

## Chapter 5.09 ALCOHOLIC BEVERAGE LICENSES

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### **5.09.010 Determination of public convenience or necessity – Purpose and intent.**

State law requires that applicants for certain types of alcoholic beverage licenses obtain from local jurisdictions a determination that public convenience or necessity is served by the issuance of said license, if the subject premises is not located in an area which has an overconcentration of alcoholic beverage licenses and/or a higher than average crime rate as defined in Section [23958.4](#) of the Business and Professions Code. Where the State Department of Alcoholic Beverage Control requires a determination of public convenience or necessity, the chief of police is authorized to consider and approve, disapprove, or modify applications for this determination. (Ord. 2705 § 2, 1997).

### **5.09.020 Determination of public convenience or necessity – Application – Fee.**

Applications for a determination of public convenience or necessity shall be made to the chief of police in writing on a form prescribed by the chief of police and shall be accompanied by data sufficient to describe the proposed operations for which the alcoholic beverage license and the determination of public convenience or necessity is required. The application shall be accompanied by a deposit as presently designated, or as may in the future be amended, in the master fee schedule. (Ord. 2705 § 2, 1997).

### **5.09.030 Determination of public convenience or necessity – Procedure – Notice required.**

The chief of police shall post (or shall require the applicant to post) a notice of the application on the premises which is the subject of the application. The chief of police shall further provide notice of the public hearing by mailing to property owners of record and residents within 500 feet of the site which is the subject of the application. (Ord. 2705 § 2, 1997).

### **5.09.040 Determination of public convenience or necessity – Criteria for consideration.**

Upon the conclusion of the public hearing, the chief of police may make a determination that public convenience or necessity is or is not served by the issuance of an alcoholic beverage license. The chief of police may condition a determination of public convenience or necessity. This decision may be based upon, but not limited to, the following factors:

- A. History of the subject business and/or owner.
- B. Existing conditions at the site or in the vicinity (e.g., potential for creation of a police problem or aggravation of an existing problem).
- C. The crime rate within the vicinity of the application. (Ord. 2705 § 2, 1997).

**5.09.050 Determination of public convenience or necessity – Appeals.**

The applicant or other interested party may appeal the decision of the chief of police to the city council within 10 days after said decision is filed with the city clerk. Said appeal shall be in writing and filed with the city clerk upon forms provided by the police department, and shall specify the reasons the appellant believes there was an error in the decision of the chief of police. If an appeal is filed within the time limit specified, it automatically stays proceedings in the matter until a determination is made by the city council. (Ord. 2705 § 2, 1997).

**5.09.060 Determination of public convenience or necessity – Appeals – City clerk duties.**

Upon the filing of the appeal, the city clerk shall set the matter for public hearing, giving the same notice as required in CVMC [5.09.030](#). The city clerk shall send the chief of police a duplicate copy of the appeal and request the chief of police to transmit to the city council a copy of his decision and findings, minutes of any hearings, and all other evidence, maps, papers, and exhibits upon which the chief of police made his decision. (Ord. 2705 § 2, 1997).

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