

Private Outdoor Designated Area (PODA)

"**Private Outdoor Designated Area**" means public property that has become a legally demarcated area established by a municipal ordinance as set forth in §8-12-26 of this code for the consumption of liquor, wine, nonintoxicating beer, and nonintoxicating craft beer.

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

- Must hold a license that was issued under W.Va. Code §60-7-1 et seq (e.g., Private Club, Private Club Restaurant, Private Hotel, etc.)
- 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 policy associated with the PODA ordinance.

Applicants:

- Must be approved by the municipality where the PODA is located on a yearly basis. Applicants must submit a copy of their approval with their application on a yearly 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 an executed written agreement between all PODA applicants (applicants must be jointly and severally liable for any violations, improper acts or improper conduct committed in the PODA area).
- Must provide a security plan for the PODA area.
- Nonintoxicating beer must be served in non-glass containers that display the logo or name of the PODA that does not exceed 18 fluid ounces, 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 indicate 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.
- Must provide a security plan to prevent patrons or guests from carrying nonintoxicating beer and alcoholic liquor off the PODA area and preventing patrons or guests from bringing, consuming, or selling 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 cup must be dining when in the outdoor dining or street dining floor plan.
- All approved cups 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 and alcoholic liquor from PODA approved cups 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 cups in their businesses.
- PODA approved cups may only be filled by WVABCA licensed qualified permit holders.
- A PODA area cannot be licensed as a Fair and Festival Special Event, Multi-Vendor Fair and Festival or Non-Intoxicating Beer Floor Plan Extension.
- No PODA cups in any beer and wine Special Event Fair and Festivals, Special One Day Nonprofit Licensed event or Non-Intoxicating Beer Floor Plan Extension.
- No outdoor bars in the PODA area. The qualified permit holder must serve from the bar inside in the licensee's licensed premises.

This is a summary, the completed legislation can be found at www.abca.wv.gov