



**Agenda Item: Original Ordinance, Third Reading**

**Title: Original Ordinance No. 2026, Amending LMC 5.09.615- Prohibited on Licensed Premises Underage Exceptions**

Third and Final Reading. (Introduced by O'Doherty)

**Recommended Council MOTION:**

That Council move to approve Original Ordinance No. 2026, amending LMC 5.09.615-Prohibited on Licensed Premises underage exceptions on Third and Final Reading, and authorize the Mayor and City Clerk to sign.

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**Administrative or Policy Goal:**

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**Background:**

On March 31, 2021, City Council received a letter from O'Dwyers Public House expressing concern regarding LMC 5.09.615.A.5. requiring the primary source of revenue (greater than fifty percent of revenue) of the operation be from the sale of food. Deirdre O'Dwyer stated, "We are the only business in town that has package store, restaurant and bar areas in our business. We have met the 50/50 criteria for food versus alcohol revenue since the regulatory change; however, if our package sales increase we may not meet the criteria in the future." Their request was to add language to allow them to exempt the package sales from the calculation to allow underage persons in the restaurant portion of the business similar to the off-premises alcohol catering permits.

LMC. 5.09.615.A.5. The establishment is operating a restaurant and the primary source of revenue (greater than fifty percent of revenue) of the operation is from the sale of food. Further:

- a. In calculating the percentage of a licensee's revenue attributable to sale of food and sale of alcoholic and/or malt beverages, the licensee's revenue from alcoholic and/or malt beverages sold off-premises pursuant to an alcohol catering permit shall not be included in the calculation; and
- b. To allow a determination of the percentage of a licensee's revenue attributable to sale of food and sale of alcoholic and/or malt beverages, the licensee shall provide to city manager or city manager's designee such documents or other proof of sales as city manager or city manager's designee may request.

The City Attorney, City Manager, and City Clerk have reviewed the request and do not have any concerns with this recommendation.

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**Legal/Statutory Authority:**

**Responsible Staff:**

Nancy Bartholomew, City Clerk  
Robert Southard, City Attorney

**Attachments:**

Original Ordinance No. 2026