

Senate Bill 764

Sponsored by COMMITTEE ON JUDICIARY

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes Oregon Liquor Control Commission to adopt rule declaring alcohol impact area upon petition by representative of municipality having population of 50,000 or more persons.

A BILL FOR AN ACT

1
2 Relating to alcoholic beverages.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS chapter 471.**

5 **SECTION 2. (1) A representative of a municipality having a population of 50,000 or more**
6 **persons may file with the Oregon Liquor Control Commission a petition requesting that the**
7 **commission adopt rules establishing an alcohol impact area within the municipality for the**
8 **purpose of reducing serious and persistent problems in the area involving disturbances, lewd**
9 **or unlawful activities or noise that cannot readily be attributed to a particular licensed**
10 **premises. The petition contents must include the following:**

11 (a) Identification of the affected area.

12 (b) Identification of premises licensed under ORS 471.175, 471.178, 471.186, 471.200, 471.220
13 and 471.223 that are located within the affected area.

14 (c) Crime statistics, police records, detoxification center statistics or other documenta-
15 tion acceptable to the commission that establish the nature and extent of the problems
16 sought to be remedied.

17 (d) A statement of any prior or ongoing good faith efforts undertaken by the municipality
18 to address the problems.

19 (e) Any other information required by the commission by rule.

20 (2) If the commission receives a petition meeting the requirements of subsection (1) of
21 this section, the commission shall initiate proceedings to determine whether to adopt a rule
22 establishing an alcohol impact area.

23 (3) If the commission adopts a rule establishing an alcohol impact area, the commission
24 shall determine and identify the boundaries of the area. The commission may establish
25 boundaries for an alcohol impact area that differ from the boundaries contained in the peti-
26 tion filed by the municipality.

27 (4) Notwithstanding ORS 471.175, 471.178, 471.186, 471.200, 471.220 and 471.223, the com-
28 mission may take actions to reduce the serious and persistent problems within an alcohol
29 impact area, including but not limited to, limiting the hours of operation for licensed prem-
30 ises, restricting the sale of alcoholic beverages for off-premises consumption and denying
31 applications for the licensing of additional premises.

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 (5) The commission may exempt one or more licensed premises or types of licensed
2 premises from a limitation, restriction, condition, prohibition or requirement imposed within
3 an alcohol impact area if the commission finds good cause for the exemption.

4 (6) The commission shall annually review any rule establishing an alcohol impact area
5 and shall solicit public input regarding whether the rule should continue in effect, be
6 amended or be repealed. In addition to the annual review required by this subsection, the
7 commission may consider any request filed with the commission seeking the amendment or
8 repeal of a commission rule establishing an alcohol impact area or seeking an exemption or
9 reconsideration of an exemption from a limitation, restriction, condition, prohibition or re-
10 quirement imposed within an alcohol impact area.

11 (7) The actions that the commission may take under this section are in addition to any
12 other authority of the commission to address serious and persistent problems associated
13 with alcohol.

14 (8) For purposes of ORS 471.313, 471.315, 471.322 and 471.327, a violation of any limitation,
15 restriction, condition, prohibition or requirement that the commission imposes within an
16 alcohol impact area is a violation of the rule establishing the alcohol impact area.

17 **SECTION 3.** Any rule adopted by the Oregon Liquor Control Commission prior to the
18 effective date of this 2011 Act that established an alcohol impact area shall be treated in the
19 same manner as a rule adopted in compliance with section 2 of this 2011 Act. However, sec-
20 tion 2 (8) of this 2011 Act does not affect the validity of any civil penalty or other sanction
21 imposed by the commission for a rule violation occurring prior to the effective date of this
22 2011 Act. The commission shall conduct the initial annual review of rules establishing an al-
23cohol impact area prior to the effective date of this 2011 Act as provided in section 2 (6) of
24 this 2011 Act no later than one year after the effective date of this 2011 Act.

25 **SECTION 4.** Section 3 of this 2011 Act is repealed January 2, 2015.
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