

For your information

The Oregon Liquor Control Commission has:

XX Amended
____ Adopted
____ Repealed

OAR 845-005-0331

Effective: June 1, 2014

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

845-005-0331

Licensing ~~Exterior~~ **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; 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.

~~(1)~~**(2)** The Commission shall refuse to license an ~~exterior~~ **outdoor** area, and may ~~revoke its approval of~~ **cancel the license for** an outdoor area, ~~previously licensed,~~ for any of the **following** reasons ~~listed in this rule~~ unless the applicant **or licensee** shows good cause that outweighs the refusal **or cancellation** basis: ~~The following sections state the refusal reasons that apply to exterior areas.~~

~~(2)~~**(a)** The ~~applicant or licensee requests licensing of an~~ **outdoor** area ~~is~~ controlled by the local governing body, and the local governing body has not approved, or withdraws its approval of, the use proposed by the applicant or licensee. **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;

~~(3)~~**(d)** The ~~exterior~~ **outdoor** area ~~proposed to be licensed is~~**does** not ~~adjacent to~~**abut** the **applicant's proposed licensed building or the** licensee's ~~existing or the~~ **applicant's proposed licensed premises: existing licensed building**;

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

~~(4)~~**(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**

~~(5)~~**(g)** The applicant or licensee will allow **amplified** entertainment in the ~~exterior~~**outdoor** area between 12:00 a.m. and 7:00 a.m.

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

Stats. Implemented: ORS **471.001, 471.030(1), 471.159, 471.313(1) & 471.315(1)(d)**

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