

LIQUOR LICENSE ISSUANCE

(Ord. 2010-05, 06/14/2010)

7.800**Purpose.**

The purpose of this Code Section is to implement guidelines that allow the City of Forest Grove (City) an opportunity to review and make written recommendation on liquor license applications before licenses are issued by the Oregon Liquor Control Commission (OLCC). A new liquor license or annual renewal liquor license application shall be processed in accordance with Section 7.805 through 7.810. Special event winery and/or grower permits and temporary sales liquor licenses shall be processed in accordance with Section 7.815.

7.805**Liquor License Issuance; Renewal; Rules; Fees.**

Any person or business requesting City Council recommendation for a liquor license must submit a signed criminal records check form provided by the City, in accordance with Section 2.410, Criminal Records Check, along with the applicable OLCC liquor license application. The City's criminal records check form shall contain:

- a) The type of license applied for and a description of the nature of the business for which the application is made.
- b) The name or trade name of the business; address of the business; and business telephone number.
- c) The full name of the applicant or licensee; mailing address; date of birth; physical description; driver license number and state issued; applicant's or licensee's signature; and date signed.
- d) The applicant or licensee must list the name(s) of any person who is an employee, volunteer, or agent of the holder of the liquor license and/or who manage the business or event.
- e) The applicant or licensee must verify if applicable that they have obtained a valid City business license or temporary business license in accordance with Section 7.015, Business License Required.
- f) Any other information the City Manager deems necessary for making recommendation.

- g) The applicant or licensee shall pay prior to processing the liquor license application, an application fee, set in the maximum amount allowed by State law, and as specified by Council resolution. The City's application processing fee shall be nonrefundable.
- h) Pursuant to State liquor laws, the OLCC allows the City 45 days from the date a new liquor license application is date stamped by the City to make written recommendation to OLCC. The City may request up to an additional 45 days to conduct further investigation if considering an unfavorable recommendation.
- i) Pursuant to State liquor laws, the OLCC allows the City 60 days from the date the OLCC notifies the City that an application for renewal of a liquor license is due to make written recommendation to OLCC. The City may request up to an additional 60 days to conduct further investigation if considering an unfavorable recommendation.
- j) The applicant or licensee shall be responsible to submit the city-endorsed liquor license application and receipt issued by the City to the OLCC.

7.810**Liquor License Issuance; Notice; Recommendation; Hearing.**

The OLCC requires that an applicant or licensee give notice to the City when an application is made for issuance of a liquor license. The City's liquor license issuance and recommendation shall be as follows:

1. The City Manager, or designee, shall provide the applicable City form(s) and shall maintain a record of liquor license applications in accordance with State laws.
2. The City Manager, or designee, shall accept liquor license applications only when the conditions of Section 7.805 through 7.815 have been met.
3. The City Manager, or designee, shall cause the liquor license application to be reviewed by the Chief of Police, or designee, and/or any other department manager, for the purpose of obtaining information necessary to make recommendation.

4. Pursuant to Section 2.415, Criminal Records Check, the Chief of Police, or designee who is authorized to perform criminal records check through LEDS, is authorized, upon receipt of a signed criminal records check form, to conduct a criminal and/or driver records check on the applicant or licensee requesting a liquor license in the City, including persons who are an employee, volunteer, or agent of the holder of the liquor license.
5. The Chief of Police, or designee, shall review the suitability of the liquor license application, including criminal and/or driver records, and make recommendation to the City Council based on the findings.
6. If the Chief of Police, or designee, finds no bases for an unfavorable recommendation, the matter shall be scheduled as a Consent Agenda item before the City Council.
7. If the Chief of Police, or designee, finds there are valid grounds to make an unfavorable recommendation, based on substantial evidence relevant to the license refusal bases as prescribed by State liquor laws (ORS 471), the matter shall be scheduled as a Public Hearing before the City Council and notice to the applicant or licensee shall be given by registered mail, postmarked no later than seven (7) business days prior to the Public Hearing at which the matter will be considered.
8. The Public Hearing Notice shall state the time and place of the hearing and reason(s) for making an unfavorable recommendation.
9. Any person wishing to present testimony at the Public Hearing shall be given an opportunity to do so before the closing of the hearing.
10. After due consideration of pertinent information and testimony, the City Council shall make its recommendation.
11. In case of an adverse recommendation, based on substantial evidence relevant to the license refusal basis as prescribed by State liquor laws (ORS 471), findings shall be produced and forwarded to the OLCC along with the City Council recommendation.

7.815 Delegation of Authority; Issuance; Rules; Fees; Recommendation; Special Event Permit and Temporary Sales Liquor License.

In order to expedite service to applicants or licensees seeking written recommendation for a special event winery and/or grower permit or temporary sales liquor license, the City Council delegates to the City Manager, or designee, its authority to review special event winery and/or grower permits and temporary sales liquor license applications and make recommendation to OLCC. The City's special event winery and/or grower permit and temporary sales liquor license rules, fees, and recommendation shall be as follows:

- a) The applicant or licensee shall pay prior to processing a special event winery and/or grower permit or temporary sales liquor license application, an application fee, set in the maximum amount allowed by State law, and as specified by Council resolution. The City's application processing fee shall be nonrefundable.
- b) The applicant or licensee must verify if applicable that they have obtained a valid City temporary business license for an event held in the City. Special events are subject to the provisions of Sections 7.105 through 7.130, Business License Required.
- c) In case of an adverse recommendation, the City Manager, or designee, shall comply with the guidelines prescribed in Section 7.805 and 7.810.
- d) The City Manager, or designee, may refuse to accept any liquor license application if the applicant or licensee has not allowed at least seven (7) days before the event date to obtain recommendation from the City and/or the liquor license application was not submitted in the form prescribed in Section 7.805.
- e) In case of refusal to accept a liquor license permit or application, the City Manager, or designee, shall prepare a written letter addressed to the OLCC stating the reason(s) for refusal or non-acceptance of the liquor license permit or application.