

See Substitute
36905

RESOLUTION No.

Authorize Office of Neighborhood Involvement and Police Bureau to ask Oregon Liquor Control Commission to initiate rulemaking on liquor licenses for food carts (Resolution)

WHEREAS; food cart operators have sought liquor licensing privileges on a temporary basis through a Temporary Sales license, or event license, since 2011. Temporary licenses rather than annual licenses are for a limited duration and serve to allow licensing privileges during a specific event; and

WHEREAS; food Cart operators now seek to acquire an annual liquor license from the Oregon Liquor Control Commission (OLCC); and

WHEREAS; as of January 2011, there are 696 active food carts within the Portland city limits; and

WHEREAS; food carts are fundamentally different entities than traditional brick and mortar licensed establishments. However, the OLCC does not distinguish between them in terms of rules and regulations; and

WHEREAS; food cart operators often do not control the entire premises in which their customers congregate. Food cart operators share seating with other similar entities, and operate primarily out of doors and are often close to or in residential neighborhoods; and

WHEREAS; the Oregon Liquor Control Commission has made the intent to license the footprint on the ground occupied by these entities known, with suggested best practices (see Exhibit 1). The Best Practices are not enforceable because there is no existing basis in under the OLCC's administrative rules or statutes to hold the operator accountable; and

WHEREAS; the City of Portland has recognized several different types of food cart operators: Those part of a Food Cart Pod on private property, and those that are stationary and stand alone on either private property or public property; and

WHEREAS; in its initial proposals for issuing liquor licenses to food carts, the OLCC has identified four separate models to potentially use in licensing food carts. (see Exhibit 2) The OLCC's proposed models raise significant concerns related to public safety and accountability.

NOW, THEREFORE, BE IT RESOLVED; Council directs the Office of Neighborhood Involvement to work in conjunction with the Portland Police Drugs and Vice Division (DVD) to file a petition with the OLCC for Rule Making to adopt administrative rules defining food carts, to propose operational guidelines, and differentiate between licensing for an event with a Temporary Sales License and on an annual basis.

Adopted by the Council:

Commissioner Amanda Fritz

Prepared by: Theresa Marchetti, Office of Neighborhood Involvement

Date Prepared: February 1, 2012

LaVonne Griffin-Valade

Auditor of the City of Portland

By

Deputy

Agenda No.
RESOLUTION NO.
Title

spell out

Authorize ONI and Police Bureau to ask Oregon Liquor Control Commission to initiate rulemaking on liquor licenses for food carts (Resolution)

<p>INTRODUCED BY Commissioner/Auditor: Commissioner Fritz</p>	<p>CLERK USE: DATE FILED <u>FEB 03 2012</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz <i>Amanda</i></p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p>	<p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: ONI Bureau Head: Amalia Alarcon de Morris <i>A. Alarcon</i></p> <p>Prepared by: Theresa Marchetti Date Prepared: 2-1-12</p> <p>Financial Impact & Public Involvement Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date February 8th, 2012</p> <p>City Attorney Approval: required for contract, code, easement, franchise, charter, Comp Plan <i>[Signature]</i></p>	
<p>ACTION TAKEN:</p>	

AGENDA

TIME CERTAIN

Start time: _____

Total amount of time needed: _____
(for presentation, testimony and discussion)

CONSENT

REGULAR

Total amount of time needed: 10 min
(for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz	
2. Fish	2. Fish	
3. Saltzman	3. Saltzman	
4. Leonard	4. Leonard	
Adams	Adams	