

A BILL

ORDINANCE NO.  
2025-892

FOR

AN ORDINANCE

RELATING TO LIQUOR LICENSE REVIEW; AMENDING  
KEIZER CODE CHAPTER 4, ARTICLE II

The City of Keizer ordains as follows:

Section 1. Keizer Code Chapter 4, Article II is hereby amended as set forth in  
Exhibit A, attached hereto and by this reference incorporated herein.

Section 2. In preparing this ordinance for publication and distribution, the City  
Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but  
within such limitations, may:

- (a) Renumber sections and parts of sections of the ordinance;
- (b) Rearrange sections;
- (c) Change reference numbers to agree with renumbered chapters, sections or  
other parts;
- (d) Delete references to repealed sections;
- (e) Substitute the proper subsection, section or chapter, or other division  
numbers;
- (f) Change capitalization and spelling for the purpose of uniformity;
- (g) Add headings for purposes of grouping like sections together for ease of  
reference; and

1 (h) Correct manifest clerical, grammatical or typographic errors.

2 Section 3. Each section of this ordinance, and any part thereof, is severable,  
3 and if any part of this ordinance is held invalid by a court of competent jurisdiction, the  
4 remainder of this ordinance shall remain in full force and effect.

5 Section 4. This Ordinance shall take effect thirty (30) days after its passage.

6 PASSED this 19<sup>th</sup> day of May, 2025.

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8 SIGNED this 19<sup>th</sup> day of May, 2025.

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Mayor

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City Recorder

## ARTICLE II. LIQUOR LICENSE REVIEW

### Sec. 4-19. Title and purpose.

- (a) This article shall be known and may be cited as the "Liquor License Review ~~Code Ordinance~~" and may also be referred to herein as "this article."
- (b) The purposes of this article are to establish criteria which shall be considered by ~~the city council~~, the city manager, and the chief of police ~~or designee~~ in making recommendations to the Oregon Liquor ~~Control & Cannabis~~ Commission (OLCC) concerning ~~granting, denying, modifying, or renewing all~~ liquor licenses ~~applications~~ for premises within the city limits and to establish a process to be utilized for the investigation of such license applicants for the purpose of making such recommendations that is fair, effective, and efficient. This article is necessary to ensure that all premises licensed to sell and dispense liquor in any form meet the high expectations of this community and that all such businesses are conducted in a lawful manner that does not unreasonably disturb the peace and tranquility of this city and its neighbors.

(Ord. No. 2010-623, § 1, 12-6-2010)

### Sec. 4-20. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Application* means the written request ~~submitted on the OLCC Local Government Recommendation Form~~ to the city manager ~~to grant, modify, or renew a liquor license~~.

*City manager* means the person holding the position of city manager or any officer or employee of the city delegated or assigned any or all of the tasks of the city manager set forth in this article.

~~Commission-OLCC~~ means the ~~state liquor control commission~~ Oregon Liquor & Cannabis Commission.

*Special Events license* means a temporary use or special event license issued by the ~~commission-OLCC~~ pursuant to ORS ch. 471 for a special event when alcohol will be sold; Alcohol is available (but not being sold) and donations are being accepted or charged for admission, or where payment is required to attend the event ~~the purposes of serving beer, other malt beverage, wine or similarly regulated fermented beverage in exchange for some financial consideration and as part of a picnic, convention, fair, civil or community enterprise; or similar special event, such as a spectator sports event, musical concert or festival; and for which approval by the city must be obtained.~~

(Ord. No. 2010-623, § 2, 12-6-2010)

### Sec. 4-21. Liquor License application.

Any person or business requesting a city recommendation to ~~the commission-OLCC~~ on a liquor license application shall ~~make application upon submit the~~ forms furnished by ~~the commission-OLCC~~. The city shall accept applications for OLCC liquor licenses only when the following conditions are met:

- (1) All required OLCC license application ~~and identification~~ forms are properly completed and in order; and



(2) The OLCC Application Background Check Form is properly completed and in order; and

(3) The application shall be accompanied by the appropriate nonrefundable fee specified by City Council Resolution as follows:

a. In the case of an original application: \$100.00

b. For a change in ownership, change in location, or change in privilege application: \$75.00

c. Except as provided in subsection (2)d of this section, for renewal and temporary license applications: \$35.00

d. For special events license applications: \$35.00

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

(Ord. No. 2010-623, § 3, 12-6-2010)

#### Sec. 4-22. Temporary license applications and Special Events ~~special~~ license applications.

Temporary license applications and Special Events license applications can be processed administratively after the fee and application forms described in section 4-21 are received. After due consideration of all pertinent information, the chief of ~~police~~ police or designee shall make a recommendation to ~~the commission~~ OLCC. The recommendation shall be based on substantial evidence relative to the criteria in this article, state statutes and the public health, safety and welfare. The chief of police or designee may attach reasonable conditions upon the recommendation, which conditions shall be consistent with the purposes of this article. Upon completion of the review of the application, the chief of police or designee shall make a recommendation to the OLCC. Where the chief of police recommends approval of an application, the chief of police shall cause the applicant to be notified of the recommendation. Where the chief of police's recommendation is for denial or otherwise adverse to the applicant, it may be appealed to the city council in accordance with the procedures provided in this article. Recommendations for denial must include the grounds found in the license refusal bases of Oregon Revised Statutes (ORS) 471.166(5) and OAR 845-005-0308.313 (4), 471.313 (5), OAR 845-005-0320, 845-005-0321, 845-005-0322, 845-005-0325 or 845-005-0326(4)(5) or by the license restriction bases of OAR 845-005-0355, and must be supported by reliable factual information.

(Ord. No. 2010-623, § 4, 12-6-2010)

#### Sec. 4-23. City manager's duties.

The Council hereby delegates to the City Manager the authority granted to the Council pursuant to ORS 471.166 to investigate and review applications for the issuance of liquor license applications and renewals of liquor licenses and to make recommendations to the OLCC. The city manager shall maintain a record of all applications. The city manager shall coordinate and conduct an investigation of each application (except ~~temporary license applications and~~ special events license applications) for the purpose of determining what recommendation shall be made by the city manager to ~~the city council~~ OLCC. The investigation may include those subjects contained in the ~~code ordinances~~ of the city, as well as the statutes of the state. The city manager may require the applicant to supply any relevant additional information to determine the qualifications of the applicant. The city manager will provide a copy of the applicant's OLCC Application Background Check Form ~~all applications~~ to the police department, which will investigate and report on each application. The police department ~~reports shall be made a part of the city manager's recommendation~~ will notify the city manager if disqualifying information was or was not found. Upon completion of the review for all applications except ~~temporary licenses and~~ special events licenses, the city manager shall make a recommendation to ~~the city council~~ OLCC. The city manager shall respond within 45



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days of the application. Recommendations for denial must include the grounds found in the license refusal bases of Oregon Revised Statutes (ORS) 471.166(5) and OAR 845-005-0308.313 (4), 471.313 (5), OAR 845-005-0320, 845-005-0321, 845-005-0322, 845-005-0325 or 845-005-0326(4)(5) or by the license restriction bases of OAR 845-005-0355, and must be supported by reliable factual information.

#### Renewals

The OLCC sends the City notice 135 days before the expiration of annual licenses. ORS 471.166 dictates that local governments have 60 days to respond to the OLCC. For renewals, the chief of police or designee shall conduct a cursory review of police calls for service at the establishments that sell and/ or serve alcohol in the City using the guidelines set forth herein. The chief of police or designee shall notify the city manager if disqualifying information was or was not found. Upon completion of the review for renewals, the city manager shall notify the OLCC of any negative recommendations.

(Ord. No. 2010-623, § 5, 12-6-2010)

#### **Sec. 4-24. Online posting requirements.**

The city shall cause any application to be posted on the City of Keizer website for at least 14 days prior to any recommendation being submitted to OLCC. This is to give the public an opportunity to respond with comment on every application in accordance with ORS 471.166.

#### **Sec. 4-24. City council recommendation procedures.**

- (a) For renewals of existing licenses, notice shall be published in a newspaper of general circulation of the list of renewals not less than 14 days before the council hearing. The notice shall also be placed on the city's website 14 days prior to council's consideration. The notice shall provide that written objections shall be filed no less than seven days prior to the council hearing. Objections regarding renewals shall be forwarded to the appropriate licensee no less than five days prior to council consideration to allow the licensee to consider such objections and attend the council hearing.
- (b) For new licenses for liquor serving establishments, the city manager by regular mail shall notify property owners within 200 feet of the outlet, and the neighborhood association with jurisdiction for the outlet location, of the application and allowing those property owners and neighborhood associations not less than 14 days from the date of mailing of such notification to file a written response with the city manager stating their position concerning such application.
- (c) The city manager shall place the license hearing on the city council calendar not sooner than 14 days after the date of mailing notice of such hearing on the application to the applicant and the affected neighborhood associations for new applications and not sooner than 14 days after the date of published notice for renewal applications.
- (d) Prior to a city council hearing on the application, the new outlet applicant will be notified of the time, date and place of the hearing, of the city manager's recommendation to the city council, of the right to be heard at the city council hearing and of the contents of this article regarding procedures and recommendations. Where a recommendation from the city manager is not favorable, it shall be the city manager's responsibility to provide the applicant with any reports relied upon in making the recommendation.

(Ord. No. 2010-623, § 6, 12-6-2010)

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## **Sec. 4-25. Hearing requirements.**

- (a) ~~For all applications for which city council approval is required under this article, a public hearing shall be held.~~
- (b) ~~Notice of a public hearing before the city council shall be given in the following manner:~~
  - (1) ~~The notice shall contain the business name of the applicant, the location of the business, the nature of the license applied for, and the time and location at which the hearing will take place.~~
  - (2) ~~Notice shall be mailed to the applicant or applicant's agent at the address shown on the application not less than 14 days before the date set for the hearing.~~
  - (3) ~~Notice shall be published in a newspaper of general circulation in the city not less than 14 days before the date set for the hearing.~~
- (c) ~~The public hearing shall be conducted as follows:~~
  - (1) ~~The city manager shall present the city manager's report. Any other written or oral evidence which is supportive of the city manager's recommendation may also be presented at this time.~~
  - (2) ~~The applicant may present evidence and/or witnesses in support of the application.~~
  - (3) ~~Interested members of the public shall be given an opportunity to present evidence or testimony bearing upon the application, whether such evidence is supportive or adverse to the application.~~
  - (4) ~~The applicant shall be afforded an opportunity to rebut evidence presented in opposition to the application.~~
  - (5) ~~Any relevant evidence shall be admitted if it is the type of evidence on which reasonable persons are accustomed to rely upon in the conduct of their serious affairs, regardless of the existence of any law or rule which might make improper the admission of such evidence over objections in civil actions in courts of competent jurisdiction in the state. Evidence of past transactions and occurrences shall not be excluded solely on the basis of having occurred in the past and may be relied upon by the city council in making its recommendation; however, irrelevant and unduly repetitious evidence shall be excluded.~~

~~{Ord. No. 2010-623, § 7, 12-6-2010}~~

## **Sec. 4-26. Standards and criteria.**

- (a) ~~The city council shall make its recommendation for approval, denial, or modification of the liquor license application within 45 days after notice is given to the city by the commission based upon the city council's evaluation of the relevant standards and criteria, as set forth herein. An unfavorable or conditionally favorable recommendation must be supported by reliable factual information, which includes, but is not limited to, personal observations of activities in or around the proposed licensed locations, as opposed to opinion, hearsay, feelings, beliefs or speculation.~~
- (b) ~~The applicant shall be held strictly accountable for the conditions of the premises. The city council may recommend against the applicant if any of the following conditions exist:~~
  - (1) ~~The applicant is in the habit of using alcoholic beverages, habit-forming drugs or controlled substances to excess.~~
  - (2) ~~The applicant has made false statements to the commission.~~



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- (3) —The applicant is incompetent or physically unable to carry on the management of the establishment proposed to be licensed.
  - (4) —The applicant has been convicted of violating any of the alcoholic liquor laws of the state, general or local, or has been convicted at any time of a felony.
  - (5) —The applicant has maintained an unsanitary establishment.
  - (6) —The applicant is not of good repute and moral character.
  - (7) —The applicant did not have a good record of compliance with the alcoholic liquor laws of the state and the rules of the commission when previously licensed.
  - (8) —The applicant is not the legitimate owner of the business proposed to be licensed, or other persons have ownership interests in the business which have not been disclosed.
  - (9) —The applicant is not possessed of or has not demonstrated financial responsibility sufficient to adequately meet the requirements of the business proposed to be licensed.
  - (10) —The applicant is unable to read or write the English language or to understand the laws of the state relating to alcoholic liquor or the rules of the commission.
  - (11) —The applicant seeks licensing of premises not consistent with city land use designations.
  - (12) —There is a history of serious and persistent problems involving disturbances, lewd or unlawful activities or noise either in the premises proposed to be licensed 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 which is grounds for refusal of a license under this section, where so related to the sale or service of alcohol, includes, but is not limited to, obtrusive or excessive noise, music or sound vibrations; public drunkenness; fights; altercations; harassment; unlawful drug sales; alcohol or related litter; trespassing on private property; and public urination. Histories from premises currently or previously operated by the applicant may be considered when reasonable inference may be made that similar activities will occur as to the premises proposed to be licensed. The applicant may overcome the history by showing that the problems are not serious or persistent or that the applicant demonstrates a willingness and ability to control adequately the premises proposed to be licensed and patrons' behavior in the immediate vicinity of the premises which is related to the licensee's sale or service of alcohol under the licensee's exercise of the license privilege.
  - (13) —Other specific reason consistent with the purposes of these provisions that warrant an adverse recommendation based upon public health, safety, welfare, convenience, or necessity.

(Ord. No. 2010-623, § 8, 12-6-2010)

#### **Sec. 4-27. Reconsideration of applications.**

- (a) —Except as set forth in subsection (b) of this section, after having made a recommendation other than favorable on any license application, the city council shall not consider any new application for the same location by the same or substantially the same applicant for a period of at least six months, except as otherwise provided herein.
- (b) —If the city manager reasonably believes that the conditions which caused the city council to make a recommendation, other than a favorable recommendation, have substantially changed and no court or administrative appeal of such license is pending, then the city manager may reconsider and/or resubmit such application to the city council.

(Ord. No. 2010-623, § 9, 12-6-2010)



