



City of Prineville

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STAFF REPORT

COUNCIL MEETING DATE: July 26th, 2016

SUBJECT: Liquor in the Park Fees for OLCC License Holders

PREPARED BY: Lisa Morgan, City Recorder

BACKGROUND:

It has recently been brought to the city's attention, the disadvantages a local business owner is facing when he is asked to participate in local community events and the fees that are charged by the city. Council received a copy of this correspondence on July 19, 2016. Many special events take place in one of our community parks.

If a special event is held in the park, we require that anyone who serves alcohol or makes alcohol available in the park, complete a liquor in the park application in addition to the OLCC TUL application.

The city has a Liquor in the Park application that has a \$100 fee listed on the application associated with the filing of the application (Attachment 1). This fee is not listed on the fee schedule that is adopted by Council. Consumption of alcohol in a park is allowed when a permit has been obtained pursuant to Ordinance No. 965, passed in 1991. It appears that the liquor in the park application is intended for individuals and not crafted towards OLCC license holders, though the ordinance does not clarify. Ordinance No. 965 covered many general offences and penalties from use of weapons, to public indecency, places of amusement, etc. In reading through the minutes where this ordinance was discussed and approved, the discussions were about the weapons, so the intention of the liquor in the park requirements were not clear.

The ordinance and the application do not differentiate businesses that have OLCC licenses versus private individuals. If a private individual is providing alcohol at a special event such as a wedding reception or other party, and do not charge or accept donations for the alcohol, OLCC does not require a license at all. The city would still require that the private individual complete an application to make sure that the individuals are over the age of 21 with contact information in case of an occurrence, and to make sure someone is held accountable. Individuals are not required to be permitted or trained for serving alcohol by OLCC in this scenario.

OLCC license holders are required to maintain liability insurance at all times, have their server's complete server training and be permitted by the state, and make sure that a variety of substantial food is provided.

OLCC license holders are required by OLCC to complete a Temporary Use of License (TUL) application whenever a licensee provides liquor off site from their business at special events or

This organization is an Equal Opportunity Provider

even outside the walls of their establishment, for example a parking lot party. OLCC does not charge a fee for this since it is a use of their existing license. The city charges \$35.00 to \$100.00 for reviewing the OLCC TUL application for each event (Attachment 2). Once these applications are approved by the city, they are forwarded to OLCC for their review and final approval.

OLCC license holders are also required to renew their licenses annually with a \$35.00 renewal fee.

FISCAL IMPACT:

None.

RECOMMENDATION:

Approve an ordinance to come forward at a future council meeting that would amend Ordinance No. 965, clarifying and updating the liquor in the park permitting process.

Include the liquor in the park application fee on the city's fee schedule for individuals that do not have an OLCC license to serve alcohol.

This organization is an Equal Opportunity Provider

(5)



APPLICATION FOR CONSUMPTION OF ALCOHOLIC LIQUOR IN PARK

Prineville Ordinance 965 allows the consumption of Alcoholic Liquor within the City limits if a permit has been obtained from the City Council.

Completion of the below application only allows the consumption of alcohol in public during the specified period. This permit does not allow the applicant to violate any other laws or rules that apply. If alcohol will be sold then appropriate licenses from the OLCC must be obtained.

All answers must be clear and legible.

Print the names of the persons who will be responsible for seeing that the conditions of this permit are met. The listed individuals agree to monitor for over consumption, and ensure that minors do not have access to alcohol. Please provide two (2) responsible persons over 21 years of age.

(1) Driver's License Number: State of Issue: (If no driver's license, attach photocopy of both side of other identification) Current home address: Phone #

(2) Driver's License Number: State of Issue: (If no driver's license, attach photocopy of both sides of other identification) Current home address: Phone #

Purpose of the event (ie: Wedding, reunion, etc.) Common name and physical location of the park and the area of the park where consumption will occur:

Date(s) and times during which the activity will be taking place:

Briefly explain how access to the alcoholic beverage will be controlled and how the attendees will be contained to the area specified.

The information supplied above is true to the best of our knowledge and we understand the rules that apply to this permit.

Signature of Applicant Date Signature of Applicant Date

Reviewed and approved by Crook County Parks and Recreation. Special Conditions requests by Parks and Recreation are attached. Yes NO (circle one)

Payment of \$100.00 City processing fee. Received By: Date Cash Check

I have reviewed the application and completed a background check on the individuals listed. Based on my investigation I recommend/do not recommend that the Prineville City Council grant this permit with the conditions as listed here, if any

Signature Date

(6)

OREGON LIQUOR CONTROL COMMISSION

Special Event Licenses

A special event license allows a business that holds an annual liquor license, an individual, or a group, to sell and serve alcohol at a special event.

TYPES OF SPECIAL EVENT LICENSES

Temporary Sales License (TSL)

This license allows the sale of distilled spirits, malt beverages, wine, and cider for drinking within a licensed area. This license also allows the sale of wine, cider, and malt beverages in growlers to go.

Temporary Use of an Annual License

This license allows a Full On-Premises Sales licensee to sell wine, cider, malt beverages, and distilled spirits for consumption at the special event licensed business; or allows a Limited On-Premises Sales licensee to sell wine, cider and malt beverages for consumption at the special event licensed business. This license also allows the sale of wine, cider, and malt beverages in growlers to go.

Special Event Winery (SEW) and Special Event Grower (SEG)

The SEW license allows wine, cider, and malt beverages for consumption at the special event licensed business, or in sealed containers for taking off the special event licensed premises. A Grower Sales Privilege licensee is allowed to sell wine and cider for drinking on the special event licensed premise or in sealed containers for taking off the premises. Both license types allow growlers to go.

Special Event Brewery-Public House (SEBPH)

This license allows an Oregon Brewery-Public House Licensee to sell wine, cider and malt beverages for drinking on the special event licensed premises or in sealed containers for taking off of the special event licensed premises. This license also allows the sale of wine, cider, and malt beverages in growlers to go.

Special Event Distillery

This license allows an Oregon Distillery Licensee to provide tastings of distilled liquor at a special event licensed business.

FACTORS USED TO ASSESS SPECIAL EVENT LICENSE APPLICATIONS

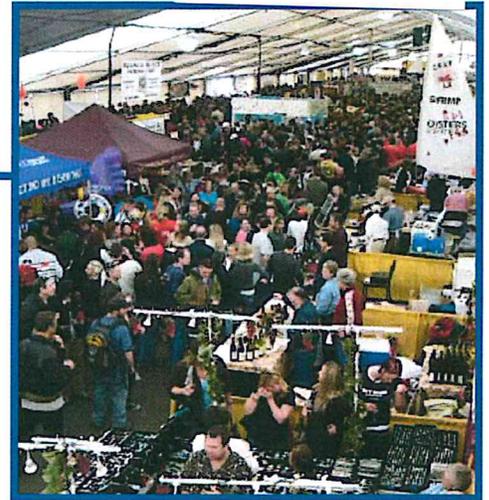
OLCC staff review special event license applications to: assess the risk for public safety issues; prevent minors' access to alcohol or areas prohibited to minors; evaluate control measures that will prevent problems/violations; and control alcohol consumption by adults.

Minors

Will minors be prohibited from the area with alcohol? If yes, how will the boundaries of the area be identified?

- A room within a building that has permanent walls with a door.
- An outdoor area usually requires a barrier that is of sufficient height, sturdiness, and is not movable. The barrier should allow people to

(continued on back)



The mission of the OLCC is to promote the public interest through the responsible sale and service of alcoholic beverages.



For more information on obtaining a Special Event License, contact your local OLCC office.

OLCC Main Office
9079 SE McLoughlin Blvd.
Portland, OR 97222
Phone: 503-872-5000
Fax: 503-872-5180
Toll free: 800-452-OLCC

www.oregon.gov/OLCC

(01/2016)

enter and exit only through specific points, and prevent alcohol from leaving the area. Two examples of a barrier are a fence and a "moat" system. Such a barrier can be portable (set-up and take-down) but it should not be easily moveable after it is set-up. If the barrier is unable to prevent minors from gaining access to the area or to prevent alcohol from leaving the area, changes to the barrier may be required (such as increasing the height of the fence or the width of the moat).

Will minors and alcohol be allowed together in the same area at the same time? If yes, what are measures the applicant proposes to help prevent minors from obtaining alcohol? Common examples:

- Limit the number of alcoholic drinks one person can have at one time
- Limit the amount of alcohol in one drink
- Have a sufficient level of lighting at all times to monitor patrons
- Have a sufficient number of people at all times to monitor patrons
- Containers used to serve alcoholic beverages are noticeably different from containers used to serve non-alcoholic beverages

Primary Activity

What will be the primary activity in the licensed area? An event that focuses on something other than alcohol consumption is less likely to be at risk for public safety problems. Examples of these types of events include:

- Food service
- Art shows
- Performing arts
- Some sporting events

Lighting

What will the level of lighting be in the licensed area (the area where alcohol will be sold or consumed)? This factor is important even when minors are not present as it allows the applicant's representatives, OLCC staff, and police officers to monitor the event for compliance with laws and control measures. The most common example is:

- The level of lighting will be sufficient to read common newspaper print.

Size and Expected Attendance

What is the size of the licensed area and what is the projected number of expected attendees per day in the licensed area?

- A large event with a large number of attendees typically will have an increased risk of public safety problems such as minors obtaining alcohol, over-service of alcohol to patrons, and fights.

History of Prior Problems

Does the event or the applicant have a history of prior problems?

- OLCC staff are likely to require a more detailed control plan with an event or from an applicant with a history of having problems.

Hours of Service

What are the hours of alcohol service?

- Typically, events that go past 10PM usually focus on alcohol consumption after that time. Events that focus on alcohol consumption are unsuitable for minors at any time; any time an event goes past 10PM it is especially important to determine the focus of the event.



TEMPORARY SALES LICENSES (TSL)

ARE YOU ELIGIBLE TO APPLY FOR A TSL?

YES, if you are:

- A nonprofit or charitable organization registered as such with the State of Oregon; a political committee filed as such under ORS 260.039 or 260.042; a government entity within Oregon; any other person or organization that is not prohibited (see the “no” section).
- A Full On-Premises, Limited On-Premises, Off-Premises, or Brewery-Public House licensee of the OLCC.

NO, if you are:

- A person or organization who makes alcoholic beverages within Oregon or who imports or causes to be imported into Oregon an alcoholic beverage for sale or distribution in Oregon. This includes the following OLCC licensees: Brewery; CERA; CERD; Distillery; Grower Sales Privilege; Warehouse; Wholesale Malt Beverage and Wine; and Winery. This also includes wineries, breweries, distilleries, and wholesalers in other states.

OTHER IMPORTANT INFORMATION

TSL Application Guide - The TSL Application Guide is available at www.oregon.gov/olcc.

OLCC may refuse to process your application if it is not complete or is not submitted in sufficient time for the OLCC to investigate. Typically, an application submitted to the OLCC one to four weeks before the event date (#11 on the application form) is sufficient time to process most applications.

Managing Your Event - Not following your written plan for managing your event may result in liquor law violations and may cause the OLCC to deny your future TSL applications.

DIRECTIONS FOR COMPLETING APPLICATION

1. Fill out your application form completely.
2. Get your application signed by the local government where the event will take place before you submit it to your local OLCC office (the local government is either the local city if the event address is within the city's limits or the local county if the event address is outside the city's limits). The local government may charge you a fee.
3. Submit the application form to your local OLCC office and include the \$50 per day license fee (\$50 per license day or any part of a license day). Make payment by check or money order, payable to OLCC. A license day is from 7:00 am to 2:30 am on the succeeding calendar day.
4. If the expected attendance at your event is 501 or more per day please complete and attach the OLCC form **Plan to Manage Special Events**, unless the OLCC exempts you from this requirement.
5. Submit forms to your OLCC office at least 7 days before the date(s) of an event (#11 on the application form) with 1,000 or fewer expected attendance and at least 30 days before the date(s) of an event with 1,001 or more expected attendance. Determine the **OLCC office** regulating the county in which your event will happen.

FOOD REQUIREMENTS FOR A TEMPORARY SALES LICENSE (TSL)

WHAT AMOUNT OF FOOD MUST I PROVIDE?

- **TWO:** If you **don't** provide distilled spirits at the event, you must provide at all times and in all areas where alcohol service is available at least two different substantial food items.
- **THREE:** If you provide distilled spirits at the event you must provide at all times and in all areas where alcohol service is available at least three different substantial food items.

WHAT IS A SUBSTANTIAL FOOD ITEM?

This is a food item that is typically served as a main course or entrée. Some examples are fish, steak, chicken, pasta, pizza, and sandwiches. Side dishes, appetizer items, dessert items, and snack items such as popcorn, peanuts, chips and crackers do not qualify as substantial food items.

WHAT DOES "DIFFERENT" MEAN?

"Different" means substantial food items that the OLCC determines differ in their primary ingredients or method of preparation. For example, a turkey sandwich differs from a salami sandwich, a beef burger differs from a turkey burger, and fried chicken differs from baked chicken. Different sizes of the same item are not considered different.

IS THERE AN EXCEPTION TO PROVIDING THE TWO OR THREE DIFFERENT SUBSTANTIAL FOOD ITEMS?

The OLCC must determine that the clearly dominant emphasis is food service at all times in the area where alcohol service is available in order for you to provide only one substantial food item if you are **not** providing distilled spirits or one or two different substantial food items if you are providing distilled spirits. The OLCC will work with you to make this determination prior to approving your application.

WHAT DOES IT MEAN TO PROVIDE FOOD SERVICE "AT ALL TIMES AND IN ALL AREAS WHERE ALCOHOL SERVICE IS AVAILABLE"?

Patrons must be able to obtain food service inside the special event licensed area. You may use either of the following two methods to provide food service:

- Within all areas where alcohol service is available, have the minimum required food items available for patrons at all times; or
- Within all areas where alcohol service is available, have a menu of the minimum required food items (plus any other items you may choose to include) available for patrons at all times and be able to provide the food items in the area if a patron chooses to order food. The food items could be kept at a location other than the area where the alcohol is served; however, you must be able to provide the food items to the patron in the area where alcohol service is available.

IS PROVIDING TASTINGS OF ALCOHOL CONSIDERED PROVIDING ALCOHOL SERVICE?

Yes, providing tastings of alcohol is considered providing alcohol service; therefore, the food requirements must be met.

CAN I USE FOOD PROVIDED BY A CONTRACTOR OR CONTRACTORS TO MEET THE FOOD REQUIREMENT?

Yes, the food service may be provided by someone other than you; however, even if food service is provided by a contractor, you are fully responsible for compliance with the food requirements. You may sell or serve alcohol only when food service that meets the requirement is provided to patrons at all times and in all areas where alcohol service is available.

WHO CAN THE CONTRACT FOR THE FOOD SERVICE BE WITH?

The contract can be between:

- You (the TSL licensee) and the food service contractor; or
- The organizer of the event and the food service contractor.

DOES THE FOOD SERVICE CONTRACT NEED TO BE IN WRITING?

No, the food service contract does not need to be in writing; however, you may sell or serve alcohol only when food service that meets the requirement is provided to patrons at all times and in all areas where alcohol service is available.



TEMPORARY SALES LICENSE APPLICATION

The Temporary Sales License (TSL) allows you to sell distilled spirits, malt beverages, wine, and cider for drinking within the special event licensed area, manufacturer-sealed containers of malt beverage, wine, and cider for drinking out of the special event licensed area, and malt beverages, wine, or cider in a securely covered container (i.e. growlers) for taking out of the special event licensed area.

- **Process Time:** OLCC needs your completed application in sufficient time to approve it. Sufficient time is typically 1 to 3 weeks before the first event date listed in #11 below. Some events may need extra processing time. OLCC may refuse to process your application if it is not submitted in sufficient time for the OLCC to investigate it.
- **License Fee:** \$50 per license day or any part of a license day. **Make payment by check or money order, payable to OLCC.** A license day is from 7:00 am to 2:30 am on the succeeding calendar day.
- **License Days:** In #11 below, you may apply for a maximum of **seven** license days per application form.

PLEASE PRINT

1. Applicant Name: _____ 2. E-Mail: _____

3. Mailing address: _____

4. City: _____ 5. State: _____ 6. Zip Code: _____ 7. Fax: _____

8. Contact Person: _____ 9. Contact Phone: _____

10. Event Name: _____

11. Date(s) of event (no more than **seven** days): _____

12. Start/End hours of alcohol service: _____ AM PM to _____ AM PM

13. Address of **Special Event** Licensed Area: _____ (Street) _____ (City/Zip)

14. Is the event outdoors? Yes No

14a. If no, in what area(s) of the building is the event located? _____

14b. If yes, submit a drawing showing the licensed area and how the boundaries of the licensed area will be identified.

15. List the primary activities within the licensed area: _____

16. Will minors be allowed at the event? Yes No

17. If yes, will minors and alcohol be allowed in the same area? Yes No

18. What is the expected attendance per day in the licensed area (where alcohol will be sold or consumed)? _____

PLAN TO MANAGE THE SPECIAL EVENT LICENSED AREA: If your answer to #18 is 501 or more, in addition to your answers to questions 19, 20, and 21, you will need to complete the OLCC's Plan to Manage Special Events form, unless the OLCC exempts you from this requirement.

19. Describe your plan to prevent problems and violations.

20. Describe your plan to prevent minors from gaining access to alcoholic beverages and from gaining access to any portion of the licensed premises prohibited to minors.

21. Describe your plan to manage alcohol consumption by adults.

A nonprofit or charitable organization with a Registry Number issued by the Oregon Secretary of State's office (see [TSL Application Guide](#)) may use servers who don't hold a service permit. These servers must attend training provided by the applicant and read, sign, and date the OLCC provided brochure [What Every Volunteer Alcohol Server Needs to Know](#).

22. Nonprofit or Charitable Organization Oregon Registry Number (or "N/A" if not applicable): _____

23. List name(s) and service permit number(s) of **alcohol manager(s)** on duty and in the licensed area:

LIQUOR LIABILITY INSURANCE: If the licensed area is open to the public and **expected attendance is 301** or more per day in the licensed area, you must have at least \$300,000 of liquor liability insurance coverage as required by ORS 471.168.

24. Insurance Company: _____ 25. Policy #: _____ 26. Expiration Date: _____

27. Name of Insurance Agent: _____ 28. Phone _____

29. Will you serve distilled spirits by the drink? Yes No

If yes, list three different substantial food items; if no, list two:

1) _____ 2) _____ 3) _____

GOVERNMENT RECOMMENDATION: Once you've completed this form to this point, you must obtain a recommendation from the local city or county named in #30 below **before** submitting this application to the OLCC.

30. Name the city if the event address is within a city's limits or name the county if the event address is outside the city's limits:

I affirm that I am authorized to sign this application on behalf of the applicant.

31. Applicant Name (please print): _____

32. **APPLICANT SIGNATURE:** _____ 33. Date: _____

CITY OR COUNTY USE ONLY

The city/county named in #30 above recommends:

Grant Acknowledge Deny (attach written explanation of deny recommendation)

City/County Signature: _____ Date: _____

FORM TO OLCC: This license is valid only when signed by an OLCC representative. Submit this form to the OLCC office regulating the county in which your special event will happen.

OLCC USE ONLY

Fee Paid: _____ Date: _____ Receipt #: _____

License is: Approved Denied

OLCC Signature: _____ Date: _____



OREGON LIQUOR CONTROL COMMISSION
PLAN TO MANAGE SPECIAL EVENTS

When the expected attendance per day in the area where alcohol will be sold or consumed is 501 or more, any applicant for a Temporary Sales License (TSL), Special Event Winery (SEW), Special Event Grower (SEG), Special Event Brewery-Public House (SEPBH), Special Event Distillery (SED), or a Temporary Use event must complete this form (unless exempted from this requirement by the OLCC) and submit it with the application to the OLCC.

Other applicants (those expecting 500 or fewer attendees per day in the licensed area) may choose to use this form. In some cases, even if the expected daily attendance is 500 or fewer, the OLCC may require this form.

Examples of times when the OLCC may require more detailed information, even if the expected daily attendance in the area where alcohol will be sold or consumed is 500 or fewer, include a licensed area: projecting an emphasis on alcohol consumption; projecting an emphasis on entertainment; or proposing to allow minors and alcohol together in the same area.

Please note that for some licensed areas, in order to convince the OLCC that you will adequately manage the licensed area, the OLCC may require more details in addition to your completed PLAN TO MANAGE SPECIAL EVENTS form or any other information you submitted regarding how you will control the licensed area.

If there will be more than one of the above licensees making alcohol available in the same area(s) of the same event, all licensees may agree to submit and follow one plan.

1. Event Name: _____

2. Applicant Name: _____

3. Date(s) of event: _____

4. Start/End hours of alcohol service: _____ AM PM to _____ AM PM

5. Event Street Address: _____

6. City: _____ 7. County: _____ 8. Zip: _____

9. Will minors be allowed at the event? Yes No

10. If yes, will minors and alcohol be allowed together in the same area? Yes No

11. Will any portion of the licensed premises be prohibited to minor patrons? Yes No

If yes, describe your plan to prevent minor patrons from gaining access to the prohibited area:

12. Estimated total attendance per day in area(s) where alcohol will be sold or consumed: _____

13. List the names(s) and contact phone(s) of **alcohol manager(s)** on-duty and in the licensed area:
14. List the primary activities within the licensed area:
15. Do you estimate that 30 percent or more of the people attending the event will be between 15 and 20 years of age? Yes No
16. Do you estimate the number of patrons in the licensed area will be about the same during the entire time that alcohol is sold or consumed? Yes No If no, what are the estimated times that a greater number of patrons will attend? _____
17. At any one time, what is the average range of the number of staff (such as managers, servers, security, alcohol monitors, ID checkers, etc.) on-duty, at the event, and whose job includes monitoring patron behavior?
18. Will **Alcohol Monitors** work in the licensed area? (*An Alcohol Monitor is a person, in addition to alcohol servers and security staff, who monitors the sale, service, and consumption of alcoholic beverages to help ensure that unlawful sales, service, and consumption of alcoholic beverages do not occur.*) Yes No
19. If yes to #18, list the minimum number of **Alcohol Monitors** you estimate will work during the estimated times when a greater number of patrons will attend the estimated times when a regular number of patrons will attend:
- _____ Minimum number during estimated times of greater patron attendance
- _____ Minimum number during estimated times of regular patron attendance
20. If yes to #18, describe how **Alcohol Monitors** will be readily identifiable as such to patrons:
21. Will all Alcohol Monitors be required to have a service permit? Yes No
22. If no to #21, those **Alcohol Monitors** without a service permit must be uncompensated volunteers who are directly supervised in the licensed area by an individual who has successfully completed and Alcohol Server Education course within the last five years.
- List the name(s) of the supervisor(s) and either their service permit number(s) or server education completion date(s):
23. Is the applicant a nonprofit or charitable organization with a Registry Number issued by the Oregon Secretary of State's office? Yes No If yes, list the Oregon Registry Number: _____

24a. If yes to #23, will the applicant use servers who don't hold a service permit? Yes No

24b. If yes to #24a, describe the plan to train these people in at least the following: recognizing minors; properly checking identification; and how to recognize and respond appropriately to visibly intoxicated persons:

25. Will security or ID checkers be required to have a service permit? Yes No If no, describe the plan to train these people in at least the following: recognizing minors; properly checking identification; and how to recognize and respond appropriately to visibly intoxicated persons:

26. Will servers, security, or ID checkers wear clothing or other designation which readily identifies them as such to patrons? Yes No If yes, please describe:

27. Describe the alcoholic beverages for consumption in the licensed area:

	Size of Container	Maximum Amount of Alcohol in the Container
Malt Beverages		
Wine		
Cider		
Distilled Spirits		

28. Describe how containers used to serve alcoholic beverages for consumption in the licensed area will be of a different color and type when compared to containers used to serve nonalcoholic beverages:

29. What is the maximum number of containers of alcoholic beverages meant for consumption in the licensed area that a patron may possess at any one time? _____

30. Describe the level of lighting the licensed area will have to ensure the proper monitoring of patrons:

A level of lighting sufficient to read common newspaper print; or

A level of lighting that will be (please describe):

31. If other methods for adequately managing the licensed area will be used, describe them here (or submit a separate written, dated, and signed plan):

32. Applicant Name: _____

33. Applicant Signature: _____ 34. Date: _____



OREGON LIQUOR CONTROL COMMISSION
IDENTIFYING A SPECIAL EVENT LICENSED AREA

The OLCC is prohibited from licensing an area that does not have defined boundaries.

Please complete items 1 – 5 and then use the box below to draw the licensed area.

1. Applicant Name (please print): _____

2. Event Street Address: _____

3. City/County: _____

4. Date(s) of Event: _____

5. Please list and describe what barrier(s) will be used to define the boundaries of the licensed area. For example: "A 6 foot high wooden fence." _____

USE THIS BOX TO DRAW THE LICENSED AREA