

A BILL FOR AN ORDINANCE AMENDING) ORDINANCE BILL NO. 2017-18
SECTIONS OF CHAPTER 5.10 OF THE)
LEBANON MUNICIPAL CODE – LIQUOR)
LICENSE RECOMMENDATION) ORDINANCE NO. 2906

THE PEOPLE OF THE CITY OF LEBANON DO HEREBY ORDAIN AS FOLLOWS:

Section 1. Section(s) of Chapter 5.10 of the Lebanon Municipal code are hereby amended as follows:

5.10.020 Application Conditions.

The City Clerk’s Office shall accept applications for regular OLCC liquor licenses only when all required forms are properly completed and in order; and the appropriate processing fee established by Council resolution has been paid, or as required under OLCC regulations for application renewals.

5.10.030 - City investigation.

The City Clerk’s Office shall coordinate an investigation of each application to determine the appropriate city recommendation to the OLCC. The City Clerk may require additional information appropriate for conducting the investigation. The City Clerk’s Office shall provide a copy of each application to the building official, fire district, city planner, police chief and any other city or county official deemed appropriate for such investigation and reporting. Reporting from such departments shall be included in each staff recommendation to council. Report for any unfavorable recommendation must be made to the City Clerk’s Office within ten days of the date the application was accepted.

5.10.040 - Recommendation Procedure.

OLCC applications receiving favorable recommendations from the reporting departments listed in Section 5.10.030 will be scheduled as a consent calendar item on the next available city council meeting agenda, unless a councilmember requests a public hearing. Upon request of a councilmember, or an adverse or conditional recommendation by the City Clerk, a public hearing will be scheduled and notice provided.

5.10.060 - Criteria for Unfavorable or Conditionally Favorable Recommendation.

- A. The city council may make an unfavorable or conditionally favorable recommendation to the OLCC on an application if the following apply, or a favorable recommendation if none of the following apply:
1. The application is not complete;
 2. The applicant fails to provide the city council, any of the reporting departments listed in Section 5.10.030, city staff, or government agency involved herein with reasonably requested information in a timely manner;
 3. The applicant recklessly or intentionally provides the city 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:
 - a. Driving while under the influence of intoxicants,
 - b. Drinking alcoholic liquor in a motor vehicle upon a public highway,
 - c. Possession of a controlled substance,
 - d. Delivery of a controlled substance,
 - e. Manufacture of controlled substance,
 - f. Any other offense involving moral turpitude;
5. Evidence is discovered which indicates that the applicant is in the habit of using alcoholic beverages, habit-forming drugs or controlled substances to excess;
6. The applicant is incompetent or physically unable to carry on the management of the establishment proposed to be licensed;
7. The applicant has maintained an unsanitary establishment;
8. The applicant does not display a good record of compliance with the alcoholic liquor laws of this state and the rules of the OLCC when previously licensed;
9. The applicant is not the legitimate owner of the business proposed to be licensed or other persons have ownership interests in the business, which interests have not been disclosed;
10. The applicant's record shows, through convictions, guilty pleas, civil compromises, administrative rulings or other means, violation(s) of law(s) or ordinance(s) connected in time, place and manner with a liquor establishment, including state alcoholic liquor and gambling laws;
11. The applicant has maintained or allowed to exist, an establishment that creates or is a public nuisance under state law or city ordinance;
12. That there are sufficient licensed premises in the locality set out in the application, or that granting of a license in the locality set out in the application is not demanded by public interest or convenience;
13. The applicant has not maintained the premises in accordance with the building code or fire code in the city and the state;
14. The applicant seeks licensing of premises inconsistent with city land use designations;
15. A history of serious and persistent problems involving disturbances, lewd or unlawful activities or noise either in the premises or involving patrons of the establishment in the immediate vicinity of the premises, if the activities in the immediate vicinity of the premises are related to the sale or service of alcohol under the exercise of the license privilege. Behavior for which is grounds for an unfavorable recommendation under this criterion, where related to the sale or service of alcohol, includes, but is not limited to:
 - a. Obtrusive or excessive noise, music or sound vibrations,
 - b. Public drunkenness,
 - c. Fights or altercations,

- d. Harassment of customers at businesses in the vicinity or citizens on public rights-of-way,
- e. Alcohol or related litter,
- f. Trespassing on private property,
- g. Public urination or defecation,
- h. Vandalism of near-by private property by applicant's customers, and
- i. For those licensees/applicants located within the city established alcohol impact and enhanced enforcement area (AIEEA): Providing service to any individual(s) who are under court order not to enter the AIEEA.

B. The city council may consider such mitigating factors by a showing of the applicant that the problems are not serious or persistent or that the applicant has demonstrated a willingness and ability to control adequately the licensed premises and patron's behavior in the immediate vicinity of the premises.

5.10.080 - Unfavorable recommendation—Resubmittal terms and conditions.

If the council makes an unfavorable recommendation on any license application, the council shall not consider a new application from the same applicant while an administrative or court appeal relating to the license is pending. An application may be resubmitted to the council in less than six months from the date of the council's unfavorable recommendation only if the conditions which caused such recommendation have been remedied, as determined by the Chief of Police.

Section 2. This ordinance shall become effective 30 days after Council approval.

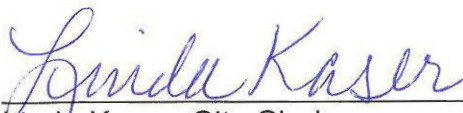
Passed by the Lebanon City Council and executed by the Mayor on this 11th day of October 2017 by a vote of 4 yeas and 0 nays.

CITY OF LEBANON, OREGON



Bob Elliott, Council President

ATTESTED BY:



Linda Kaser, City Clerk