TITLE 3
CHAPTER 3
LIQUOR LICENSES

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3-3-1: PURPOSE: The purpose of this chapter is to establish the principal criteria which shall be considered by the City Council in making recommendations to the Oregon Liquor Control Commission (OLCC) concerning the granting, denying, modifying or renewing of all liquor licenses within the City, pursuant to ORS 471.166. This process will provide citizens due opportunity for comment/input regarding each liquor license application, prior to Council action.

## 3-3-2: LOCAL GOVERNMENT'S ROLE IN RECOMMENDATIONS:

"OLCC takes local government recommendations seriously, and carefully considers the facts and reasoning that support the recommendation. Anyone applying for a liquor license must get a recommendation from the local governing body. The applicant takes a copy of the license application to the local city hall. Local governments have 45 days to file their recommendation with OLCC. However, if the local governing body believes there is a basis in law to deny the license and wants to explore the issues, they can request an additional 45 days to make a recommendation to OLCC. The recommendation can be to grant, deny, grant a license with restrictions or conditions, or they may make no recommendation.

The reasons for a local governing body's recommendation are important. The OLCC can only consider factual information relating to the sale or service of alcoholic beverages, the type of proposed operation, the character of the neighborhood where the license would be located, the likelihood the specific type of proposed business could cause problems, or the applicant's background. When deciding whether to grant or deny a liquor license, the OLCC cannot consider speculation on what might happen. Under Oregon law, the OLCC is also not able to consider issues such as lack of parking, traffic flow problems or traffic volume, local zoning requirements, the number of licenses in a specific geographic area saturation, or nude dancing or gambling issues. Applicants for a new off-premises sales license (typically a grocery or convenience store) may receive a 90 -day temporary letter to operate the business while the OLCC investigates the application. Applicants for changes of ownership of existing grocery stores, taverns, lounges, and restaurants may also receive temporary letters of authority to operate the business for up to 90 days while staff reviews and investigates the application, if the OLCC determines there are no apparent grounds to deny the license. The authority does not guarantee the applicant will receive a permanent license, and the OLCC may revoke this temporary authority." ${ }^{11}$

3-3-3: DEFINITIONS: For the purpose of this Chapter, certain words, terms and phrases are defined as follows:

| CHANGE OF NAME | A change in the name of the place of business without affecting a <br> change in the ownership, location, or serving privileges |
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| CITY | City of Florence |
| CITY RECORDER | City Recorder or his/her designee |
| COMMISSION | Oregon Liquor Control Commission (OLCC) |
| COUNCIL | Governing body of the City of Florence |
| LOCAL GOVT. | City of Florence City Council |
| ORS | Oregon Revised Statutes |
| POLICE CHIEF | Chief of Police or his/her designee |
| RENEWAL | Businesses are required to renew their licenses every year at a date set |

TEMPORARY SALES LICENSE Are required for a special event where the applicant is making alcohol SPECIAL EVENT LICENSES available and either requiring payment or purchase or accepting donations of money for alcohol, entry or admission or any other product or service.

## 3-3-4: APPLICATION PROCESS:

A. Procedure: Any person, firm or corporation requesting a liquor license through OLCC that requires local government recommendation shall present the completed license application forms prescribed by OLCC, including the personal history form for each person named on the license application, to the City Recorder.
B. Completed Applications: Liquor license applications forms shall be accepted only when all required forms are properly completed, the requested information is submitted, and the required application fee as set forth by Council resolution has been paid.

3-3-5: APPLICATION FEES: The City Recorder shall charge and collect a license investigation fee at the time the application is filed. The fees for such services shall be established by resolution of the Council.

3-3-6: CITY RECORDER DUTIES: Upon receipt of an application for a new liquor license, the City Recorder shall:
A. Determine if the licensee has a City business license
B. Refer the application to the Police Department; Community Development Department and any other department at his/her discretion for the purpose of obtaining a staff recommendation to the Council.
C. Set a date for the Council to review staff recommendations and allow public input.
D. Endorse the application, if approved by the City Council.

## 3-3-7: STAFF REVIEW:

A. The Community Development Department reviews the application for conformance to the City's zoning and land use laws. If there are any issues regarding the location of the business, planning staff will work with the applicant to resolve these issues.
B. OLCC does a thorough background check on the applicants but the City's Police Department will also review the application and the history of complaints on the place of business. If the Police Chief has concerns after this review, he will contact the applicant and the local OLCC office.

## 3-3-8: HEARING PROCEDURES:

A. Once staff has had the opportunity to review the application the City Recorder will place the
license on the consent agenda at the next regular city council agenda for action.
B. The applicant will be given notice of the date and time of the meeting. C. If a citizen or councilor would like to make comments either in favor or against the application; the agenda item will be moved from the consent agenda for public comment.
D. The Council shall consider all written and/or oral comments in making their decision in their recommendation to OLCC.
E. Written and/or oral testimony shall be provided to the applicant and forwarded to the local OLCC office.

## 3-3-9: PUBLIC NOTICE

In order to facilitate public participation in liquor license applications, the City Recorder shall send the Council's meeting agenda via email to the local media, and all parties who have requested a copy of the agenda. The agenda will be made available at City Hall, Siuslaw Public Library and posted on the City's website. The agenda shall specify the date, time, location of meeting, the business name and address of the applicant.

## 3-3-10: COUNCIL ACTION:

The Council shall recommend approval, or denial to the Commission on each liquor license application. In determining whether to make an unfavorable recommendation to OLCC, the Council shall apply criteria authorized by OLCC Administrative Statutes and Rules. (ORS 471.313 and ORS 471.315)

## 3-3-11: LICENSES EXEMPT FROM COUNCIL REVIEW

A. Temporary/Special Event License
B. Change of Name of Business
C. Yearly Renewals

## 3-3-11-1: PROCEDURES

A. Temporary/Special Events: Any person, firm or corporation requesting a liquor license through OLCC for a Temporary/Special Events license shall present the completed license application forms prescribed by OLCC, to the City Recorder.

1. Temporary/Special Events License application shall be forwarded to the Police Department for the Chief's recommendation. If the Chief has concerns he/she will contact the applicant and the local OLCC department.
B. Change of Name: Any person, firm or corporation requesting a Change of Name of the place of business without affecting a change in the ownership, location, or serving privileges,
2. Shall be reviewed and approved by the City Recorder's office.
C. Yearly renewals: OLCC forwards a list of yearly renewals to the City Recorder's office.
3. Yearly renewals shall be forwarded to the Police and Planning Departments, allowing staff the opportunity to update their files. If there are concerns regarding the renewal of a liquor license the Police/Planning Department shall contact the local OLCC office.
4. City Recorder's office shall approve these yearly renewals.

## 3-3-11-2: FEES

The fee charged for Change of Name; Temporary/Special Events licenses and Yearly Renewals shall be established by council resolution at the maximum amount allowed by OLCC, which does not require review by the City Council.

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[^0]:    Established by Ord No. 16, Series 2008

