

Lane Manual
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Chapter 16**LICENSES AND PERMITS****LICENSE FOR SALE OF ALCOHOLIC LIQUOR****16.100 Definitions.**

As used in this subchapter:

“Board” means the Board of County Commissioners.

“License” means a license issued by the Oregon Liquor Control Commission as described or referred to in ORS 471.157.

“Sheriff” means the Lane County Sheriff. *(Revised by Order 92-11-25-2; Effective 11.25.92)*

16.110 Authority and Delegation.

The state of Oregon and the Oregon Liquor Control Commission require applications for new or renewed license in Lane County to make application to Lane County for a recommendation under O RS 471.166 and oar 845-005-0304. The authority to review applications and make recommendations as to the applicant's suitability for a liquor license is delegated to the Lane County Sheriff. The provisions of this subchapter govern the application, investigation, approval and appeal of license recommendations.

(Revised by Order 92-11-25-2; Effective 11.25.92)

16.120 Application, Investigation, Approval and Appeal.

(1) Applicants must submit all applications for review of a license request to the Sheriff, who may prescribe any Lane County form in addition to those required by the Oregon Liquor Control Commission. The procedures developed by the Oregon Liquor Control Commission apply to application review under this subchapter.

(2) Upon receipt of a new application, the Sheriff shall refer that application to the Land Management Division of the Public Works Department for a land use and zoning conformance review. If the location for which the license is sought is also within the Urban Growth Boundary of an incorporated city, the Sheriff shall also refer the application to the city for a land use and zoning conformance review. Any interested person may submit comments, in writing, to the Sheriff for consideration in the review process.

(3) After sufficient review of the application and any related information by the Sheriff and the Land Management Division and when required by LM 16.120(2) above the Sheriff shall forward a recommendation on whether a license should be issued or renewed to the Oregon Liquor Control Commission. The applicant is responsible for submitting the application to the Liquor Control Commission.

(4) The Sheriff may recommend denial of a license application under the grounds found in the license refusal bases of ORS 471.313(4), 471.313(5), OAR 845-005-0320, 845-005-0325 or 845-005-0326, or the license restriction bases of OAR 845-005-0355, and where reliable factual information supports the denial recommendation. Specific grounds for a denial recommendation include, but are not limited to :

- (a) Failure to meet applicable land use requirements.
- (b) Applicant has been possibly convicted of local, state or federal laws that are substantially related to the fitness of holding a liquor license.
- (c) Applicant has a habit of using alcohol or drugs to excess.

(d) A history of involvement by the applicant, or any officer or director of the applicant, in incidents involving drugs or alcohol, noise violations, altercations, etc. and the Sheriff believes similar activities will occur at location of applicant.

(e) Any other factor identified and explained in the Sheriff's recommendation as a risk to the public health and safety.

(5) A person aggrieved by the recommendation of the Sheriff to the Oregon Liquor Control Commission may appeal by filing with the Board a written request for hearing within 10 days of the date of the Sheriff's recommendation, before the Board or a designee to be held in accordance with this subsection. The request for hearing should state the reasons why the person making the request for hearing believes the Sheriff's recommendation is erroneous. The Board's review is de novo and must be based the record before the Board, including the Sheriff's file materials and any written and oral evidence submitted into the hearing record.

(a) The Sheriff will serve written notice of the time and place of a hearing upon the applicant at the applicant's home or business address at least 10 days before the date set for the hearing. If the person requesting the hearing is not the applicant, the Sheriff will also serve notice of the time and place of a hearing on the person requesting the hearing at that person's home or business address at least 10 days before the date set for the hearing. In the case of a recommendation by the Sheriff against issuance or renewal of a license, the notice must contain a brief statement of the grounds alleged as the basis for the refusal to recommend issuance or renewal of the license. In the case of an appeal of a recommendation to issue or renew a license, the notice must contain a copy of the request for hearing.

(b) At the hearing on a recommendation against issuance or renewal of a license, the Board will provide the applicant with an opportunity to address the reasons for the negative recommendation and to present responsive evidence. At a hearing on a recommendation to issue or renew a license, the person requesting the hearing may present evidence as to the reasons why the recommendation should be changed, and the applicant will have an opportunity to respond. After due deliberation, the Board may recommend approval or denial of the issuance or renewal of the license to the Oregon Liquor Control Commission, and the Board's recommendation, unless it affirms the recommendation of the Sheriff, supersedes any prior recommendation of the Sheriff. *(Revised by Order 92-11-25-2; Effective 11.25.92)*

16.130 Fees.

By authority of ORS 471.166(7) and (8), a nonrefundable investigative service fee in connection with the application for original or renewed licenses shall be paid to the Sheriff, prior to acceptance of the application, according to the following schedule:

Initial Application or Renewal..... \$ 25.00
each (Includes Investigative Fee) *(Revised by Order 92-11-25-2; Effective 11.25.92; 08-11-12-4, 12.1.08; 15-09-15-06, 9/15/15)*

WRECKING YARD CERTIFICATE

16.200 Definitions.

As used in this subsection:

Certificate as described in ORS 822.100-822.150.

Director means the Director of the Department of Public Safety. *(Revised by Order 88-1-6-31; Effective 2.27.88)*

16.210 Authority and Delegation.

Pursuant to the authority of ORS 801.040 and 822.140 the provisions of this subchapter shall govern the application, investigation, approval and appeal of certificates. *(Revised by Order 88-1-6-31; Effective 2.27.88)*

16.220 Application, Investigation, Approval and Appeal.

(1) Application for review of a certificate request shall be made to the Director, who may prescribe any forms in addition to those required by the State of Oregon.

(2) Upon receipt, the Director shall refer all applications to the Land Management Division of the Public Works Department. Both the Director and the Land Management Division shall investigate the application for conformance with ORS 822.140, any County land use and zoning ordinances and any criteria established by the Director. The Director shall recommend approval of an application if the business conforms with all State and County regulations. If the business does not conform with ORS 481.347, the Director shall refuse to recommend approval.

(3) The recommendation of the Director shall be forwarded to the Lane County Board of Commissioners. The Board will provide a recommendation of approval or denial to the Oregon Division of Motor Vehicles in accordance with ORS 822.140. After Board review the applicant will be responsible for submitting his or her application to the State of Oregon.

(4) If the Director refuses to recommend issuance or renewal of a certificate, the applicant may make a written request for a hearing before the Director or his or her designee to be held in accordance with this subsection.

(a) Written notice of the time and place of a hearing shall be served upon the applicant [or licensee] at his or her home or business address at least 10 days before the date set for the hearing. The notice shall contain a brief statement of the grounds alleged as the basis for the refusal to recommend issuance or renewal of the certificate.

(b) At the hearing, the applicant shall be confronted by the evidence on which the action or proposed action of the Director is based and shall be given an opportunity to answer and thereafter be heard. After due deliberation, the Director may recommend approval or disapproval for the issuance or renewal of the certificate. *(Revised by Order 88-1-6-31; Effective 2.27.88)*

(5) A person aggrieved by the final decision of the Director with regard to the recommended approval or disapproval of a certificate may appeal to the Board at the time the Director's recommendation is forwarded to the Board for its review. The Director when requested by the applicant, will notify the applicant of the date that the Board will consider his or her application. *(Revised by Order 88-1-6-31; Effective 2.27.88)*

16.230 Fees.

A nonrefundable investigative service fee in connection with the application for original or renewed certificates shall be paid to the Director, prior to acceptance of the application, according to the following schedule.

Initial Application or Renewal..... \$ 25.00
(Includes Investigative Fee) (Revised by Order 88-1-6-31; Effective 2.27.88)

**PERMITS FOR FIREWORKS DISPLAY AND SALE
AND MODEL ROCKET LAUNCHING**

16.400 Definitions.

As used in this subchapter:

Director means the Director of the Department of Public Safety.

Permit means a permit as described in ORS 480.130. *(Revised by Order 88-1-6-31; Effective 2.27.88)*

16.410 Authority and Delegation.

(1) Pursuant to the authority of ORS 480.130, 480.140, 480.150 and 480.160 the provisions of this subchapter shall govern the application, investigation and approval for these permits.

(2) The Board of County Commissioners hereby delegates to the Director its duties and authority as the licensing authority to issue permits. *(Revised by Order 88-1-6-31; Effective 2.27.88)*

16.420 Application, Investigation, Approval and Appeal.

(1) Application shall be made to the Director, who may prescribe any forms in addition to those prescribed by the State.

(2) Upon receipt, the Director shall investigate the application for conformance to any State Fire Marshal and Lane County rules and regulations and shall recommend approval or denial of the permit application. The applicant will be responsible for submitting his or her permit to the State Fire Marshal after the Director's review.

(3) If the Director refuses to issue a permit, the applicant may make a written request for a hearing to be held before the Director in accordance with this subsection.

(a) Written notice of the time and place of a hearing shall be served upon the applicant at his or her home or place of business at least 10 days before the date set for the hearing. The notice shall contain a brief statement of the grounds alleged as the basis for the refusal to issue the permit.

(b) At the hearing, the applicant shall be confronted by the evidence on which the action or proposed action of the Director is based and shall be given an opportunity to answer and thereafter be heard. After due deliberation, the Director may approve or disapprove the issuance or renewal of the permit. *(Revised by Order 88-1-6-31; Effective 2.27.88)*

16.430 Fees.

An investigative fee for a permit application shall be paid to the Director prior to acceptance of the application, according to the following schedule:

Fireworks Display.....	\$25.00
Fireworks Sale	\$25.00

(Revised by Order 88-1-6-31; Effective 2.27.88; 08-11-12-4, 12.1.08)

CONCEALED HANDGUN LICENSES

16.800 Definitions.

As used in this subchapter:

Director means the Director of the Department of Public Safety.

License as described in ORS 166.291. *(Revised by Order 88-1-6-31; Effective 2.27.88; 08-11-12-4; 12.1.08)*

16.810 Authority and Delegation.

Pursuant to the authority of ORS 166.291 the provisions of this subchapter shall govern the application, investigation, approval, revocation and appeal of licenses. *(Revised by Order 88-1-6-31; Effective 2.27.88; 08-11-12-4, 12.1.08)*

16.820 Application, Investigation, Approval, Revocation and Appeal.

(1) Application for a concealed handgun license shall be made to the Director, who may prescribe any forms in addition to those required by the State of Oregon. Applications for renewal of a concealed handgun license shall be processed according to State statute.

(2) Upon receipt of a new application, and a nonrefundable investigative fee and proof of competence with a handgun, the Director shall require the applicant to be fingerprinted and photographed.

(3) Upon successful completion of a background investigation, the application will be approved and the license mailed to the applicant.

(4) The Director shall have sole discretionary right to revoke the license for any lawful reason.

(5) Applicants may petition the Circuit Court to review the denial, non-renewal or revocation of a concealed handgun license. The petition must be filed within 30 days after the receipt of the notice of denial or revocation. *(Revised by Order 88-1-6-31; Effective 2.27.88; 08-11-12-4, 12.1.08)*

16.830 Fees.

Under authority of the Lane County Home Rule Charter and consistent with State law the following schedule of fees is established in connection with application for a new or renewed concealed weapons license:

License Fee ORS 166.291(5)(a).....	\$ 65.00
Renewal Fee, ORS 166.291(5)(a).....	\$50.00/4
years	
Replacement fee due to loss, ORS 166.291(5)(a).....	\$ 15.00
Replacement fee due to change of address or loss,	
ORS 166.291(5)(a)	\$ 15.00
Replacement fee due to name change	\$ 15.00

(Revised by Order 88-1-6-31; Effective 2.27.88; 08-11-12-4, 12.1.08)