

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ORDINANCE NO. 724

An ordinance amending Multnomah County Code 5.10.020(B) and (C) requiring the Multnomah County Sheriff's Office to check with the County Division of Assessment and Taxation to determine whether an applicant for an OLCC license has delinquent personal or real property taxes due and owing for the premises and to recommend denial of the application for such delinquency.

(Language in brackets [] is to be deleted; underlined language is new)

MULTNOMAH COUNTY ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS.

A. ORS 471.210 and the Administrative Rules of the Oregon Liquor Control Commission (OLCC) authorize the Board of County Commissioners (the Board) to make recommendations to such Commission concerning the issuance of liquor licenses for premises located within unincorporated Multnomah County.

B. In addition to the Procedures already set out in MCC 5.10.020, the Board finds that it is in the public interest to require that applicants pay their property taxes when due and failure to do so is a basis to deny an application.

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1 SECTION 2. AMENDMENTS.

2 5.10.020. Liquor license processing fees.

3 The purposes of this chapter [section] are to
4 establish the principal criteria which shall be
5 considered by the board of county commissioners, and its
6 designee, the Multnomah County sheriff, in making
7 recommendations to the Oregon liquor control commission
8 concerning the granting, denying, modifying or renewing
9 of all liquor licenses for premises within unincorporated
10 Multnomah County and to establish a process, to be
11 utilized for the investigation of such license applicants
for the purpose of making such recommendations, that is
fair, effective and efficient. This chapter is necessary
to insure that all premises licensed to sell or dispense
liquor in any form meet the high expectations of this
community, [and] that all businesses are conducted in a
lawful manner that does not unreasonably disturb the
peace and tranquility of this county and its
neighborhoods.

12 (A) *Application procedure.*

13 (1) Any applicant for any license who is required by
14 the Oregon liquor control commission to have a
15 recommendation from Multnomah County concerning the
16 suitability of such application shall present the
17 license application forms prescribed by the OLCC to
the Multnomah County sheriff's office for the
purpose of obtaining the recommendation of the
county concerning such a license.

18 (2) For the purpose of conducting the investigation to
19 ascertain pertinent information bearing upon such
20 county recommendations, the sheriff's office may
require such other information in addition to that
provided upon the OLCC application forms as it
deems appropriate.

21 (3) The sheriff's office shall accept liquor license
22 applications only when the following conditions are
met:

23 (a) All required forms are properly completed and
24 in order; and

25 (b) The processing fee, as allowed by the Oregon
26 Revised Statutes, has been paid according to
the following chart:

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Original application.....\$ 50.00 [\$100.00]

Change in ownership/
change in location/
change in privilege 50.00 [75.00]

Renewal [and temporary]..... 50.00 [35.00]

Temporary Free

(B) *Investigation of applications.* The Multnomah County sheriff's office shall coordinate and conduct an investigation of each application for the purpose of determining what recommendation shall be made to the board of county commissioners, using the following procedures:

(1) All applicants shall be checked for any and all prior arrest records or violations of OLCC regulations;

(2) All applicants shall be checked for prior community relations problems under another license;

(3) The business locations shall be examined and must be in the best interests of the community;

(4) All renewal applications shall be reviewed and checked for prior negative impact on the community;

(5) All new outlets, or change of location/privilege shall be referred to the zoning section for verification of the proposed use under MCC 11.15; and

(6) All new and renewal applications shall be checked through the Division of Assessment and Taxation to determine whether there are delinquent personal or real property taxes due and owing for the premises.

(C) *Sheriff's recommendations.* Upon completion of the investigation procedures by the Multnomah County sheriff's office, the sheriff will forward to the board of county commissioners a recommendation of approval or denial. The clerk of the board then places the matter on the board's agenda, in order

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that the board may then make a recommendation of approval or denial to the OLCC.

The sheriff may make a recommendation of denial to the board of county commissioners regarding any application if:

- (1) The applicant's record reflects a pattern of violation of the alcoholic liquor laws of this state;
- (2) The applicant has a history of use of controlled substances or use of alcoholic beverages to excess;
- (3) The record of the applicant shows a violation(s) of criminal law(s) or ordinances(s) connected in time, place or manner with a liquor establishment or which demonstrate a disregard for law;
- (4) The applicant has maintained, or allowed to exist, an establishment which creates or is a public nuisance under the ordinances of the county or laws of the state or in which any violation of the provisions of the county Code, for [or] federal or state law relating to minors, gambling, obscenity, controlled substances, prostitution or alcoholic beverages, or chapters 163, 164, 165 and 166 of Oregon Revised Statutes have occurred, or which creates an increase in disorderly or violent acts, litter, noise, vandalism, vehicular or pedestrian traffic congestion or other location problems, in the reasonable proximity of such premises;
- (5) The applicant's premises are not maintained in reasonable repair, both interior and exterior, and kept clean and free of litter, rubbish, and dirt;
- (6) The applicant's premises are found to be a nuisance under the terms of title 7 of this Code;
- (7) In the case of an application for a new license or for an increase in liquor selling or dispensing privilege, there are sufficient licensing [licensed] premises in the locality set out in the application and the license is

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not demanded by public interest or convenience;

(8) The licensing of the premises would not be in the best interests of the community because of a history of illegal activities, altercations, noisy conduct, or other disturbances in or around the premises;

(9) The applicant has demonstrated an unwillingness or inability to cooperate with county agencies and/or neighbors in resolving community disputes related to a licensed establishment;

(10) If the zoning section finds that the proposed new outlet, or change of location/privilege is found to be in violation of the MCC 11.15. However, the applicant may file an application for change of zone, conditional use, per MCC 11.15 which would permit such use;

(11) If there are delinquent real or personal property taxes due and owing for the premises at the time of application or renewal, a recommendation of denial is mandatory; and

(12) If there is any other specific reason consistent with the purposes of this chapter which may, in the opinion of the sheriff, warrant an adverse report to the board based upon public health, safety, welfare, convenience or necessity.

(D) *Notification of sheriff's recommendation.* When the sheriff makes a recommendation for denial of any application, the clerk of the board shall notify, by certified mail, the applicant, the OLCC, and the sheriff of the hearing date, place and time at least one week before such hearing takes place. The presiding officer of the board may also contact the neighborhood associations concerned.

When the sheriff makes a recommendation for approval of an application for which the sheriff's office or the board has received complaints or concerns from citizens or other business establishments, or for which there may be other controversy, the clerk of the board shall notify

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1 those concerned citizens or business establishments
2 and the applicant of the hearing date, place and
time.

3 (E) *Board hearing procedures.* When the board has
4 scheduled a hearing on any liquor license
5 application, such applicant shall be given a
6 reasonable opportunity to be heard and address
7 concerns raised by the sheriff, the board of county
8 commissioners, and persons or groups appearing in
opposition to such an application. The board's
recommendation of approval or denial of such
application, based upon a determination of what
course of action best serves the interest of the
citizens of the county, shall be final.

9 (F) *Reconsideration of applications.* After having made
10 a recommendation of denial on any liquor license
11 application, the sheriff and the board of county
12 commissioners shall not consider any new
13 application for the same location by the same or
14 substantially the same applicant for a period of at
15 least six months or while such applicant has
16 pending an appeal in court or in a state
administrative agency related to such a license.
Notwithstanding, the sheriff may reconsider and/or
resubmit such an application to the board in less
than six months if it is reasonably believed that a
recommendation of denial has substantially changed,
and no court or administrative appeal of such
license is pending.

17 (G) *Sheriff's approval of temporary license*
18 *applications.* On any application for a temporary
19 liquor license which will be in effect for five
20 days or less review by the board of county
21 commissioners shall not be automatically required.
22 The sheriff is hereby given authority to make a
23 recommendation of approval to the Oregon liquor
24 control commission on such applications. If the
25 sheriff recommends denial of any application for a
26 temporary license, the application shall be

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1 reviewed by the board of county commissioners as
2 outlined in subsections (D) and (E) of this
3 section.

4 ADOPTED this 11th day of June, 1992.



5 By Gladys McCoy
6 Gladys McCoy, Chair
7 Multnomah County, Oregon

8 REVIEWED:

9 LAURENCE KRESSEL, COUNTY COUNSEL
10 FOR MULTNOMAH COUNTY, OREGON

11 By Sandra N. Duffy
12 Assistant County Counsel

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