

ORDINANCE 2004-009
A ORDINANCE UPDATING THE PROCESS AND FEES FOR LIQUOR
LICENSES, REPEALING ORDINANCE 2002-1125 AND REPEALING AND
REPLACING CHAPTER 5.28 OF THE MUNICIPAL CODE

WHEREAS, the City makes recommendations to the Oregon Liquor Control Commission (OLCC) in the OLCC's granting, denying, modifying, and renewing of liquor licenses, and

WHEREAS, OLCC rules and Oregon Revised Statutes require that the City prescribe guidelines to be followed in making license recommendations; and

WHEREAS, OLCC rules and Oregon Revised Statutes specify the types and maximum amounts of fees for liquor license applications;

NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Chapter 5.28 of the Sherwood Municipal Code is hereby repealed and replaced with the following:

5.28.010: Purpose. Oregon statute authorizes the Oregon Liquor Control Commission (OLCC) to take into consideration the written recommendation of the City concerning approval or denial of initial or renewal licenses and/or imposition of restrictions on license privileges and the conduct of operations at licensed premises in the City. This Chapter sets forth the process for review of liquor license applications, and establishes the standards and criteria to be considered by the City Manager in addressing such Applications.

5.28.015: Application. An Application shall consist of a legible copy of the OLCC "Liquor License Application." When the application is for a new outlet, the applicant shall provide legible copies of the "Individual History" form and "Business Information" form or other forms required by OLCC to be submitted with the Application.

5.28.020: Application Review. The City Manager shall refer each Application to the Police Department and to such other departments deemed by him/her as appropriate. Any department receiving an Application shall, if appropriate, conduct an investigation and shall report findings and recommendations, if any, to the City Manager.

5.28.025: Information from Applicant. A department designated to review an Application or to review a renewal of an existing license, may require the Applicant to supply additional information necessary to determine the qualifications of the Applicant for the proposed Application or renewal. If the Applicant fails to supply the information required or submits false or misleading information, the City Manager may recommend denial of the Application.

5.28.030: Time Frames for Response.

a. **License Actions.** The City Manager shall provide a recommendation, if any, to OLCC within 45 days of receipt of an Application. Notwithstanding the foregoing, the City Manager may within that 45 day period, file a written request meeting the requirements of 5.28.030(c) seeking an additional 45 days within which to render a recommendation.

b. **Renewal Applications.** The City Manager shall provide a recommendation, if any, to OLCC within 60 days of notification by OLCC that an existing licensee is eligible for renewal. The City Manager may, within that 60 day period, file with OLCC a written request meeting the requirements of subsection (c) of this rule and seeking an additional 45 days within which to render its recommendation.

c. **Extension Requests.** City Manager requests for additional time to provide a recommendation shall: 1) set forth the reason additional time is needed; 2) state that the City Manager is considering making an unfavorable recommendation; and 3) state the specific grounds being considered toward an unfavorable recommendation.

5.28.035: Standards and Criteria. The Criteria For Issuance And Maintenance Of Licenses contained in OAR 845-005-0308(2004) are hereby adopted by this reference as the standards and criteria to be considered by the City Manager in recommending approval or denial of an Application.

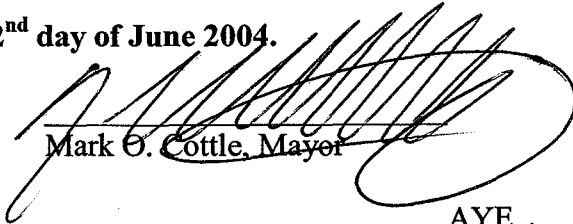
5.28.040: Fees. In lieu of the application fee set forth in ORS 471.166(7), the City of Sherwood shall charge the following fees in connection with review and processing of liquor license applications:

- a) \$100.00 Original new outlet application.
- b) \$ 75.00 Change in ownership or licensee, change in location or change in privilege application.
- c) \$ 35.00 Renewal or temporary application.

These fees may be changed by further resolution of the council.

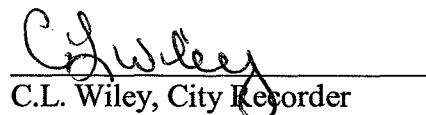
5.28.045: Effective Date. This ordinance shall become effective the 30th day after its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council this 22nd day of June 2004.



Mark O. Cottle, Mayor

ATTEST:



C.L. Wiley, City Recorder

	<u>AYE</u>	<u>NAY</u>
Weislogel	✓	_____
Grant	✓	_____
Heironimus	✓	_____
Durrell	✓	_____
Mays	✓	_____
Fox	✓	_____
Cottle	✓	_____