

For your information

The Oregon Liquor Control Commission has:

Amended
 Adopted
 Suspended

OAR 845-006-0309 **TEMPORARY**

Effective Date: July 17, 2020 – January 11, 2021

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

845-006-0309

Requirements for Outdoor Areas Not Abutting a Licensed Building

(1) This rule applies to an outdoor area that does not 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 OAR 845-005-0440; Special Events Brewery-Public House licenses issued under OAR 845-005-0414; Special Event Brewery Licenses issued under OAR 845-005-0412, Special Event Winery licenses issued under OAR 845-005-0415; Special Events Grower licenses issued under OAR 845-005-0415; Special Events Distillery licenses issued under 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) One patron shall not possess more than two open containers of alcohol at the same time in the outdoor area, and the amount of alcohol in each container shall not exceed 16 ounces of malt beverages, 6 ounces of wine, 16 ounces of cider or 2 ounces of distilled spirits except under the following circumstances:

- (a) Two or more patrons may possess one open standard 750 ml bottle of wine in the outdoor area; or
- (b) Three or more patrons may possess one standard 64 oz. pitcher of malt beverages in the outdoor area.
- (c) Violation of this section is a Category V violation.

(3) Only the licensee or the licensee's staff may carry open containers of alcohol through an unlicensed area to reach a licensed outdoor area not abutting the licensed building or abutting outdoor area. Violation of this section is a Category V violation.

~~(3) The outdoor area must meet the requirements for a Number 3 or a Number 5 minor posting. Violation of this section is a Category III violation.~~

~~(4) The sale of alcoholic beverages for off-premises consumption is not allowed except under the following circumstances:~~

~~(a) The container or bottle is capable of holding 22 ounces or more of malt beverages or cider; or~~

~~(b) The container or bottle is capable of holding 750 milliliters or more of wine.~~

~~(c) Violation of this section is a Category V violation.~~

~~(5) (4) Amplified entertainment is not allowed in the outdoor area from 10:00 p.m. to 7:00 a.m. on the succeeding calendar day. Violation of this section is a Category III Violation.~~

~~(6) (5) The sale, service and consumption of alcoholic beverages in the outdoor area is not allowed from ~~10:00 p.m.~~ **12:00 a.m.** to 7:00 a.m. on the ~~succeeding~~ **same** calendar day. Violation of this section is a Category III Violation.~~

~~(7) (6) The licensee must maintain and adequately control the defined boundaries of the outdoor area ~~and the approved, designated alcohol consumption area~~. Violation of this section is a Category V violation.~~

Statutory/Other Authority: ORS 471, 471.040 & 471.730

Statutes/Other Implemented: ORS 471.030 & 471.315