

## **SUBSTITUTE**

**3 6 9 0 5**

### **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 and pursue statutory changes (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 2012, 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.

WHEREAS, the operation of food carts and food pods with annual alcohol licenses converts these operations to drinking destinations, changing the culture of the traditional food cart, and increases the likelihood of negative public safety impacts related to drunk and disorderly behavior, and negative livability impacts related to noise and nuisance crimes.

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 for purposes of alcohol sales, to propose enforceable operational guidelines should licenses be allowed, and to differentiate between licensing for an event with a Temporary Sales License versus issuance of a license on an annual basis.

BE IT FURTHER RESOLVED, Council directs the Office of Neighborhood Involvement Liquor Licensing division in conjunction with the Commissioner in charge, Office of Government Relations and the Portland Police Bureau, to work with legislators and the Oregon Liquor Control Commission to promote public safety and neighborhood livability by developing statutory remedy's for immediate suspension of liquor licenses of establishments where serious crimes occur and to statutorily prohibit or restrict liquor licensing at food carts because of the inherent safety and livability concerns.

Adopted by the Council: FEB 08 2012

Commissioner Amanda Fritz

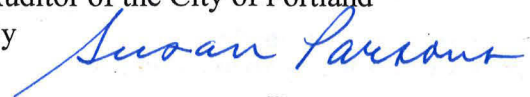
Prepared by: Theresa Marchetti, Office of Neighborhood Involvement

Date Prepared: February 1, 2012

**LaVonne Griffin-Valade**

Auditor of the City of Portland

By



Deputy

## SUBSTITUTE

Agenda No.  
**RESOLUTION NO.**  
 Title

36905

*spell out*  
 Authorize ONI and Police Bureau to ask Oregon Liquor Control Commission to initiate rulemaking on liquor licenses for food carts and pursue statutory changes. (Resolution)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Commissioner Fritz</b>	CLERK USE: DATE FILED <u>FEB 07 2012</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz <i>T. Lijuan</i> Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland  By: <i>[Signature]</i> Deputy
<b>BUREAU APPROVAL</b> Bureau: ONI Bureau Head: Amalia Alarcon Morris	ACTION TAKEN:
Prepared by: Theresa Marchetti Date Prepared: 2/07/12	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date <b>Feb. 8<sup>th</sup>, 2012</b>	
<b>City Attorney Approval:</b> required for contract, code, easement, franchise, charter, Comp Plan	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____  Total amount of time needed: _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input checked="" type="checkbox"/> Total amount of time needed: <b>10 min</b> (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman		<input checked="" type="checkbox"/>
4. Leonard	<input checked="" type="checkbox"/>	
Adams	<input checked="" type="checkbox"/>	