



CITY OF
GEARHART

Staff Report

For City Council Meeting - 2/7/2024

Subject - New Business - Liquor License Application Review - Gearhart Market

Synopsis: Effective January 1, 2023, the OLCC implemented the “Local Government Recommendation Requirement” for new and renewing licenses. In order to meet the recommendation requirement, it became necessary for the City to institute a liquor license ordinance establishing new, renewal, and special license processes with fees assigned via resolution. The City’s ordinance took effect March 2, 2023 and attached is the City’s first license request under the new provisions. The City Administrator (myself) will make a recommendation to Council with reasoning. Council must make the final decision to approve and formally grant “local government recommendation” to the OLCC.

Council Options:

- 1) Motion to approve the Gearhart Market’s liquor license application with a favorable recommendation;
- 2) Motion to approve the Gearhart Market’s liquor license application with restrictions / changes;
- 3) Deny the application with an unfavorable recommendation citing reasons;
- 4) Take other action desired by Council.

Recommendation: City Administrator recommends City Council approve the Gearhart Market liquor license application with a simple motion.

Legal Analysis: The City implemented Ordinance #936 for process and Resolution #975 for fees. Per ordinance, the applicant submits both their OLCC application and our application for review. The City Administrator has 45-days from the date received to provide Council with a recommendation in a public forum. A public hearing prior to recommendation is available by request from the applicant and /or any party affected by the application. The City received no requests for a public hearing. Council must make the final recommendation. If Council grants recommendation, a signed application and the OLCC application are returned to the applicant for final submission to the State.

Financial Analysis: The City’s liquor license application fee for a new applicant is \$100 due at the time of submission.

Respectfully Submitted,


Chad



OREGON LIQUOR & CANNABIS COMMISSION

OFF-PREMISES SALES Primary License Privileges

Introduction

Oregon Revised Statute (ORS) 471.186 authorizes the off-premises sales license and its license privileges.

Off-Premises Sales

- The OLCC license fee is \$200 per year.
- Off-Premises: May sell at retail to consumers for consumption **off** your licensed premises:
 - * Malt beverages, wine, and cider in factory-sealed containers. There is no minimum or maximum container size or volume limit to sell, but there are delivery limits (see the delivery rules).
 - * Malt beverages, wine, and cider in a securely covered container (growler). The container may not hold more than two gallons; however, there is no minimum container size limit. There are delivery limits (see the delivery rules).
- May deliver factory-sealed containers and securely covered containers (growlers) of malt beverages (beer), wine, and cider direct to consumer for consumption **off** your licensed premises; however, must follow the delivery rules at OAR 845-006-0392 and 845-006-0396.
- Eligible to apply to get pre-approval to provide sample tastings of malt beverages, wine, and cider for consumption on the premises.
- Eligible to apply for a Temporary Sales License (TSL).

Obtaining Alcoholic Beverages for Sale and Service

All off-premises sales licenses must obtain their alcoholic beverages as follows:

- From within Oregon:
 - * Must obtain malt beverages (beer), wine, and cider only from manufacturers and wholesalers within Oregon. These are the following license types: brewery, brewery-public house, grower sales privilege, wholesale malt beverage and wine, and winery.
- From outside of Oregon:
 - * May obtain malt beverages, wine, and cider directly from businesses outside of Oregon only if:
 - The business outside of Oregon holds an OLCC-issued direct to retailer permit; and
 - The OFF-PREMISES sales licensee follows OAR 845-006-0401.

Oregon's Bottle Bill

All off-premises sales licenses must comply with Oregon's Bottle Bill requirements.

- Bottle Bill Checklist
- Oregon's Bottle Bill: Included Beverages
- Oregon's Bottle Bill: Not Included Beverages

Some Links

- Alcoholic liquor laws: [ORS 471](#)
- Wine and cider delivery to consumer: [OAR 845-006-0392](#)
- Malt beverage delivery to a consumer: [OAR 845-006-0396](#)
- Requirements to receive from direct to retailer permit holder: [OAR 845-006-0401](#)
- For alcohol service permit questions: olcc.servicepermits@oregon.gov
- For general liquor licensing questions: olcc.liquorlicenseapplication@oregon.gov
- For liquor license renewal inquiries: olcc.renewals@oregon.gov
- For liquor compliance or enforcement inquiries: alcohol@oregon.gov