



In response to COVID-19, various municipalities have relaxed their regulations regarding the use of public property for food and alcohol service. The DABC understands the severe economic impact that the pandemic has had on local proprietors. The following guidelines are intended to assist licensees in conducting their business in a manner that safeguards their licenses while maintaining public safety.

Extended Through September 4, 2021

Extended Temporary Outdoor Premises Extensions Due to COVID-19

Process: All outdoor patios to be used for alcohol service must receive DABC approval.

1. Licensees who currently have a DABC-approved outside patio as part of their licensed premises, or have previously received DABC approval to temporarily extend their premises do not need to take any action, **except** to ensure that insurance coverage extends through at least **September 4, 2021**.
2. Licensees who wish to expand their premises to include outdoor alcohol service and have not previously received DABC approval for such must apply for a temporary extension of premises with the DABC. The form may be found here: https://abc.utah.gov/wp-content/uploads/Compliance/Forms/2.-Extension_of_premises.pdf
3. Licensees must have dramshop and liability insurance that covers the requested extended premises and time-frame (through **09-04-21**). If the licensee's current insurance covers only the existing premises, the licensee must submit an insurance rider that provides dram shop and liability insurance for the requested extended premises that includes the outdoor dining area where alcohol will be served and consumed.
4. If the proposed extended premises crosses or encroaches on public property, licensees must submit proof of consent from their local government authority (city) to cross or use the public property for alcohol service and consumption.
5. If the proposed extended premises crosses or encroaches on private property owned by someone other than the licensee or the licensee's landlord/lessor, written permission from the private property owner allowing alcohol service and consumption is required.
6. The DABC will waive the normal requirement that the application be submitted at least seven days prior to the anticipated use of the extended premises.
7. If approved by the DABC, the COVID-19 related temporary extended premises (applying the temporary, relaxed standards below) will be licensed only through **September 4, 2021**, at which time the license for that extended premises will automatically expire.

Patio Operational Restrictions:

1. Licensees must abide by the same operational requirements for their specific license type both inside and outside of the building that is currently their licensed premises, unless specifically provided for otherwise below. This includes statutory **proximity** restrictions.
2. Licensees must comply with any local government authority (city) requirements for outdoor dining areas.
3. Temporary premises extensions that encompass outdoor patios for dining and consuming alcohol may not be transferred to another person, should there be a change in ownership.
4. Bars and Taverns:
 - a. Patios must be contiguous to the currently licensed building premises. May encroach onto a public right of way if the local government (city) regulations allow, but may not substantially cross over or completely obstruct a public right of way.
 - b. Patios must have a clearly delineated premises secured by a sturdy, semi-permanent barrier that enables the licensee to maintain control over the premises and prevent alcohol from leaving the licensed premises (e.g. bike fencing).
 - c. If the patio is accessible to patrons without requiring patrons to enter the licensed premises building, the patio entrance must have an identification verification station.
 - d. Outdoor patio dispensing structures must be approved by DABC, and an alcohol-trained server of the licensee must be present at all times to monitor any outdoor dispensing station.
 - e. If the patio does not contain a DABC-approved outdoor dispensing structure, an alcohol trained server of the licensee must either be stationed outside on the patio when alcohol is served and consumed or remain within line of sight of the patio when alcohol is served and consumed.
 - f. Signage posted in prominent areas on the premises of the patio indicating that alcohol may not be removed from the patio.
5. Restaurants (all types):
 - a. May have a patio that is either contiguous to the building or one that requires crossing public property to enter, with the approval of the local government authority (city).
 - b. Outdoor patio dispensing structures must be approved by DABC, and an alcohol-trained server of the licensee must be present at all times to monitor any outdoor dispensing station.

- c. If the patio does not contain a DABC-approved outdoor dispensing structure, an alcohol trained server of the licensee must either be stationed outside on the patio when alcohol is served and consumed or remain within line of sight of the patio when alcohol is served and consumed.
- d. Patios must have at least semi-permanent fencing to delineate the outdoor premises boundaries and prevent alcohol from leaving the licensed premises (e.g. bike fencing).
- e. Signage posted in prominent areas on the premises of the patio indicating that alcohol may not be removed from the patio.