



OREGON LIQUOR CONTROL COMMISSION

WRITTEN PROPOSAL FOR A FULL ON-PREMISES SALES LICENSE COMMERCIAL ESTABLISHMENT

Please Print or Type

Trade Name (dba): _____

City: _____

READ OAR 845-006-0460 (on back)

I have read the Oregon Liquor Control Commission's food service rule for commercial establishments, OAR 845-006-0460. I understand the requirements of the rule. I understand that I must operate my business according to those requirements.

I will offer at least five distinctly different regular meals during my dinner meal period.

My dinner meal period will be from _____ PM to _____ PM.

My menu for this meal period is attached.

At all other times alcohol service is available, I will make at least five different substantial food items such as appetizers, sandwiches, soups, hamburgers, hot dogs, sausages available to my patrons.

My menu for minimum food items is attached.

Not counting any seating in banquet or meeting rooms or similar "occasional use" rooms, **my total indoor seating will be _____ seats.**

I have attached a floor plan showing rooms and tables.

During my required meal period **I will have dining seating at tables for at least _____ patrons.** This seating will be at tables that meet the table size requirements of OAR 845-006-0460.

I will keep a kitchen area with equipment and food supplies adequate to prepare, cook and serve food as I have proposed here.

I will have a cook on duty during my required meal period. During that meal period the cook will not do work prohibited by OAR 845-006-0460.

I understand that OAR 845-006-0466(3) requires that I make food service menus available to patrons.

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Signature _____ **Date** _____

1-800-452-OLCC (6522)

www.oregon.gov/olcc

OAR 845-006-0460

Food Service at Commercial Establishment with Full On-Premises Sales License

(1) Purpose. The Oregon Liquor Control Act allows licensed commercial establishments with food service to sell distilled spirits by the drink. ORS 471.001(2) defines a commercial establishment as a place of business open to the general public, or else a private golf club or athletic club, where food is cooked and served, which has adequate kitchen facilities for the preparation and serving of meals and which has for that purpose proper dining space. This rule sets the food service requirements for businesses with commercial establishments with a Full On-Premises Sales license. The applicant has the burden of proving it meets the standards and qualifications of this rule and OAR 845-006-0466.

(2) Food Service Required at Meal Periods.

- (a) A business open after 5:00 pm must make available to its patrons an offering of five distinctly different regular meals during its normal dinner meal period which must last at least three hours. The requirement of five distinctly different meals does not apply if the clearly dominant emphasis of the business after 5:00 pm is food service.
- (b) A business not open after 5:00 pm must make available to its patrons an offering of five distinctly different regular meals during its normal lunch meal period which must last at least two hours.
- (c) "Regular meal" means a combination of food items that are prepared and cooked on the licensed premises that includes one principal item and one side dish. Examples of principal items are fish, steak, chicken, pasta, and sandwich. Examples of side dishes are potatoes, potato salad, rice, french fries, beans and vegetables. If the clearly dominant emphasis of the business after 5:00 pm is food service, regular meals may consist of a principal item alone with two or more side dishes available to order separately.
- (d) "Distinctly different" means meals that differ substantially in their principal item. For example, different kinds of sandwiches are not distinct from each other and different kinds of pizza are not distinct from each other.
- (e) "Clearly dominant emphasis is food service" means:
 - (A) The gross receipts from food sales exceed the gross receipts from beverage sales; or
 - (B) Seventy percent of seating qualifies for and is used as dining seating; or
 - (C) The Commission is persuaded the menu available is substantial.

(3) Minimum Food Requirements at Other Hours.

- (a) At all other times alcohol service is available, businesses must make available to their patrons an offering of at least five different substantial minimum food items prepared on the licensed premises. Different means significantly differing ingredients. For example, a turkey sandwich differs from a salami sandwich. Different sizes of the same item do not count as different items under this rule. For instance, a large cheese pizza and a small cheese pizza do not differ.
- (b) "Substantial minimum food item" means items such as sandwiches, appetizers, pizza, hot dogs, soup, and sausages. Snack items such as popcorn, peanuts, chips, and crackers do not qualify as substantial food items.

(4) Seating Requirements: Proper dining space is determined by the size of the business. The size of the business is determined by the number of indoor seats, excluding seats in banquet and meeting areas, spectator seating in public auditoriums, seating at gaming machines, and spectator seating in arenas where sporting events occur. Bar stools, seating at cocktail tables, seats at buddy-bar tables, banquette seating, and dining seating are included in determining the size of the business. Dining seating means indoor table seating that is designed to accommodate patrons for the purpose of consuming food, and located in areas of the premises regularly used by patrons daily during normal business hours. Such tables must provide a minimum of 288 square inches of surface for dining space for each seat at the table. Bars and tables seating only one patron and counters at entertainment areas do not qualify as dining seating. Buddy-bar tables may be counted toward required dining seating only if they are set up for dining during meal periods by placement of flatware, glassware and napkins for each patron able to be accommodated under the minimum dining space requirements of this rule. Banquet and meeting areas are excluded from consideration as dining seating.

- (a) If the business has seating for 60 or fewer patrons, at least 30 seats or 60 percent of all seats, whichever is greater, must be dining seating during regular meal periods. The requirement for at least 30 dining seats may be waived if the entire premises is suitable for minor patronage per OAR 845-006-0340.
- (b) If the business has seating for more than 60 but fewer than 100 patrons, at least 36 seats or 40 percent of all seats, whichever is greater, must be dining seating during regular meal periods.
- (c) If the business has seating for 100 or more patrons, at least 40 seats or 30 percent of all seats, whichever is greater, must be dining seating during regular meal periods.

(5) Employees. Businesses must have food service employees, including a cook during regular meal periods, adequate to take orders for, prepare, cook and serve food to meet the requirements of this rule. If more than 60 of the premises' seats are open to the public, the business must have at least two employees on duty during regular meal periods, one of which is primarily a cook. "Primarily a cook" means that when food service is requested, other ordinary duties shall not interfere with food or meal preparation. Ordinary duties means any duties other than those expected or required in a safety-related emergency. Duties of bouncer, security or door person may not be a part of the ordinary duties of the person who is primarily a cook.

(6) Violation of any section of this rule is a Category III violation.

(7) The requirements of sections (1) through (5) of this rule apply to commercial establishments licensed under former ORS Chapter 472. This section expires October 1, 2001.