

Before the Board of County Commissioners
For Multnomah County, Oregon

Ordinance No. 412

An ordinance amending Multnomah County Code: Title 5 by establishing guidelines for the consideration of liquor license applications, and increasing fees.

Multnomah County ordains as follows:

1. That ORS 471.210 and the administrative rules of the Oregon Liquor Control Commission (O.L.C.C.) 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.
2. That, in consideration of the neighborhood and community impact that the presence and location of establishments selling alcoholic beverages may present, the County Commission should ensure that an application review and recommendation process is developed and maintained in order that the County's recommendations, as to those persons that should not be so licensed, and those locations that should not be so approved are fairly determined and promptly forwarded for O.L.C.C. consideration.

3. That large numbers of such applications necessitate that a formalized process be utilized to ensure that such recommendations be determined in an orderly and efficient manner.

4. That the Multnomah County Sheriff's Office has developed and has been using a liquor license application investigation and recommendation process, which should now be enacted as a part of Multnomah County Code Title 5 to replace the presently outdated provisions of Chapter 5.10.020 of the Code, which do not provide specific criteria or guidelines for such process.

NOW, THEREFORE, the Board of County Commissioners directs:

That Chapter 5.10.020, Liquor License Processing Fees, is hereby repealed, and a new chapter enacted as follows:

5.10.020 Liquor License Processing Fees. The purposes of this chapter are to establish the principal criteria which shall be considered by the Board of County Commissioners, and its designee the Multnomah County Sheriff, in making recommendations to the Oregon Liquor Control Commission concerning the granting, denying, modifying or renewing of all liquor licenses for premises within unincorporated Multnomah County and to establish a process, to be 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 ensure that all premises licensed to sell or dispense liquor in

any form meet the high expectations of this community, that all such businesses are conducted in a lawful manner that does not unreasonably disturb the peace and tranquility of this County and its neighborhoods.

A. Application Procedure.

1. Any applicant for any license who is required by the Oregon Liquor Control Commission to have a recommendation from Multnomah County concerning the suitability of such application shall present the license application forms prescribed by the O.L.C.C. to the Multnomah County Sheriff's Office for the purpose of obtaining the recommendation of the County concerning such a license.
2. For the purpose of conducting the investigation to ascertain pertinent information bearing upon such County recommendations, the Sheriff's Office may require such other information in addition to that provided upon the O.L.C.C. application forms as it deems appropriate.
3. The Sheriff's Office shall accept liquor license applications only when the following conditions are met:
 - a. All required forms are properly completed and in order; and

- b. The processing fee, as allowed by the Oregon Revised Statutes, has been paid according to the chart below:

Original application	\$100.00
Change in ownership/ Change in location/ Change in privilege	\$ 75.00
Renewal or temporary	\$ 35.00

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 O.L.C.C. 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 Multnomah County ordinance.

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 that the Board may then make a recommendation of Approval or Denial to the O.L.C.C.

The Sheriff may make a recommendation of Denial to the Board of County Commissioners regarding any applications 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 ordinance(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, 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 premises in the locality set out in the application and the license is 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 Multnomah County ordinance. However, the applicant may file an application for change of zone, conditional use, per Multnomah County Code 11.15 which would permit such use.
11. 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 O.L.C.C. 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 those concerned citizens or business establishments and the applicant of the hearing date, place and time.

E. Board Hearing Procedures.

When the Board has scheduled a hearing on any liquor license application, such applicant shall be given a reasonable opportunity to be heard and address concerns raised by the Sheriff, the Board of County Commissioners, and persons or groups appearing in

opposition to such an application. The Board's recommendation of Approval or Denial on such application, based upon a determination of what course of action best serves the interest of the citizens of the County, shall be final.

F. Reconsideration of Applications.

After having made a recommendation of Denial on any liquor license application, the Sheriff and the Board of County Commissioners shall not consider any new application for the same location by the same or substantially the same applicant for a period of at least six months or while such applicant has 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 reasonably believes that a recommendation of Denial have substantially changed, and no court or administrative appeal of such license is pending.

ADOPTED this 15th day of March, 1984, being the date of its second reading before the Board of County Commissioners of Multnomah County, Oregon.

(SEAL)

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Arnold Baska

Presiding Officer

AUTHENTICATED this 16th day of March, 1984.

Dennis Buchanan

County Executive

APPROVED AS TO FORM:

JOHN B. LEAHY, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By Wally Mair
Assistant County Counsel