is appealed in accordance with Section 14B.130.120.
- D. Suspension will be effective immediately upon the date of the notice, for the period of time set in the notice not to exceed 30 days.

i. Section 14B.130.120, Review by the Director and Appeals to the Code Hearings Officer, is amended to read as follows:

14B.130.120 Review by the Director and Appeals to the Code Hearings Officer.

- A. Any determination issued pursuant to Sections 14B.130.070, 14B.130.100 or 14B.130.110 believed to be made in error may be reviewed by the Director if requested by the recipient. The request must be submitted in writing within 15 10 business days of the determination, and must include all evidence that supports the request. Service of notice of the determination shall be by mail to the address for the primary contact for the application on file with the Director. The Director's determination shall be served by regular mail. Mailing of the notice of determination will be prima facie evidence of receipt of the notice. In addition, the Director may also send notice of the determination to other addresses known for the applicant or person including electronic delivery.
- B. The Director's determination may be appealed to the Code Hearings Officer, as provided for in Chapter 22.10 of Portland City Code.
- C. The filing of a notice of appeal of revocation or suspension of a license, or of a civil penalty imposed by the Director under this Chapter, will stay the effective date of the action until the Code Hearings Officer issues an opinion.