



STATE OF WEST VIRGINIA DEPARTMENT OF REVENUE
ALCOHOL BEVERAGE CONTROL ADMINISTRATION
900 PENNSYLVANIA AVENUE, 4TH 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 license that was 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, Private Wine Bed and Breakfast, Private Wine Spa, etc.) or W.Va. Code §11-16-1 et seq. (e.g., Tavern, Brewpub, Class S (beer fair and festival), Class S1 (Beer non-profit), Class S2 (private fair and festival), Class S3 (multi-vendor fair and festival), or Class S4N (non-profit).
- 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. Note, existing cities with PODA may need to revise ordinances to meet recent changes in PODA.

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 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.
- "Qualified Permit Holders" may only sell alcohol authorized by their license **but may permit any lawful alcohol within a PODA cup on their licensed premises, including PODA cups sold or filled by another qualified permit holder.**
- Must provide a security plan to prevent patrons or guests from carrying nonintoxicating beer, wine, cider, 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 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 business.

- PODA approved containers may only be filled by WVABCA licensed qualified permit holders.
- Class S, Class S1, Class S2, and Class S3, need written permission from Class S4 and Class S4N permit holders and municipality. If endorsed by the municipality and qualified permit holder 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 Class S1, Class S2, and Class S3 applicants. Licensees must use approved PODA containers and abide by PODA requirements and hours.
- Only outdoor bars permitted in an approved PODA area are for authorized Class S, Class S1, Class S2, Class S3 and any approved S4N permittee. The municipality and the qualified permit holder should agree on the outside bar location for the duration of the event. This bar location must also be noted on the Class S, Class S1, Class S2, Class S3 or Class S4N's WVABCA approved floor plan. Additionally, within an approved sidewalk dining area, when the municipality has passed an ordinance approving sales from the sidewalk dining area, then such a restricted outside bar area may operate.
- 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.

Class S4N Special Permit:

- An annual special permit (with a \$1,500 non-refundable and non-prorated fee) allowing a qualified non-profit corporate entity organized pursuant to §31E-1-401 et seq; to participate in a PODA.
- Those granted a Class S4N Special Permit may sell, furnish, or serve liquor, wine (cider), non-intoxicating beer, and non-intoxicating craft beer within the PODA area.
- The Class S4N Special Permit holder must have a location within the PODA that has been approved by the appropriate municipality and qualified permit holder and must observe operational dates and times designated by the municipality.
- The Class S4N Special Permit can be used at any approved PODA in the state, so long as the municipality has approved the applicant's municipal application. Note, some municipalities may need to revise their PODA ordinance to authorize an S4N. The S4N Special Permit holder will be responsible for providing the WVABCA with a copy of any municipalities PODA application approval which allows them to set up in the particular PODA.
- The Class S4N Special Permit holder must use the same specified container that has been approved for the municipalities designated PODA area(s).

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, Personal Check, Credit Card or Money Order for each qualified permit holder applicant. 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, 4th 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
- Executed Agreement between PODA Applicants
- 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

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 _____

- PODA - Qualified Permit Holder (Class A license and Class S)..... \$100
PODA Permit - (Class S1, Class S2, and Class S3) \$0
Class S4N Special Permit..... \$1,500 (annually)

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

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 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.

| | |
|-------|-------|
| <hr/> | <hr/> |

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) qualified Permit and/or a Class S4N 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: _____