For your information

The Oregon Liquor Control Commission has:

- [X] Amended
- [ ] Adopted
- [ ] Repealed

OAR 845-005-0331

Effective: October 4, 2017

Note: Bold and underlined = new text; strikethrough and italics = deleted text

845-005-0331
Licensing Outdoor Areas Abutting a Licensed Building

(1) This rule applies to an outdoor area that does abut applicant’s or licensee’s licensed building. This rule establishes the licensing qualifications for such an outdoor area. This rule does not apply to Temporary Sales Licenses issued under ORS 471.190 OAR 845-005-0440; Special Events Brewery-Public House licenses issued under 471.200 OAR 845-005-0414; Special Event Brewery Licenses issued under OAR 845-005-0412; Special Event Winery licenses issued under 471.223 OAR 845-005-0415; Special Events Grower licenses issued under 471.227 OAR 845-005-0415; Special Events Distillery licenses issued under 471.230 OAR 845-005-0413; Small-Scale Private Catering licenses issued under OAR 845-005-0405; and Temporary Use of An Annual License licenses issued under 845-005-0410.

(2) The Commission shall refuse to license an outdoor area, and may cancel the license for an outdoor area, for any of the following reasons unless the applicant or licensee shows good cause that outweighs the refusal or cancellation basis:

(a) The outdoor area is controlled by a public entity and the public entity provides the Commission with written proof that the sale, service or consumption of alcohol in the outdoor area is not an authorized use under the applicable rules and regulations governing the public entity;
(b) The outdoor area is privately owned and the applicant or licensee fails to provide the Commission with written proof of legal access to the outdoor area;
(c) The outdoor area is privately owned and the applicant or licensee fails to provide the Commission with written proof that the property owner expressly allows the sale, service and consumption of alcohol in the outdoor area;
(d) The outdoor area does not abut the applicant’s proposed licensed building or the licensee’s existing licensed building;
(e) The applicant or licensee fails to define the boundaries of the outdoor area;
(f) The applicant or licensee fails to demonstrate there is or will be adequate supervision of the outdoor area so as to prevent violations of the liquor laws; or
(g) The applicant or licensee will allow amplified entertainment in the outdoor area between 12:00 a.m. and 7:00 a.m.
Stat. Auth.: ORS 471, 471.040 & 471.730(1) & (5)
Stats. Implemented: ORS 471.001, 471.030(1), 471.159, 471.313(1) & 471.315(1)(d)

This version of the Oregon Administrative Rules has been published by the Oregon Liquor Control Commission. The Secretary of State has or shall compile, index and publish all rules adopted by the agency as required under ORS 183.360.

The Oregon Administrative Rules Compilation published by the Secretary of State under ORS 183.360 has copyright status. The Oregon Liquor Control Commission has written permission from the Secretary of State to print the agency's administrative rules in order to provide information to those affected by its rules.