

## For your information

The Oregon Liquor Control Commission has:

Amended  
 Adopted  
 Repealed

**OAR 845-005-0329**

Effective: June 1, 2014

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

### **845-005-0329**

#### **Licensing 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 ORS 471.190; Special Events Brewery-Public House licenses issued under ORS 471.200; Special Event Winery licenses issued under ORS 471.223; Special Events Grower licenses issued under ORS 471.227; Special Events Distillery licenses issued under ORS 471.230; Small-Scale Private Catering licenses issued under OAR 845-005-0405; and Temporary Use of An Annual License licenses issued under OAR 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:**

**(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 fails to qualify for a Number III or Number V minor posting;**

**(e) The applicant or licensee fails to define the boundaries of the outdoor area;**

**(f) The applicant or licensee fails to identify and obtain Commission approval of a designated area for alcohol consumption within the outdoor area; or**

**(g) 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.**

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

**Stats. Implemented: ORS 471.030(1), 471.313(1), & 471.315(1)(d)**

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