

## CHAPTER 33

### LIQUOR LICENSE APPLICATION REVIEW

#### ADMINISTRATION

**33.005 Policy and Purpose.** The purpose of this chapter is to establish the criteria that shall be considered by the Board of Commissioners and/or its designee the Sheriff, in making recommendations to the Oregon Liquor Control Commission concerning the granting, denying, or renewing of liquor licenses for premises within the unincorporated area of the County. In addition, to establish a process to be used to investigate license applicants in order to make fair, effective and efficient recommendations. This chapter is necessary to assist the Oregon Liquor Control Commission in ensuring that premises licensed to sell or dispense liquor within the County conduct business in a lawful, peaceful, safe and sanitary manner. [Ord. 2002-0179]

**33.010 Definitions.** For purposes of this chapter, unless the context requires otherwise:

- (1) **“OLCC”** means Oregon Liquor Control Commission.
- (2) **“Board”** means Benton County Board of Commissioners.
- (3) **“Commissioner”** means Benton County Commissioner.
- (4) **“Sheriff”** means Benton County Sheriff’s Office.
- (5) **“Environmental Health”** means Environmental Health Division of the Benton County Health Department. [Ord. 2002-0179]

#### PROCESS

##### **33.015 Application Procedure.**

- (1) **New Licenses.** Any applicant for a liquor license, other than a license renewal, who is required by the OLCC to provide Benton County with notice of the filing of the application, shall present properly completed application forms prescribed by the OLCC, to the Sheriff along with the appropriate processing fee which shall be set by Board resolution.
- (2) **Renewal Licenses.** The Sheriff will receive from the OLCC a list of all liquor licensees that are due to expire and are subject to a license renewal recommendation from the County. Any applicant for renewal of a liquor license shall mail or deliver the County license renewal processing fee to the Sheriff. No application form is required by the County for license renewals. Applicants for license renewals must certify to the OLCC that they have paid the County fee which shall be set by Board resolution. OLCC will provide the Sheriff with a list of license renewal applicants who certify they have paid the County fee.

- (3) If the County does not provide a written recommendation to the OLCC within the time allowed by ORS 471.166, OLCC will proceed as if the County had made a favorable recommendation. The County may request additional time as provided by statute or administrative rule.
- (4) Liquor license processing fees are nonrefundable.
- (5) The Sheriff shall forward the liquor license application, or list of license renewals, for investigation by Environmental Health. Both the Sheriff and Environmental Health shall submit a written report within 15 days after receipt of the application or list of renewals unless the Sheriff grants a request for an extension of time.
- (6) If all County reports contain no unfavorable findings, then the Sheriff shall make a recommendation of approval to the OLCC.
- (7) If any County report contains unfavorable findings, or if any Commissioner requests a hearing on the application, then the Sheriff shall schedule a public hearing before the Board.
- (8) The applicant shall be given no less than ten (10) days' notice of the date, time, location, and purpose of the hearing, by both certified and first class mail.
- (9) The public shall be given no less than ten (10) days' notice of the date, location and purpose of the hearing, by publication in a newspaper of general circulation within the County. [Ord. 2002-0179]

### **33.020 Hearing Procedure.**

- (1) The hearing shall be conducted in the same manner as any other open meeting of the Board.
- (2) All interested persons, including the applicant, shall have the opportunity to testify; however, the Board Chairperson may set reasonable time limits for oral testimony and may exclude irrelevant or repetitious matter.
- (3) A County staff member from each department that submitted a report with unfavorable findings shall be present at the hearing. Said employee shall testify if requested to do so by any Commissioner.
- (4) The Board shall make a final recommendation to the OLCC based on the criteria set out in this chapter.
- (5) The Sheriff shall promptly forward the Board's decision to the OLCC and send a copy thereof to the applicant by first class and certified mail. If the recommendation is for denial of a license, the Board shall make written findings

regarding the basis for the Board's recommendation and the Sheriff shall forward such findings to the OLCC along with the Board's recommendation. [Ord. 2002-0179]

## **CRITERIA**

**33.025 Criteria.** The Board may make a recommendation of denial to the OLCC regarding any application if one or more of the following has occurred:

- (1) The application is incomplete;
- (2) The applicant fails to provide the Board or any County department with reasonably requested information in a timely manner;
- (3) The applicant recklessly or intentionally provides the County with false or misleading information;
- (4) The applicant has been convicted of, or pled guilty to, one or more of the following local, state, or federal offenses within the last five years:
  - (a) Driving while under the influence of intoxicants;
  - (b) Drinking alcoholic liquor in a motor vehicle upon a highway;
  - (c) Possession of a controlled substance;
  - (d) Delivery of a controlled substance;
  - (e) Manufacture of a controlled substance;
  - (f) Furnishing alcohol to a minor; or
  - (g) Any other offense involving moral turpitude;
- (5) The applicant has been under the influence of alcoholic liquor or controlled substances while on duty in a liquor establishment;
- (6) The applicant's record shows—through convictions, guilty pleas, civil compromises, administrative rulings, or other means—violation(s) of law(s), or code(s), or ordinance(s), connected in time, place and manner with a liquor establishment, including state alcoholic liquor and gambling laws;
- (7) The applicant has maintained, or allowed to exist, an establishment that creates or is a public nuisance under state law or county ordinance;

- (8) The applicant has maintained, or allowed to exist, an establishment in which any violation of federal, state or county law regarding minors, gambling, alcoholic beverages, controlled substances, obscenity, or prostitution, or violations of ORS Chapters 163, 164, 165 or 166, by anyone has occurred;
- (9) The applicant has maintained, or allowed to exist, an establishment that creates an increase in disorderly or violent acts, litter, noise, vandalism, or vehicular or pedestrian traffic congestion, in reasonable proximity to the premises;
- (10) The applicant's premises put an unreasonable and excessive demand on County services, including law enforcement;
- (11) There are sufficient licensed premises in the locality and public interest or convenience does not demand a new license or increase in selling or dispensing privilege;
- (12) There is a history of illegal activities, altercations, noisy conduct, or other disturbances in or around these particular premises;
- (13) The applicant has demonstrated an unwillingness or inability to cooperate with County departments or neighbors in resolving community disputes related to a liquor-licensed establishment;
- (14) The applicant has made false statements to the OLCC regarding payment of license renewal fees to the County. [Ord. 2002-0179]