

# ADDING A PERMANENT PATIO TO THE FLOORPLAN

32B-1-102(90), 32B-4-403 32B-4-415, 34B-4-419, 32B-5-307

All outdoor patios that include alcohol service must first receive DABC approval, be added to the permanent floorplan, and be covered under their liquor liability insurance.



The patio must be contiguous to the building as part of the same premises that holds the DABC license. The licensee must abide by the same operational requirements for their specific license type, both inside as well as outside.

A premises is defined in statute as a "building, enclosure, or room". The oxford dictionary states that "an enclosure is an area that is sealed off with an artificial or natural barrier." At a minimum, a patio must be enclosed in some manner.



Patios cannot be shared with any other license type. A bar and a restaurant, for instance, can never share the same patio. Each would have to have its own separate enclosed area.

The patio has inherent control issues that must be considered. Alcohol consumption must be able to be monitored. Approval by DABC is based on the ability of the licensee to observe alcohol consumption and prevent these violations:



- Patrons from becoming intoxicated
- Minors from accessing alcohol
- Patrons from leaving the premises with alcohol
- Patrons from bringing outside alcohol onto the premises
- Patrons from walking around with their alcohol in a restaurant
- Any other alcohol violations

## BEST CASE SCENARIO FOR ADDING A PATIO

- Patrons enter the patio area from inside the restaurant
- The patio is completely fenced or enclosed
- Egress gates are for emergency exits only
- A host or waiter is stationed in the patio area at all times when alcohol is being consumed



Patios outside of these "best case" recommendations would still have to have enough control measures to be approved by DABC. For instance, alternatives to a host stationed outside would be if the staff has a direct line of sight from large windows or security cameras. Think about each situation and cover the bases in your responsible alcohol service plan.

To make it simple, ask yourself, can I observe alcohol consumption and prevent alcohol violations on this patio?