

**ORDINANCE NO. 1454**

**AN ORDINANCE AMENDING CANBY MUNICIPAL CODE (CMC) CHAPTER 5.16.030 AND 5.16.060 REGARDING LIQUOR LICENSE REVIEW IN THE CITY OF CANBY.**

**WHEREAS**, the City of Canby currently has a liquor license review ordinance; and

**WHEREAS**, the City of Canby desires to amend the ordinance to better facilitate the liquor license review process when new construction is underway; now therefore

**THE CITY OF CANBY, OREGON, ORDAINS AS FOLLOWS:**

**Section 1.** The Canby Municipal Code (CMC) Chapter 5.16.030 and 5.16.060 are hereby amended to read as follows:

**§ 5.16.030 License application.**

A. Any person or business, requesting a city recommendation to the Commission on a liquor license application shall make application upon suitable forms, furnished by the city.

B. The application shall contain the following:

1. The type of license applied for and a description of the nature of the business for which the application is made;
2. The name of the applicant, with address; if the business is a partnership, the names and addresses of all partners; if the business is a corporation, the name and address of the home office, and the name and address of the designated agent in the state; if a foreign corporation, the name and address of the local agent or representative who will be in charge of the business in the city;
3. The address where the business will be located in the city;
4. The date of application;
5. Any other information the Council deems necessary for review;
6. A verification that the information submitted within the application is true and accurate;
7. The signature of the applicant or agent making the application; and
8. The application shall be accompanied by the appropriate fee. The fees shall be non-refundable. These fees shall be set forth by resolution.

**9. The applicant shall have a City of Canby Business License, or have applied for a license whose issuance is contingent upon obtaining a Temporary or Final Certificate of Occupancy.**

**109.** If the applicant for a temporary sales license can demonstrate that it is organized and operating as a nonprofit organization, no application fee to the city shall be required.

(Am. Ord. 1327, passed 5-19-2010)


**§ 5.16.060 Standards and criteria.**

A. The Council shall make its recommendation for approval, denial or modification of the liquor license application based on the Council's evaluation of the relevant standards and criteria, as set forth herein. The applicant shall be held strictly accountable for the conditions of the premises.

B. The Council may recommend against the applicant if any of the following conditions exist:

1. The application is incomplete;
2. The applicant neglects or refuses to provide in a timely manner any information reasonably requested by the Chief of Police or City Council;
3. The applicant provides false or misleading information to the Chief of Police, City Council or to any city employee
4. The applicant does not possess a current city business license; **nor applied for one when new construction is involved;**
5. The zoning district in which the applicant proposes to locate the business does not allow the business either as a permitted or conditional use;
6. The record of the applicant shows a conviction(s) of criminal law(s) or ordinance(s) connected in time, place and manner with a liquor establishment;
7. The applicant has maintained or allowed to exist an establishment which creates or is a public nuisance under the ordinances of the city or laws of the state, or in which any violations of the provisions of the city, ordinances or federal or state law relating to minors, gambling, obscenity, controlled substances, prostitution or alcoholic beverages, or O.R.S. Chapters 163, 164, 165 or 166 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 the premises;
8. The applicant's premises are not maintained in reasonable repair, both interior and exterior, and kept clean and free of litter, rubbish and dirt;
9. In the case of an application for a new license or for an increase in liquor selling or dispensing privilege, there are sufficient licensed premises in the locality set out in the application and the license is not demanded by public interest or convenience;
10. The licensing of the premises would not be in the best interest of the community because of a history of illegal activities, altercations, noisy conduct or other disturbances in or around the premises;
11. The applicant has demonstrated an unwillingness or inability to cooperate with city agencies and/or neighbors in resolving community disputes relating to a licensed establishment;  
or
12. The applicant's premises place unreasonable, excessive demand on city services, including law enforcement.

**SUBMITTED** to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, November 16, 2016, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, December 7, 2016, commencing at the hour of 7:30 p.m. in the Council Meeting Chambers located at 222 NW 2<sup>nd</sup> Avenue, 1<sup>st</sup> Floor, Canby, Oregon.

  
Kimberly Scheafer, MMC  
City Recorder

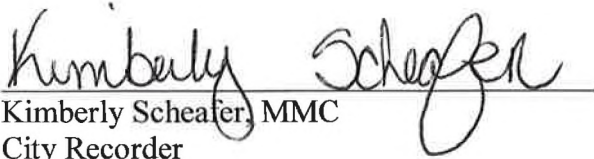
**PASSED** on the second and final reading by the Canby City Council at a regular meeting thereof on December 7, 2016 by the following vote:

YEAS 6 NAYS 0



Brian Hodson  
Mayor

ATTEST:



Kimberly Scheafer, MMC  
City Recorder