



STATE OF WEST VIRGINIA  
DEPARTMENT OF REVENUE  
ALCOHOL BEVERAGE  
CONTROL ADMINISTRATION  
900 Pennsylvania Avenue, 4<sup>th</sup>  
Floor Charleston, WV  
25302

INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR RETAIL ON PREMISES  
PRIVATE OUTDOOR DESIGNATED AREA -QUALIFIED PERMIT HOLDER.

Requirements ---- Private Outdoor Designated Area (PODA) - Qualified Permit Holder -  
\$100.00 (non-refundable and non-prorated).

- Must hold a Class A license issued under W.Va. Code §60-7-1 et seq (e.g., Private Club, Private Club Restaurant, Private Hotel, etc.), W.Va. Code §60-8-1 et seq (e.g., Private Wine Restaurant), or W.Va. Code §11-16-1 et seq. (e.g., Tavern).
- The municipality must have a certified ordinance containing all elements found within W.Va. Code §8-12-26. Applicants must submit a copy of the ordinance and any municipal policies and requirements (signage, cups and etc.) associated with the PODA ordinance.

Applicants:

- Must be approved by the municipality where the PODA is located on an annual basis. Applicants must submit a copy of their approval with their application on an annual basis.
- Must be in compliance with all federal and state laws and be in good standing with the Commissioner.
- Must provide the days and hours that have been approved to operate the PODA (hours cannot exceed state established private club hours or stated hours in the city's ordinance).
- Must provide a security plan for the PODA area.
- Nonintoxicating beer, wine, cider, and all alcoholic liquors must be served in non-glass containers that display the logo or name of the PODA that does not exceed 18 fluid ounces (can be a container less than 18 oz.) which has been approved by the municipality and WVABCA Commissioner.
- Must provide a floor plan for the PODA area that shows the municipality's legally demarcated area as set forth in the ordinance and indicates how it is bound or indicates where signage will be utilized to designate and bound the area. The floor plan must show patrons' ingress and egress locations for the PODA area. The floor plan should provide and depict locations for adequate restroom facilities. The floor plan must be approved by the municipality's ordinance.
- Licensee's may only sell alcohol authorized by their license **but may permit any lawful alcohol within a PODA cup on their licensed premises.**

- Must provide a security plan to prevent patrons or guests from carrying nonintoxicating beer, wine, cider and alcoholic liquor off of the PODA area and preventing patrons or guests from bringing or consuming alcohol not in an approved non-glass container in the PODA area.
- A permit for Outdoor Dining and Sidewalk Dining may be utilized in the PODA area, patrons participating with an approved PODA containers must be dining when in the outdoor dining or street dining floor plan.
- All approved PODA containers used should be a consistent color and be logoed with PODA name and logo.
- Check with your local health department regarding health and safety issues, particularly sanitation for refilling plastic or metal cups.
- Patrons may only consume non-intoxicating beer, wine, cider and alcoholic liquor from PODA approved containers in the PODA area. The PODA area may include PODA participating non-licensed businesses within the PODA area who are willing to permit the PODA containers in their businesses.
- PODA approved containers may only be filled by WVABCA licensed qualified permit holders.
- A Private Fair and Festival (Class S2), if endorsed by the municipality and duly licensed by the WVABCA and who obtains a PODA qualified permit, may be held within the footprint of the PODA area. The \$100 PODA fee has been waived for the Private Fair and Festival (Class S2) applicant. Private Fair and Festival (Class S2) licensees must use approved PODA containers and abide by PODA requirements and hours of operation.
- No PODA containers are allowed within any beer and wine Special Event Fairs and Festivals, Multivendor Fairs and Festivals, Special One Day Nonprofit Licensed event, or Non-Intoxicating Beer Floor Plan Extension.
- No outdoor bars in the PODA area. Except, a Private Fair and Festival (Class S2) that has been duly licensed by the WVABCA may serve, sell, or tender at a bar located outside in the PODA area, but within the licensed premises of the fair and festival. The non S2 qualified permit holder must serve from the bar inside in the licensee's licensed premises.
- Please review the application for Special Events Fairs and Festivals and the Special Event FAQ Information sheet for more information concerning Private Fair and Festival licensure.

## **INSTRUCTIONS**

All questions and/or descriptions must be answered. The application must be signed and notarized. If any questions/descriptions cannot be completed in the available space on the application, please submit additional pages as needed. Each additional page submitted must include the entity name, DBA name, and indicate which question applicant is answering.

Applications must be completed correctly, and all necessary paperwork included when mailed to the WVABCA. Failure to do so will result in the application being delayed and/or returned to the applicant for the necessary corrections.

**PERMIT FEE:** The PODA - Qualified Permit Holder fee must be paid by Certified Check, Cashier's Check, Business Check, Credit Card, or Money Order for each qualified permit holder applicant. Personal checks, or cash will not be accepted. Make checks payable to the WVABCA.

**BUSSINESS CLOSURE:** If issued, the permit may not be abandoned, rented, leased, given, loaned, or sold to another. Upon sale or closure of the applicant's business, the permit must be returned to the WVABCA Licensing Division. Please include reason for the closure, date business closed, and signature on the back of the permit.

**MAIL COMPLETED APPLICATION, FEE, AND REQUIRED ACCOMPANYING DOCUMENTS TO:**

West Virginia Alcohol Beverage Control Administration  
Attn: Licensing Division  
900 Pennsylvania Avenue, 4<sup>th</sup> Floor  
Charleston, WV 25302

**IF YOU HAVE ANY QUESTIONS OR NEED ASSISTANCE, PLEASE CALL THE ADMINISTRATION AT 1-800-642-8208 OR (304) 356-5500 AND ASK FOR THE LICENSING DIVISION.**

**Checklist of documents to be submitted/returned to the WVABCA Licensing Division:**

- Application Form
- Permit Fee
- Floor Plan
- Copy of Municipal Approval PODA Ordinance
- Municipal PODA Approval
- Days and Hours approved by Municipality for PODA Application
- Security Plan for PODA Permit
- Photo of Non-Glass Container and Label(s) (Must be Approved by Municipality).
- Plan to Prevent Carry on or off of PODA Area

ABCA-192PODA WEST VIRGINIA ALCOHOL BEVERAGE CONTROL ADMINISTRATION  
APPLICATION FOR RETAIL PERMIT  
 CONSUMPTION "ON PREMISES"  
 PRIVATE OUTDOOR DESIGNATED AREA (PODA) -QUALIFIED  
 PERMIT HOLDER

COUNTY: \_\_\_\_\_ FOR FISCAL YEAR: \_\_\_\_\_ TO \_\_\_\_\_

<input type="checkbox"/> PODA - Qualified Permit Holder.....\$100	<input type="checkbox"/> PODA – S2 Liscense Qualified Permit Holder.....\$0
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Email (required): \_\_\_\_\_ Fax Number: \_\_\_\_\_ WV Tax I.D./FEIN: \_\_\_\_\_

1) Entity Name: \_\_\_\_\_

2) DBA Name: \_\_\_\_\_

3) WVABCA License Number: \_\_\_\_\_

4) Business Address: \_\_\_\_\_  
(Street)

\_\_\_\_\_  
(City) (State) (Zip Code) (Telephone)

5) Mailing Address: \_\_\_\_\_  
(Street)

\_\_\_\_\_  
(City) (State) (Zip Code) (Telephone)

6) SUPPLY THE FOLLOWING INFORMATION ABOUT APPLICANTS APPLYING FOR THE PERMIT  
 (MUST MATCH INFORMATION ON THE CURRENT WVABCA LICENSE).

Title	Name	% of Ownership	Telephone Number
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Title	Name	% of Ownership	Telephone Number
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Title	Name	% of Ownership	Telephone Number
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Title	Name	% of Ownership	Telephone Number
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7) Have you attached a copy of the Municipal PODA Ordinance and or policy with and open container  
 waiver or separate such waiver?

Yes       No

8) Have you attached a copy of the Municipal PODA approval?

- Yes       No

9) Have you provided a list of the days and hours approved by the municipality for PODA?

- Yes       No

10) Will the PODA area include non-licensed PODA participating stores or businesses?

- Yes       No

If Yes, please list stores or businesses on the PODA floor plan.

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11) Have you provided a security plan for the PODA?

- Yes       No

12) Have you provided photos of the non-glass container(s) and label(s) that the municipality has approved for use in the PODA with PODA logo?

- Yes       No

The undersigned agree, if a Private Outdoor Designated Area (PODA) Permit is issued as herein applied for, to comply at all times and observe all the provisions of West Virginia §§ Chapter 8 Article 12 et seq., Chapter 11, Article 16 et seq., and Chapter 60, Articles 1 through 8 et seq., and all Federal and State Statutes and all other laws of this State and the rules and regulations promulgated by the Alcohol Beverage Control Administration. I or we certify under penalty of law and disqualification of licensure that all statements are true and complete. I or we release the State of West Virginia and any agent acting on its behalf from any and all liability due to the request for such information.

The undersigned hereby verify that we are all officers and all member of the board of directors on the application and that the statements and answers made in the foregoing application are true and the said writing is the act and deed of said Corporation, Limited Liability Company, Association, Individual, Partnership, Limited Partnership. **OFFICERS, INDIVIDUAL, OR MEMBER(S) SIGNATURES MUST BE NOTARIZED! MUST MATCH OFFICERS LISTED WITH THE SECRETARY OF STATE. MANAGERS MUST ALSO SIGN.**

PRINT CLEARLY/ WRITTEN SIGNATURES REQUIRED

NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE OF SIGNATURE: \_\_\_\_\_

NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE OF SIGNATURE: \_\_\_\_\_

NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE OF SIGNATURE: \_\_\_\_\_

NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE OF SIGNATURE: \_\_\_\_\_

NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE OF SIGNATURE: \_\_\_\_\_

State of West Virginia, \_\_\_\_\_ County, To-Wit:

\_\_\_\_\_, being first duly sworn

according to law, deposes and says that he/she is \_\_\_\_\_ of the

President, Individual or Controlling Member(s)

\_\_\_\_\_, authorized by law to do business in the State of West Virginia, and that the

Business Entity

statements and answers made in the foregoing application are true and acknowledged the said writing to be the act and deed of said corporation.

(Applicant Signature) \_\_\_\_\_

STATE OF WEST VIRGINIA,

COUNTY Of \_\_\_\_\_ to wit:

Sworn to before me and subscribed in my presence this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_



SEAL OF NOTARY

West Virginia Alcohol Beverage Control Administration

**Private Outdoor Designated Area (PODA) Floor Plan**

License Period: \_\_\_\_\_ to \_\_\_\_\_

Applicant Entity Name: \_\_\_\_\_

Doing Business As (DBA) Name: \_\_\_\_\_

Municipality: \_\_\_\_\_

Floor plan **must** include **all ingress, egress, and areas within the PODA area** where non-intoxicating and alcohol will be consumed within the approved demarcated area. Also include how the area is bound or cordoned off.

**SUBMIT (1) COPY TO WVABCA. MUST GIVE DIMENSIONS.**

**KEEP (1) COPY AT LICENSED PREMISES.**



If there are attached drawings, please check:

**Additional drawings must include entity & DBA name and must be signed and dated.**

I or we hereby certify that the PODA floor plan above and/or attached is the only area where alcoholic beverages will be carried, consumed. And I or we further understand that any violation of this provision will mean immediate revocation or suspension of my permit.

Print: \_\_\_\_\_ Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Print: \_\_\_\_\_ Signature: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_