

FEB 06 2019

TASSI O'NEIL
COUNTY CLERK

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF TILLAMOOK COUNTY, OREGON

In the Matter of Amending an)	
Ordinance Establishing a Review)	
Procedure for Liquor License Review)	ORDINANCE NO. 23
and Board of Commissioner)	AMENDMENT NO. 1
Recommendation to the Oregon)	AS AMENDED February 2, 2019
Liquor Control Commission)	

The Board of Commissioners is required to review liquor license applications and make a recommendation to the Oregon Liquor Control Commission regarding each application.

The Oregon Liquor Control Commission will carefully consider the recommendation of the Board of Commissioners before issuing or renewing a liquor license if the recommendation is reached after due consideration and upon reasonable notice to the applicant and public and reasonable opportunity to be heard.

The Board of Commissioners wish to enhance local control of liquor licenses through increased consideration of their recommendations to the Oregon Liquor Control Commission.

THE BOARD OF COMMISSIONERS OF TILLAMOOK COUNTY ORDAINS AS FOLLOWS:

Section 1. Purpose

A. The purpose of this ordinance is to provide review criteria and administrative procedures for the review of liquor licenses. The Board of Commissioners is required by ORS 471.166(1) to make a recommendation to the Oregon Liquor Control Commission concerning the granting, denying, modifying, or renewing of all liquor license applications in the unincorporated areas of Tillamook County.

Section 2. Title

A. This ordinance shall be known and may be cited as the "Liquor License Review Ordinance" and may also be referred to herein as "this ordinance."

Section 3. Scope of Provisions

A. This ordinance shall govern the procedures and criteria for consideration of liquor license applications and Board of Commissioners' recommendation to the Oregon Liquor Control Commission.

Section 4. Definitions

A. For the purposes of this ordinance, the following terms mean:

Administrator: Tillamook County Health Officer or his or her designate.

Application: A written request to Administrator to grant, modify, or renew a liquor license.

Board: Tillamook County Board of Commissioners.

Commission: Oregon Liquor Control Commission.

Section 5. License Application

A. Any person or business requesting a Board recommendation to the Commission on a liquor license application shall make application upon suitable forms furnished by the Administrator. The application shall contain:

1. The date of application.
2. The type of license applied for.
3. The business name and address of the location where the business will be in the County.
4. A description of the nature of the business for which the application is made.
5. The name of the applicant, with address; if a partnership, the names of 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 local agent or representative who will oversee the business in the County.
6. Any other information the Administrator or Board deems necessary for review.
7. The signature of the applicant or agent making the application

B. The applicant shall be required to pay the fees established by the Board under Ordinance No. 18.

Section 6. Administrator's Duties

A. The Administrator shall provide application forms and maintain a record of all applications. The Administrator shall review all applications for the purpose of making a recommendation to the Board. The review may include those subjects contained in this ordinance and Administrator may require the applicant to supply any relevant additional information to determine the qualifications of the applicant.

B. The Administrator shall email copies of the application to the Tillamook County Sheriff's Office, Tillamook County Department of Community Development, and Tillamook County Assessment and Taxation Office for their review and comment. Written reports and recommendations from these departments shall be made a part of the record for application.

C. Upon completion of the review, the Administrator shall make a recommendation to the Board.

Section 7. Hearing Procedure

A. If the Administrator recommends approval of the application, the application will be scheduled as a consent agenda item. Upon adverse recommendation by the Administrator, a public hearing will be scheduled, and notice given pursuant to Section 8 of this ordinance.

B. After due consideration of all pertinent information and testimony, the Board shall make its recommendation. The recommendation shall be based on substantial evidence relative to the criteria in this ordinance and State law. In the case of an adverse recommendation, the specific reasons for the recommendation shall be announced at the meeting and set out in the Board's minutes. A copy of the minutes shall be provided to the Commission.

Section 8. Applicant Notice

A. Before the Board recommends denial of a liquor license application to the Commission, notice of the public hearing must be given either personally or by registered or certified mail postmarked no later than ten days prior to the hearing.

B. The notice shall contain:

1. A statement of the time and place of the hearing.
2. A statement from the Administrator of the matter(s) asserted or charged supporting the adverse recommendation or stating why the hearing was requested.

Section 9. Public Notice

A. The County shall cause to be published in a newspaper of general circulation in the County a notice specifying all liquor license applications by business name pending before the Administrator. The notice shall inform the public that written comments will be accepted by the Administrator and shall further specify the time limitation for receipt of those comments.

B. If a public hearing is scheduled, the County, in addition to any regular Board notice provisions, shall cause to be published in a newspaper of general circulation in the County a notice specifying a time, date, and location of the hearing and business name and address of the applicant. The notice shall inform the public that testimony may be given for or against the application.

Section 10. Standards and Criteria

A. The Board shall make its recommendation for approval, denial, or modification of the liquor license application based on the Board's evaluation of the relevant standards and criteria as set forth in ORS 471.313(4) and ORS 471.313(5) and OARs 845-005-0320, 845-005-0325, 845-005-0326 and 845-005-0355.

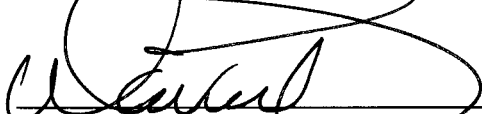
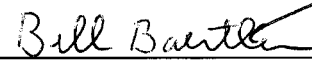
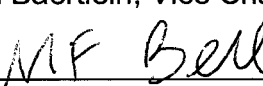
Section 11. Emergency

A. This ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this ordinance shall take effect immediately upon its adoption.

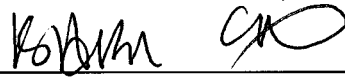
First Reading: January 23, 2019
Second Reading: February 6, 2019.

Adopted: February 6, 2019.

BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGON

	Aye	Nay	Abstain/Absent
 _____ David Yamamoto, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ Bill Baertlein, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 _____ Mary Faith Bell, Commissioner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ATTEST: Tassi O'Neil, County Clerk

By 

Special Deputy

APPROVED AS TO FORM:



Joel Stevens, County Counsel

