

Bill No. 8055

Introduced in Council:

May 5, 2025

Introduced by:

Chad Robinson

Adopted by Council:

May 19, 2025

Referred to:

Ordinance & Rules

Bill No. 8055 - A BILL to amend and reenact Sections 6-151, 6-152, 6-153, 6-154, 6-156, 6-157, 6-158, 6-167, 6-172, 6-177, and 6-187 of the Municipal Code of the City of Charleston, as amended, relating to updating regulations regarding Private Outdoor Designated Areas; incorporating state code changes authorizing qualified non-profit permit holders; adjusting permit and license requirements; authorizing the City Manager to adjust operation hours for Private Outdoor Designated Areas, and authorizing expanded hours of operation on state and federal holidays for Private Outdoor Designated Areas.

Now, therefore, be it ordained by the Council of the City of Charleston:

That Sections 6-151, 6-152, 6-153, 6-154, 6-156, 6-157, 6-158, 6-167, 6-172, 6-177, and 6-187 of the Municipal Code of the City of Charleston, as amended, are hereby amended and reenacted, all to read as follows:

CHAPTER 6. – ALCOHOLIC BEVERAGES.

ARTICLE IV. – PRIVATE OUTDOOR DESIGNATED AREAS.

DIVISION 1. – GENERALLY.

Sec. 6-151. – Authorization for Private Outdoor Designated Areas.

Pursuant to West Virginia Code §8-12-26, the City of Charleston hereby adopts this ordinance establishing private outdoor designated areas, as described in West Virginia Code § 60-7-8g and § 60-7-8h.

Sec. 6-152. – Private Outdoor Designated Area.

A Private Outdoor Designated Area includes the public property that has become a legally demarcated area established by a municipal ordinance as set forth in West Virginia Code §8-12-26 for the consumption of liquor, wine, nonintoxicating beer, and nonintoxicating craft beer. Notwithstanding the provisions of Section 78-211 of this Code, a person may possess and consume an approved open container of liquor, wine, nonintoxicating beer, or nonintoxicating craft beer sold from an approved permit holder, as further detailed in this Article, outdoors within a Private Outdoor Designated Area. A business operating within a Private Outdoor Designated Area may choose whether or not to permit people to enter its business with an approved open container of liquor, wine,

nonintoxicating beer, or nonintoxicating craft beer sold from an approved permit holder. A Private Outdoor Designated Area may be authorized to simultaneously host multiple qualified licenses and permit holders as defined in West Virginia Code, at the discretion and with the approval of the City Manager.

Sec. 6-153. – Participation in a Private Outdoor Designated Area.

(a) Any qualified permit holder under West Virginia Code § 60-7-8g that operates in a Private Outdoor Designated Area may apply to the City Manager for the approval to participate in the sale of alcoholic beverages within a Private Outdoor Designated Area. The City Manager shall review the application to ensure it is complete and meets the following requirements:

(1) The applicant is located in an established Private Outdoor Designated Area, pursuant to this Article, with a front door in compliance with all building and fire codes for the safe ingress and egress of members, patrons, and guests to and from the Private Outdoor Designated Area.

(2) The applicant has a valid city and state business license and is in good standing with the city.

(3) The applicant is a qualified permit holder meeting the requirements under West Virginia Code § 60-7-8g.

(b) Any qualified non-profit permit holder under West Virginia Code § 60-7-8h that elects to operate its events solely within a Private Outdoor Designated Area may apply to the City Manager for the approval to participate in the sale of alcoholic beverages within a Private Outdoor Designated Area. The City Manager shall review the application to ensure it is complete and meets the requirements of West Virginia Code § 60-7-8h.

(c) Once approved by the City Manager, as indicated by a letter of approval to the applicant, the license holder may apply to the West Virginia Alcohol Beverage Control Administration (“WVABCA”) for a Class S4 or Class S4N special permit, as detailed in West Virginia Code § 60-7-8g and § 60-7-8h, to participate in a Private Outdoor Designated Area, as further detailed in this Article, in the West Virginia Code, and in any applicable rules of the WVABCA. Upon approval by the WVABCA, the Class S4 or Class S4N special permit holder shall notify the City Manager’s office. Any qualified permit holder that receives the approval of the City Manager and the WVABCA may participate in a Private Outdoor Designated Area.

(d) Participation in a Private Outdoor Designated Area does not provide a business with any authority to operate outdoor dining on the public right of way. Any business interested in participating in outdoor dining shall follow the requirements of Chapter 102, Article VII of this Code. A business with an approved outdoor dining area that is within a Private Outdoor Designated Area may operate its outdoor dining area simultaneously with its participation in a Private Outdoor Designated Area.

Sec. 6-154. – Containers.

82 All beverages served from approved qualified permit holders for consumption in a
83 Private Outdoor Designated Area shall be served in a non-glass container not greater than
84 16 fluid ounces, which has been approved by the City Manager and the WVABCA.
85

86 **Sec. 6-156. – Public Health, Safety, and Sanitation.**
87

88 (a) All Private Outdoor Designated Areas shall be operated in a manner consistent
89 with all state and municipal laws. The Charleston Police Department shall be responsible
90 for ensuring compliance and may issue citations within the Private Outdoor Designated
91 Areas as necessary. The Charleston Police Department shall provide a copy of any citation
92 issued within a Private Outdoor Designated Area to the WVABCA.
93

94 (b) In addition to any public restrooms in a Private Outdoor Designated Area,
95 participating Class S4 and S4N special permit holders shall make available adequate
96 restroom facilities, whether permanent or portable, to serve their members and guests
97 during all hours of operation of the Private Outdoor Designated Area.
98

99 (c) All businesses operating within a Private Outdoor Designated Area shall comply
100 with all requirements of the Kanawha-Charleston Health Department.
101

102 (d) All participating businesses within a Private Outdoor Designated Area shall make
103 waste receptacles available during the operating hours of the Private Outdoor Designated
104 Area in a number sufficient to contain the waste generated within the area and which are
105 emptied regularly by each participating business as needed to ensure availability. These
106 waste receptacles are in addition to the City of Charleston public waste receptacles in the
107 area.
108

109 **Sec. 6-157. – Revocation of City Manager Approval; and General Policy Authority.**
110

111 (a) The City Manager may revoke the letter of approval of any Class S4 or S4N
112 special permit holder for violation of any law, rule or regulation, or when doing so is in the
113 interest of public safety, by sending a revocation letter to both the permit holder and the
114 WVABCA.
115

116 (b) The City Manager is authorized to create policies and procedures as necessary
117 for the efficient operation of the Private Outdoor Designated Areas, including but not limited
118 to, signage language approval, container approval, identification of participating businesses
119 and non-participating businesses, review of security plans proposed to the WVABCA, the
120 interaction and interplay between a fair or festival and the Private Outdoor Designated
121 Areas, the duties and responsibilities of all participating businesses with respect to clean up
122 and other sanitation matters, and temporary reduction, expansion, or modification of the
123 hours of a Private Outdoor Designated Area to accommodate special circumstances or
124 events.
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126 **Sec. 6-158. – Suspension of Private Outdoor Designated Area.**
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The City Manager has the authority to suspend the operation of a Private Outdoor Designated Area immediately for any reason, including when in the interest of public safety, by providing notice to all Class S4 and Class S4N special permit holders within the Private Outdoor Designated Area, City Council, any business association participating in the marketing or advertising of the Private Outdoor Designated Area, and the WVABCA.

DIVISION 2. – CITY CENTER PODA

Sec. 6-167. – Days and Hours of Operation

The City Center PODA may operate year round on any Monday through Friday from 4:00 p.m. until 10:00 p.m., and on Saturday, Sunday, and state and federal holidays from 10:00 a.m. until 10:00 p.m. Drinks may not be sold in PODA cups outside of the hours of operation.

DIVISION 3. – BRIDGE ROAD PODA

Sec. 6-172. – Days and Hours of Operation

The Bridge Road PODA may operate year round on any Monday through Friday from 4:00 p.m. until 10:00 p.m., and on Saturday, Sunday, and state and federal holidays from 10:00 a.m. until 10:00 p.m. Drinks may not be sold in PODA cups outside of the hours of operation.

DIVISION 4. – ELK CITY PODA

Sec. 6-177. – Days and Hours of Operation

The Elk City PODA may operate year round on any Monday through Friday from 4:00 p.m. until 10:00 p.m., and on Saturday, Sunday, and state and federal holidays from 10:00 a.m. until 10:00 p.m. Drinks may not be sold in PODA cups outside of the hours of operation.

DIVISION 6. – EAST END PODA

Sec. 6-187. – Days and Hours of Operation

The East End PODA may operate year round on any Monday through Friday from 4:00 p.m. until 10:00 p.m., and on Saturday, Sunday, and state and federal holidays from 10:00 a.m. until 10:00 p.m. Drinks may not be sold in PODA cups outside of the hours of operation.