For your information

The Oregon Liquor Control Commission has:

X Amended
____ Adopted
____ Repealed

OAR 845-006-0347

Effective: 3/1/2018

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

845-006-0347
Noisy, Disorderly or Unlawful Activity and Drinking Alcohol Outside the Premises

(1) Definitions. As used in this rule:

(a) “Dangerous weapon” means any weapon, device, instrument or substance which under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious physical injury.

(b) “Deadly weapon” means any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury.

(c) "Disorderly activities" are those that harass, threaten or physically harm another person.

(d) “Gambling” means that a person stakes or risks something of value upon the outcome of a contest of chance or a future contingent event not under the control or influence of the person, upon an agreement or understanding that the person or someone else will receive something of value in the event of a certain outcome.

(d) "Noisy activities" are those that a reasonable person would conclude interfere with normal living or business activities. The Commission may consider a violation of Department of Environmental Quality or local noise pollution standards as prima facie evidence of noisy activities.

(e) “Serious physical injury” means physical injury which creates substantial risk of death or which causes serious disfigurement, serious impairment of health, or serious loss or impairment of the function of any bodily organ.

(f) “Social Gaming” means a game other than a lottery, if authorized by a local county or city ordinance pursuant to ORS 167.121, between players in a private
business, private club, or place of public accommodation where no house player, house bank, or house odds exist and there is no house income from the operation of the social game.

(2) Noisy or Disorderly Activity:

(a) No licensee or permittee will permit noisy or disorderly activities on the licensed premises or in areas the licensee controls that are adjacent to or outside the premises.

(b) Violation of this section that results in death or serious physical injury to a person or that involves unlawful use or attempted use of a deadly weapon against another person is a Category I violation.

(c) Violation of this section that results in a sexual offense which is a Class A felony, such as first degree rape, sodomy, or unlawful sexual penetration, is a Category I violation.

(d) Violation of this section that involves use of a dangerous weapon against another person with intent to cause death or serious physical injury is a Category II violation.

(e) Violations of this section other than those described in (2)(b), (2)(c) or (2)(d) are Category III violations.

(3) Unlawful Activity:

(a) No licensee or permittee will permit any unlawful activity on the licensed premises or in areas the licensee controls that are adjacent to or outside the premises.

(A) Unlawful activity includes any activity that violates a criminal statute. Examples include, but are not limited to;

(i) Crimes related to prostitution;

(ii) Public indecency;

(iii) Permitting the use of controlled substances; and

(iv) Gambling or unauthorized social gaming.

(B) The Commission does not require a conviction to establish a violation of this section except as ORS 471.315 and 471.700 requires.

(b) Violation of this section that results in death or serious physical injury to a person or that involves unlawful use or attempted use of a deadly weapon against another person is a Category I violation.
(c) Violation of this section that results in a sexual offense which is a Class A felony, such as first degree rape, sodomy, or unlawful sexual penetration, is a Category I violation.

(d) Violation of this section that involves use of a dangerous weapon against another person with intent to cause death or serious physical injury is a Category II violation.

(e) Violations of this section other than those described in (3)(b),(3)(c) or (3)(d) are Category III violations.

(4) Eviction of Persons:

(a) A licensee or permittee who knows that a person has engaged in noisy, disorderly or unlawful activities must evict that person from the premises for at least a 24-hour period. This includes employees or contractors of a licensee. The 24-hour period begins at the time of eviction. (b) Failure to evict persons engaging in noisy, disorderly or unlawful activities is a Category IV violation.

(5) Drinking Alcohol Outside the Premises:

(a) No licensee or permittee will permit anyone to drink alcohol in any parking lot that the licensee controls that is associated with the licensed business unless the Commission has approved the sale or service of alcoholic beverages in the area.

(b) Violation of this section is a Category III violation.

Stat. Auth.: ORS 471, 471.030, 471.040 & 471.730(1) & (5)

Stats. Implemented: ORS 471.315 & 471.425(2)