WEST VIRGINIA ALCOHOL BEVERAGE CONTROL ADMINISTRATION

Instructions for State of Emergency - Limited Outdoor Dining Area Application

via a Nonintoxicating Beer Floor Plan Extension and Class S On-Premises Special Event

*** MUST HOLD A CURRENT WVABCA LICENSE TO APPLY.**

Please read instructions carefully.

"Nonintoxicating Beer Floor Plan Extension" and "On-Premises Special Events" Requirements:

1. A current licensee meeting the fresh food requirements and in good standing who has a deck or patio already on its licensed floorplan or has a locally authorized and WVABCA approved sidewalk dining area on their licensed floorplan may resume providing food and alcohol on the deck, patio or sidewalk area as authorized, subject to the outdoor dining area advisory and the Governor's Guide to Safely Opening our Restaurants Through Takeaway Service & Outdoor Dining. For this current licensee, no further action is necessary.

2. All licensees must submit an application for a new area or expanded area where the licensee will be conducting outdoor dining that is not already on its licensed floorplan via a "Nonintoxicating Beer Floor Plan Extension" or "On-Premises Special Event" on WVABCA form (ABCA-192-FP.Ext & SE).

3. A licensee filing an application for a "Nonintoxicating Beer Floor Plan Extension" or "On-Premises Special Event" during the State of Emergency will not be charged an additional fee.

4. "Nonintoxicating Beer Floor Plan Extension" and "On-Premises Special Event" will remain valid for 30 days upon issuance by the WVABCA or will end prior to 30 days if the State of Emergency is ended. Further, the 30-day period may be renewed, if the State of Emergency is still in effect.

5. Licensees must file a detailed floor plan of the outdoor dining area on the "Nonintoxicating Beer Floor Plan Extension"/ "On-Premises Special Event" form (ABCA-192-FP.Ext & SE) including: description of the contiguous outdoor dining area, measurements of the area, how the area will be cordoned off, how entry is to be made into the area, seating arrangement and measurements between tables, proximity to licensed establishment and any other pertinent information. The Commissioner determines what is contiguous to the licensee's licensed premises but generally would not include a property across a public street or a contiguous property not owned or leased by the licensee.

6. Licensees must provide a detailed description of how the licensees' staff/security will monitor the outdoor dining area and meet the requirements set forth in the Governor's Guide to Safely Opening our Restaurants Through Takeaway Service & Outdoor Dining.

7. Nonintoxicating beer, nonintoxicating craft beer, flavored malt beverages and nonalcoholic beverages are the only beverages that may be served in the outdoor dining area for a "Nonintoxicating Beer Floor Plan Extension". **No liquor or wine may be served, sold or consumed in this type of outdoor dining area.**

   Nonintoxicating beer, nonintoxicating craft beer, flavored malt beverages, wine, liquor and nonalcoholic beverages may be sold, served and consumed in the outdoor dining area for a "On-Premises Special Event", depending on the license held by the current licensee. A private wine restaurant (or similar licensee) with wine only may serve wine. A private wine restaurant (or similar licensee) with beer may serve wine and beer, A private club (or similar licensee) may serve beer, wine and liquor.

8. Patrons may not carry any sealed or open container nonintoxicating beer, nonintoxicating craft beer or flavored malt beverages, wine or liquor, as applicable, off of any outdoor dining area.

9. The outdoor dining area must be cordoned off with some type of temporary fencing or barrier, for example a tent with sides/boundaries. The fencing or barrier must be approved by the WVABCA. The fencing or barrier must not impede ingress and egress of the public and any persons outside of the outdoor dining area.

10. The outdoor dining area may not in any manner detrimentally affect the peace or quietude of the surrounding community or residents.

11. Licensees approved for outdoor dining areas must maintain extra sanitization precautions during the pandemic and must meet all sanitization requirements set forth in the Governor's Guide to Safely Opening our Restaurants Through Takeaway Service & Outdoor Dining and by health departments.

12. The outdoor dining areas must adhere to all state and local social and physical distancing guidelines.

13. Any violations of the West Virginia State Code, Legislative Rules, Guidelines or Executive Orders may result in sanctions, including but not limited to: monetary penalties, suspension, revocation of the outdoor dining area privilege.

14. All food, alcohol and any other activities in the outdoor dining area must cease at the end of the WVABCA's stated hours of operation. Any municipal ordinance requiring the cessation of noise or activities must be observed.

15. Effective July 24, 2020 per the Governor's Executive Order 56-20, certain live outdoor music entertainment is permitted in open air sites and venues in an approved outdoor dining area or a previously approved outdoor area on a licensee's floorplan which is subject to the requirements in the Governor's Order and the WVABCA's Advisory.

Note: The WVABCA will conduct an independent investigation of any current licensee submitting this application to determine if the licensee is in good standing. An outdoor dining area is a privilege and as such, the WVABCA will determine if licensees warrant this privilege, and further the licensee actions if not appropriate may warrant suspension of any approval.

E-Mail Completed Application to: ABCA.Licensing@wv.gov

Or Mail to: West Virginia Alcohol Beverage Control Administration
Attn: Licensing Department
900 Pennsylvania Avenue, 4th Floor
Charleston, WV 25302

WEST VIRGINIA ALCOHOL BEVERAGE CONTROL ADMINISTRATION

State of Emergency - Limited Outdoor Dining Area Application

via a Nonintoxicating Beer Floor Plan Extension or

Class S On-Premises Special Event

County: _____ License Number: _____

□ Outdoor Dining Area - Nonintoxicating Beer Floor Plan Extension **OR** □ Outdoor Dining Area - Class S On-Premises Special Event - Beer & Wine **OR** □ Outdoor Dining Area - Class S On-Premises Special Event – Beer, Wine & Liquor *****Licensees may only sell nonintoxicating beer, wine or liquor if permitted to do by their current license.	□ Start Date: _____ and End Date: _____ *****License is good for 30 days or less if the State of Emergency is lifted.

Name of Establishment (DBA): _____

Phone number: _____ Email: _____

Licensee's or Manager's Name: _____

(1) Distance to nearest residence: _____.

(2) List complete information in the form of a diagram (on the second page) giving dimension of the contiguous outdoor dining area, measurements of the area, how the area is to be cordoned off (fenced or bound), how entry is to be made into the area, seating arrangement and measurements between tables, the areas proximity to licensed establishment and any other pertinent information.

(3) Number of staff/security designated to oversee the "Nonintoxicating Beer Floor Plan Extension" or "On-Premises Special Events" area: _____.

(4) Provide a detailed description of how the licensees' staff/security will monitor the outdoor dining area and meet the requirements in the Governor's Guide to Safely Opening our Restaurants Through Takeaway Service & Outdoor Dining.

(5) Provide a menu or description of the freshly prepared food items to be served in the outdoor dining area.

Must illustrate the exact area and measurements of the outdoor dining area for the "Nonintoxicating Beer Floor Plan Extension" or "On-Premises Special Event" in relation to the currently licensed establishment. The area must be contiguous and a bound area, such as a parking lot or outdoor area, which shall for the temporary period encompass the licensee's licensed premises.

Keep one copy at the licensed premises. (Provide Dimensions and all Measurements as listed in instructions)

I, _____ (print) have received and read the requirements and attest to the fact that all preceding information is true and accurate and that all individuals and/or controlling members listed on the license are aware of the submission of a State of Emergency - Limited Outdoor Dining Area application via a "Nonintoxicating Beer Floor Plan Extension" or "On-Premises Special Event" license application.

Licensee's Signature: _____ Date: _____

Title: _____