

Title 5

BUSINESS TAXES, LICENSES AND REGULATIONS

Chapters:

- 5.20** *Repealed*
- 5.25** **Liquor License**
- 5.30** **Sale of Tobacco Products**
- 5.40** **Marijuana Facilities**

Chapter 5.20**ARCADE LICENSE AND PERMIT**

(Repealed by Ord. 774)

Chapter 5.25**LIQUOR LICENSE**

Sections:

- 5.25.010 Purpose.
- 5.25.020 Application conditions.
- 5.25.030 City investigation.
- 5.25.040 Temporary license.
- 5.25.050 Approval procedure.
- 5.25.060 Public hearing.
- 5.25.070 Criteria for recommendation.
- 5.25.080 Conditional recommendation.
- 5.25.090 Notice of hearing.

5.25.010 Purpose.

The purpose of this chapter is to establish criteria for council consideration in recommending to the Oregon Liquor Control Commission (OLCC) that it grant, deny, modify or renew liquor licenses for premises within the city. The process established to review license applicants in order to make recommendations will be fair, effective and efficient. These sections are necessary to ensure that premises licensed to sell or dispense liquor meet community expectations and that such businesses are conducted in a lawful manner that does not unreasonably disturb the peace and tranquility of this city and its neighborhoods. [Ord. 572 § 1, 1989.]

5.25.020 Application conditions.

The city shall accept applications for regular OLCC liquor licenses only when the following conditions are met:

- A. All required forms are properly completed and in order; and
- B. The appropriate processing fee established by council resolution has been paid. [Ord. 572 § 2, 1989.]

5.25.030 City investigation.

The city manager shall coordinate an investigation of each application to determine the appropriate city recommendation to the OLCC. The city manager may require additional information as appropriate for conducting the investigation required for such city recommendation. The city manager shall provide a copy of each application to the appropriate city department for investigation

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and report. Reports from such departments shall be included in each staff recommendation to the council. [Ord. 572 § 3, 1989.]

5.25.040 Temporary license.

The city manager is authorized to approve applications for temporary OLCC licenses such as special events, special beer and special wine licenses. Such applications may be processed administratively after the fee established by council has been paid. The city manager may make an unfavorable recommendation to the OLCC if the city manager finds any of the criteria in PMC 5.25.070 applies to the applicant. Either the applicant or city manager may refer an application to the city council for a recommendation. [Ord. 744 § 1, 2007; Ord. 572 § 4, 1989.]

5.25.050 Approval procedure.

If the city manager recommends approval of an application, the matter will be scheduled as a council agenda item unless a council member requests a public hearing. Upon request of a council member or an adverse recommendation by the city manager, a public hearing will be scheduled and notice given pursuant to PMC 5.25.090. [Ord. 744 § 2, 2007; Ord. 572 § 5, 1989.]

5.25.060 Public hearing.

In the event that a public hearing is required, such public hearing will be scheduled and notice given pursuant to PMC 5.25.090.

A. The city, the applicant and any interested parties shall have the right to present evidence and witnesses. The mayor and council members may ask questions of any witness.

B. The city, the applicant or any other affected party may be represented by legal counsel at their own expense.

C. After due consideration of the evidence and testimony presented to it, the common council shall make its recommendation. The recommendation shall be based on substantial evidence relative to the criteria in this chapter and shall be final. Findings shall be produced and forwarded to the OLCC along with the council's recommendation. [Ord. 744 § 3, 2007; Ord. 572 § 6, 1989.]

5.25.070 Criteria for recommendation.

The council may make an unfavorable or conditionally favorable recommendation to the OLCC on an application if any of the following apply or a favorable recommendation if none of the following apply:

A. The applicant has a record of violations of state alcoholic liquor law;

B. The applicant has a record of use of controlled substances or excessive use of alcoholic beverages;

C. The applicant has a record of violations of criminal law or ordinances connected in time, place and manner with a liquor establishment or which demonstrate a disregard for law;

D. The applicant has maintained or allowed to exist an establishment which creates or is a public nuisance, or other violation of the city ordinances or federal or state law, which causes, permits or suffers disorderly or violent acts, litter, noise, vandalism, vehicular or pedestrian traffic congestion, or other locational problems, in the proximity of such establishment;

E. The applicant has not maintained the premises in accordance with the building, fire and life safety codes of the city and the state;

F. The applicant seeks licensing of premises which would not be consistent with city land use designations;

G. The applicant has demonstrated an unwillingness or inability to cooperate with the city or neighbors to resolve driving under the influence of liquor concerns or community disputes related to a licensed establishment; or

H. There is any other specific reason consistent with the purposes of these provisions which the city council concludes warrants an adverse recommendation to the OLCC based upon public health, safety, welfare, convenience or necessity. [Ord. 572 § 7, 1989.]

5.25.080 Conditional recommendation.

If the council finds that any of the criteria established by PMC 5.25.070 apply to an applicant, it may make a conditionally favorable recommendation with a letter of warning. The city manager shall deliver to the applicant in person or by certified mail a summary of the reports relating to the application and a notice to correct the problems cited. A copy of this notice and summary shall be

sent to the OLCC. During the following license period, the city manager shall monitor the progress of the applicant in correcting such problems and report to the council. At the time of the next license renewal, the applicant shall have the burden of proof to establish that the license should receive a favorable recommendation for renewal. If the council finds that the applicant has not made sufficient progress in correcting the conditions which resulted in the letter of warning, then the council may make an unfavorable recommendation to the OLCC without further public hearing. [Ord. 572 § 8, 1989.]

5.25.090 Notice of hearing.

In the event that a public hearing is scheduled, the city shall publish in a newspaper of general circulation in the city a notice specifying a time, date and location of the hearing and business name and address of the applicant. The notice shall inform the public that testimony may be given for or against the application.

Notice of the public hearing shall be given to the applicant either personally or by certified mail postmarked not later than 10 days prior to the hearing. The notice shall contain:

A. A statement of the time and place of the hearing;

B. A statement from the city manager of the matter(s) asserted or charged supporting the adverse recommendation or stating why the hearing was requested;

C. A statement that the applicant may be represented by legal counsel at the hearing, but legal counsel shall not be provided at public expense; and

D. A statement that if the applicant desires to participate in the hearing, the city manager must receive notice in writing no later than five working days prior to the hearing. [Ord. 744 § 4, 2007; Ord. 572 § 9, 1989.]

Chapter 5.30

SALE OF TOBACCO PRODUCTS

Sections:

- 5.30.010 Definitions.
- 5.30.020 License requirement.
- 5.30.030 License fee.
- 5.30.040 Nontransferability of license.
- 5.30.050 Sales to minors.
- 5.30.060 Vendor-assisted sales.
- 5.30.070 Nonretaliation.
- 5.30.080 License holder penalties.
- 5.30.090 Selling tobacco without a license – Penalty.
- 5.30.100 Notice.
- 5.30.110 Hearing.
- 5.30.120 Tobacco license fees.

5.30.010 Definitions.

For the purposes of this chapter, the following definitions shall apply:

A. “License” means a license issued by the city of Philomath for the retail sale of tobacco products.

B. “Licensee” means the holder of a valid license for the retail sale of tobacco products.

C. “Minor” means any person under 18 years of age.

D. “Self-service displays” means open display of tobacco products that the public has access to without the intervention of a store employee.

E. “Tobacco product” means any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, or any other form of tobacco which may be utilized for smoking, chewing, inhalation, or other means of ingestion.

F. “Vendor-assisted” means only a store employee has access to the tobacco product and assists the customer by supplying the tobacco products. The customer does not take possession of the tobacco product until after it is purchased. [Ord. 683 § 1, 2000.]

5.30.020 License requirement.

A. It shall be a violation of this chapter for a retailer to sell tobacco products unless that retailer holds a valid license from the city of Philomath for each location in which tobacco products are sold. All such licenses shall be renewed annually on or before March 1st.

B. Any license issued in accordance with the provisions of this chapter shall remain the property of the city, and upon expiration, revocation, or suspension, it shall be returned to the city. If a license is lost or destroyed, it may be replaced upon the payment by the applicant of a fee as set forth in PMC 5.30.030. [Ord. 683 § 2, 2000.]

5.30.030 License fee.

No tobacco retailer's license shall be issued or continue to be valid unless the holder thereof has paid the fees as required by this chapter. [Ord. 683 § 3, 2000.]

5.30.040 Nontransferability of license.

A license is nontransferable. [Ord. 683 § 4, 2000.]

5.30.050 Sales to minors.

It shall be a violation of this chapter for a retailer to sell tobacco products to minors under 18 years of age. [Ord. 683 § 5, 2000.]

5.30.060 Vendor-assisted sales.

It shall be a violation of this chapter for any person, business, or tobacco retailer to sell, permit to be sold, or offer for sale any tobacco product by means of self-service displays or any means other than vendor-assisted sales. [Ord. 683 § 6, 2000.]

5.30.070 Nonretaliation.

It shall be a violation of this chapter for any person or employer to discharge, refuse to hire, or in any manner retaliate against any employee, applicant for employment, or customer because such employee, applicant, or customer reports or attempts to prosecute any violation of this chapter. [Ord. 683 § 7, 2000.]

5.30.080 License holder penalties.

A. Any licensee who violates any provision of this chapter other than PMC 5.30.020 shall be assessed penalties and/or have their license suspended as follows:

1. In the case of a first violation within any two-year period, the licensee shall be fined \$200.00 and shall be notified in writing of penalties levied for further violations.

2. In the case of a second violation within any two-year period, the licensee shall be fined

\$350.00, and the license shall be suspended and the suspended retailer shall be ineligible to apply for a new license for 45 days after the effective date of the suspension.

3. In the case of three or more violations within any two-year period, the licensee shall be fined \$500.00, and the license shall be revoked and the revoked retailer shall be ineligible to apply for a new license for six months after the effective date of the revocation.

B. Failure to pay a fine levied under this section within 30 days of the date that the fine becomes effective shall result in the suspension of the licensee's license until such fines are paid.

C. During any suspension or revocation of a license under this section, the retailer so suspended may not sell tobacco products and must remove all tobacco products from all retail areas. In addition, any new application for a license while a retailer is suspended under this chapter shall be denied. [Ord. 683 § 8, 2000.]

5.30.090 Selling tobacco without a license – Penalty.

Violators of PMC 5.30.020 are subject to a fine of \$500.00 for each day a violation occurs. [Ord. 683 § 9, 2000.]

5.30.100 Notice.

A. Unless otherwise provided, prior to the revocation or suspension of a license issued under this chapter, the city manager or his/her designee shall provide a notice to the holder of said license. The notice shall contain the following information:

1. The name and title of the person issuing the notice;

2. The date on which the fine, suspension, or revocation will become effective;

3. The reason for the fine, revocation, or suspension;

4. That the licensee may request a hearing regarding the fine, revocation, or suspension;

5. That the request for a hearing must be made in person or in writing and received by the city manager within 10 days after receipt of the notice of penalty;

6. That failure to request a hearing within 10 days after receipt of the notice or by the notice's return by the postal service shall act as a waiver of the right to a hearing and the fine, revocation, or

suspension will, if applicable, become effective on the date included in the notice. [Ord. 683 § 10, 2000.]

5.30.110 Hearing.

A. Upon request for a hearing as provided in PMC 5.30.100, a hearing shall be held before the city council. The hearing shall be conducted at a regular council meeting within 25 days after the request for hearing is filed with the city. The hearing can be set for a later day if the applicant or licensee so requests.

B. At the hearing, the applicant or licensee may contest the fine, suspension, revocation or denial.

C. If the city council finds that the applicant is not eligible for a license, the city council shall declare the license application denied. If the city council finds that the fine, suspension, or revocation is in accordance with this chapter, then that fine, suspension, or revocation shall take effect immediately. The action of the city council is final.

D. If the applicant or licensee does not appear at the scheduled hearing, the city council may move to deny, fine, revoke, or suspend the licensee or applicant. [Ord. 683 § 11, 2000.]

5.30.120 Tobacco license fees.

A. The fees applicable to the processing of a tobacco retailer's license shall be paid by the applicant at the time the application is presented to the city and shall be as follows:

1. Application for original, renewal or change of ownership location or privilege: \$35.00. [Ord. 683 § 12, 2000.]

Chapter 5.40

MARIJUANA FACILITIES

Sections:

- 5.40.010 Purpose.
- 5.40.020 Definitions.
- 5.40.030 Registration required.
- 5.40.040 Initial registration application and fee requirements.
- 5.40.050 Registration termination – Renewal – Fee.
- 5.40.060 Registration conditions.
- 5.40.070 Background checks.
- 5.40.080 Examination of books, records, and premises.
- 5.40.090 Administrative and other remedies for noncompliance, administrative appeals, and penalties.
- 5.40.100 Confidentiality.
- 5.40.110 Severability.

5.40.010 Purpose.

The purpose of this chapter is to minimize any adverse public safety and public health impacts that may result from allowing medical and recreational marijuana facilities in the city by adopting particular time, place and manner requirements and a registration process for such facilities. Specifically, these time, place and manner requirements are intended to further the following objectives:

A. Prevent the distribution of marijuana to persons under 21 years of age;

B. Prevent revenue from the sale of marijuana from going to criminal enterprises, gangs, and cartels;

C. Prevent the diversion of marijuana from this state to other states;

D. Prevent marijuana activity that is legal under state law from being used as a cover or pretext for the trafficking of other illegal drugs or other illegal activity;

E. Prevent violence and the use of firearms in the cultivation and distribution of marijuana;

F. Prevent drugged driving and the exacerbation of other adverse public health consequences associated with the use of marijuana. [Ord. 810 § 1, 2016; Ord. 798 § 1, 2015.]

5.40.020 Definitions.

A. "Controlled substances" means substances designated as Schedule I or Schedule II controlled substances in the Code of Federal Regulations Title 21, Chapter II, Part 1308.

B. "Manager" means the city manager of the city of Philomath or his/her designee.

C. "Marijuana" means all parts of the plant of the Cannabis 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, as may be defined by Oregon Revised Statutes or as they currently exist or may be amended from time to time.

D. "Marijuana facility" means a recreational marijuana facility or a medical marijuana facility.

E. "Marijuana processing site" means an entity registered with the Oregon Health Authority to process marijuana.

F. "Marijuana processor" means an entity licensed by the Oregon Liquor Control Commission to process marijuana.

G. "Marijuana producer" means an entity licensed by the Oregon Liquor Control Commission to manufacture, plant, cultivate, grow or harvest marijuana.

H. "Marijuana retailer" means an entity licensed by the Oregon Liquor Control Commission to sell marijuana items to a consumer in this state.

I. "Marijuana wholesaler" means an entity licensed by the Oregon Liquor Control Commission to purchase items in this state for resale to a person other than a consumer.

J. "Medical marijuana" means all parts of marijuana plants that may be used to treat or alleviate a medical marijuana qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

K. "Medical marijuana facility" means a medical marijuana facility that is registered by the Oregon Health Authority under ORS 475.300 through 475.346 and that sells, distributes, transmits, gives, dispenses or otherwise provides medical marijuana to qualifying patients.

L. "Recreational marijuana facility" means an entity that engages in the growing, processing, production, or retail of recreational marijuana, includ-

ing but not limited to those listed in subsections (E) through (I) of this section.

M. "Operator" means the person who is a proprietor of a facility, whether in the capacity of operator, lessee, sub-lessee, mortgagee in possession, licensee or any other capacity. [Ord. 810 § 1, 2016; Ord. 798 § 1, 2015.]

5.40.030 Registration required.

The operator of any marijuana facility in the city must possess a valid annual marijuana facility registration issued under this chapter and must comply with the requirements of any and all state and local laws. [Ord. 810 § 1, 2016; Ord. 798 § 1, 2015.]

5.40.040 Initial registration application and fee requirements.

A. Applications for initial and renewal marijuana facility registrations must be submitted to the manager and must be signed under penalty of perjury. The application documents must include at least the following:

1. The location of the proposed facility.
2. The true names and addresses of the persons or legal entities that have an operatorship interest in the facility; that have loaned or given money or real or personal property to the applicant for use by the facility within the preceding year; or that have leased real property to the applicant for future use.
3. A detailed description of the type, nature and extent of the enterprise to be conducted.
4. A detailed description of the proposed accounting and inventory systems for the facility.
5. Certification that the proposed facility is registered as an Oregon medical marijuana facility pursuant to ORS 475.300 through 475.346 or is registered with the Oregon Liquor Control Commission as a recreational marijuana facility.
6. Certification that the proposed facility has met all applicable requirements in the Philomath Development Code.
7. Certification that all current fees and taxes owed have been paid.
8. Detailed illustrations (to scale) of all proposed signage and location of such signage.
9. Such other information deemed necessary by the city manager to conduct any investigation or background check.

B. At the time of submission of an initial facility registration application, the applicant must pay a marijuana facility registration application and investigation fee. The fee amount shall be set by council resolution. No portion of the fee is refundable.

C. A separate registration application must be submitted for each proposed location.

D. The applicant for a proposed facility shall be solely responsible for directly contacting property owners, tenants, and occupants of property within 1,500 feet of the proposed site for the facility to confirm that it complies with the location conditions of this chapter as set out in PMC 5.40.060(J). [Ord. 810 § 1, 2016; Ord. 798 § 1, 2015.]

5.40.050 Registration termination – Renewal – Fee.

A. A facility registration terminates automatically on May 1st of each year, unless a registration renewal application is approved.

B. A facility registration terminates automatically if federal or state statutes, regulations or guidelines are modified, changed, or interpreted in such a way by state or federal law enforcement officials as to prohibit operation of the facility under this chapter.

C. A registration renewal application shall include information similar in nature to that provided on the registered party's initial registration application and must be submitted to the city no less than 30 days prior to expiration of the registration.

D. At the time of submission of a facility registration renewal application, the registered party must pay a marijuana facility registration renewal application and investigation fee. The fee shall be set by council resolution. No portion of the fee is refundable in the event operation of the facility is discontinued for any reason. [Ord. 810 § 1, 2016; Ord. 798 § 1, 2015.]

5.40.060 Registration conditions.

Any marijuana facility must comply with the following requirements, in addition to any other state or local requirements:

A. The facility must continue to be registered in good standing as an Oregon medical marijuana facility or recreational marijuana facility pursuant to state law.

B. The facility must meet applicable laws and regulations, including, but not limited to, building and fire codes, including the payment of all fines, fees, and taxes owing to the city.

C. The facility must not manufacture or produce any extracts, oils, resins or similar derivatives of marijuana on site and must not use open flames or gases in preparation of any products.

D. Marijuana and tobacco products must not be smoked, ingested or otherwise consumed on the premises of the facility.

E. Operating hours for retail sales must be no earlier than 9:00 a.m. nor later than 5:00 p.m. on the same day.

F. The facility must utilize an air filtration and ventilation system which, to the greatest extent feasible, confines all objectionable odors associated with the facility to the premises. For the purposes of this provision, the standard for judging "objectionable odors" shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.

G. The facility must provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the facility's exterior refuse containers.

H. The facility must not be co-located on the same tax lot or within the same building with any marijuana social club, smoking club or grow site.

I. The facility must be located within 2,000 feet of the Philomath police department.

J. The facility shall not be located:

1. Within 1,500 feet of any public or private school, public or private preschool, public library, public park, public or private youth activity center;

2. Within 1,500 feet of any structure housing a public or private youth organization or any structure housing public or private classes on at least a weekly basis for people under the age of 21; or

3. Within 500 feet of any public property not otherwise described in this section, not including right-of-way; or

4. Within 200 feet of a residential zone; or

5. Within 1,500 feet of a public or private daycare center; or

6. Within 1,500 feet of another facility; or

7. Within 500 feet of a state highway.

K. The facility shall have no marijuana in edible form.

L. No minor is allowed on the premises unless the minor is a medical marijuana qualifying patient and is accompanied by a parent, guardian, or caregiver whose purpose is to procure the minor's medical marijuana.

M. A person with any felony convictions may not be an operator, employee, or volunteer of a facility, nor have any financial interest in the facility.

N. The facility must have an accounting system specifically designed for enterprises reliant on transactions conducted primarily in cash and sufficient to maintain detailed, auditable financial records. If the city finds the books and records of the facility are deficient in any way or if the accounting system is not auditable, the facility must modify the accounting system to meet the requirements of the city.

O. Each facility must keep and preserve for a period of at least three years records containing at least the following information:

1. Daily wholesale purchases (including grow receipts) and retail sales, including a cash receipts and expenses journal;
2. State and federal income tax returns;
3. Names and any aliases of any operators of the facility;
4. Names and any aliases of any employees or volunteers of the facility;
5. Names of and any aliases of any persons with a financial interest in the facility;
6. Any additional information that the city deems necessary.

P. Each facility must display its current registration inside the facility in a prominent place easily visible to persons conducting business there.

Q. Sales or any other transfers of marijuana products must occur completely inside the facility building. No walk-up or drive-through service is allowed.

R. Each facility must obtain and maintain general liability insurance in an amount of not less than \$1,000,000 per occurrence/\$2,000,000 aggregate each claim, incident, or occurrence for bodily injury and property damage that specifically covers the facility for liability related to selling marijuana to an already impaired person who leaves the facility driving a motor vehicle.

S. Each facility must maintain adequate off-street parking for the facility. [Ord. 810 § 1, 2016; Ord. 798 § 1, 2015.]

5.40.070 Background checks.

The applicant will provide completed criminal background checks for each individual who is proposed to be an operator, employee, volunteer, or person with a financial interest in the facility when the application is submitted to the city. The police department may verify the criminal background checks provided by the applicant under ORS 181.534 to determine whether any person therein has any history of felony convictions. If, following an initial or renewal application, an additional person is proposed to be an operator, employee, volunteer, or person with a financial interest, then that registered party must provide a criminal background check on that individual prior to that individual assuming said position. [Ord. 810 § 1, 2016; Ord. 798 § 1, 2015.]

5.40.080 Examination of books, records, and premises.

A. To determine compliance with the requirements of this chapter, Philomath Development Code, or any and all applicable regulations, the manager may examine or cause to be examined by the agent or representative of the manager, at any reasonable times, the premises of the facility, including wastewater from the facility, and any and all financial, operation, and facility information, including books, papers, payroll reports and state and federal income tax returns. Every registered party is directed and required to furnish the manager the means, facilities, and opportunity for making such examinations and investigation.

B. As part of investigation of a crime or violation of this chapter which law enforcement officials reasonably suspect has taken place on the premises, the Philomath police shall be allowed to view surveillance videotapes or digital recordings at any reasonable time.

C. Without reducing or waiving any provisions of this chapter, the Philomath police department shall have the same access to the facility, its records and its operations, as allowed to state inspectors. Denial or interference with access shall be grounds for revocation or suspension of a facility.

ity registration. [Ord. 810 § 1, 2016; Ord. 798 § 1, 2015.]

5.40.090 Administrative and other remedies for noncompliance, administrative appeals, and penalties.

A. The manager may deny, suspend, or revoke a facility registration for failure to comply with this chapter or rules adopted under this chapter, for submitting falsified information to the city or the Oregon Health Authority, or for noncompliance with any other city chapters or regulations, or violation of any state or federal laws.

1. Any suspension or revocation pursuant to this section shall be in writing, setting forth the reasons therefor, and giving the registered party written notice by first-class United States Mail at least 10 calendar days prior to the effective date of the revocation or suspension.

2. A decision to deny, suspend, or revoke a facility registration may be appealed by filing a notice of appeal in writing physically delivered to the manager on or before the effective date. Unless the manager has declared imminent danger to the public will exist, the manager's decision to revoke or suspend is stayed pending appeal. The matter shall be heard by the Philomath municipal court which shall determine, by preponderance of the evidence, whether the manager's decision should be upheld or reversed, or upheld in part and reversed in part.

B. In addition to the remedies of suspension and revocation, failure to comply with the requirements of this chapter constitutes a violation of Philomath Municipal Code. Violations are subject to fines not to exceed \$500.00 per day. Each day in violation constitutes a separate offense.

C. The remedies provided in this section are not exclusive and shall not prevent the city from exercising any other remedy available under the law, nor shall the provisions of this chapter prohibit or restrict the city or other appropriate prosecutor from pursuing criminal charges under state law or city chapter. Such remedies include, but are not limited to, any equitable remedies such as temporary restraining orders or other injunctive relief. [Ord. 810 § 1, 2016; Ord. 798 § 1, 2015.]

5.40.100 Confidentiality.

Except as otherwise required by law, it shall be unlawful for the city, any officer, employee or agent to divulge, release or make known in any manner any financial or employee information submitted or disclosed to the city under the terms of this chapter. Nothing in this section shall prohibit:

A. The disclosure of names and addresses of any operator or provider of equity or debt financing for a facility; or

B. The disclosure of general statistics in a form which would prevent identification of financial information regarding a facility operator; or

C. The presentation of evidence to a court, or other tribunal having jurisdiction, in the prosecution of any criminal or civil claim by the city under this chapter; or

D. The disclosure of information when such disclosure of conditionally exempt information is ordered under public records law procedures. [Ord. 810 § 1, 2016; Ord. 798 § 1, 2015.]

5.40.110 Severability.

If any section, subsection, paragraph, sentence, or word in this chapter is deemed to be invalid or beyond the authority of the city, either on its face or as applied, the invalidity of such provision shall not affect the other sections, subsections, paragraphs, sentences, or words of this chapter, and the application thereof; and to that end, sections, subsections, paragraphs, sentences, and words of this chapter shall be deemed severable. [Ord. 810 § 1, 2016; Ord. 798 § 1, 2015.]