



City of Martinsburg
City Manager's Office
P.O. Box 828, Martinsburg, WV 25402
304-264-2131 ext. 277
ccummings@cityofmartinsburg.org

Private Outdoor Designated Area (PODA) Information

This guide outlines the requirements, responsibilities, and operational details for obtaining and maintaining a Private Outdoor Designated Area (PODA) permit in Martinsburg, West Virginia.

Understanding PODA Eligibility:

- Before operating in the PODA, you must meet specific criteria and obtain the necessary permits. Approval by the City of Martinsburg is not the final step; you will also need approval from the WV Alcohol Beverage Control Administration (WVABCA).
- Location and License Requirement: Physically located within a PODA district with a door facing the district street and having an active and good-standing private club business license. You may not operate as a PODA permit holder without obtaining a Class S4 permit from the WVABCA.
- Event Applications (Private Fairs & Festivals): An event that has applied for an Event Application with the City of Martinsburg and a Private Fair and Festival (Class S2) with WVABCA can apply for PODA, which allows the event to be held simultaneously if permits are obtained and approved.
- Submission to City: A copy of the WVABCA S4 or Private Fair and Festival permit must be submitted to the City of Martinsburg before the City PODA permit can be issued.

PODA Operating Days & Hours:

- Standard Hours: Monday through Friday from 5:00 p.m. to 10:00 p.m., Saturday from 10:00 a.m. to 10:00 p.m., and Sunday from 10:00 a.m. to 10:00 p.m.
- Exception for Festivals: If any festival is located within the footprint where alcohol is available as part of the festival, that portion of the PODA footprint where the festival is taking place will be paused during the festival's duration unless a Private Fair and Festival (Class S2) is applied, if endorsed by the City of Martinsburg and duly licensed by the WVABCA and who obtains a PODA-qualified permit.
- The mayor or designee may suspend a private outdoor designated area, in whole or in part, at any time for good cause, including, but not limited to, when in the interest of public safety and when a conflicting WVABCA licensee is operating within the footprint.

PODA Approved Cups:

- All alcoholic beverages served within the designated PODA area must be in approved cups.
- PODA cups may be purchased from any vendor after you have obtained your WVABCA S4 permit and City PODA special permit.
- PODA cups will be no greater than 18 fluid ounces, non-glass material, and bear the appropriate authorized City of Martinsburg PODA logo for the district where the permit holder will operate.

PODA Permit Holder Responsibilities:

- To have restrooms open for their patrons during the PODA hours and days
- To keep litter controlled around business property
- To ensure that patrons who participate in the PODA have only approved containers for their alcoholic beverages
- Comply with all requirements of the Berkeley County Health Department



City of Martinsburg
 City Manager's Office
 P.O. Box 828, Martinsburg, WV 25402
 304-264-2131 ext. 277
 ccummings@cityofmartinsburg.org

PODA Application

Instructions: Please complete this application and submit it, along with all supporting documentation via email to ccummings@cityofmartinsburg.org or to City Hall, City Manager's Office.

Contact Information

Business Name: _____ DBA, if any: _____
 Applicant Name & Title: _____ Phone: _____
 Email: _____

Outdoor Dining Setup Details:

1. Do you intend to create new outdoor seating on the sidewalk? Yes No
2. If yes, will any tables and chairs be removed every night? Yes No
 - If no to #2, you will need to apply for an outdoor dining permit.
 - Additionally, if your business is a bar, you will need to apply to the Board of Zoning for an expansion of your conditional use permit for permanent outdoor seating.

Submit a Floor Plan indicating the following:

- All areas are open to the public
- Placement of the door used for ingress and egress to the PODA area
- Number and location of restrooms available to patrons
- Indicate whether the outdoor seating area is existing, new-permanent, or temporary

Office Use Only
Department Approvals: <i>Provide initial and any comments</i>
1. Planning and Zoning:
2. Finance:
3. Public Works:
4. Fire:
5. Administration:
WVABCA <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date: _____
PODA Permit Issued Date: _____ Account Number: _____ Reviewed By: _____



City of Martinsburg
City Manager's Office
P.O. Box 828, Martinsburg, WV 25402
304-264-2131 ext. 277
ccummings@cityofmartinsburg.org

Acknowledgments

Instructions: Initial each of the three acknowledgements below and complete the applicant information.

_____ I acknowledge that, if I am granted as special permit by the City of Martinsburg and the West Virginia Alcohol Beverage Control Administration to participate in a City of Martinsburg Private Outdoor Designated Area, I and/or my business entity may be held jointly and severally liable for any improper acts or conduct committed in the operation of the PODA pursuant to West Virginia Code §60-7-8g(c)(8).

_____ Further, I agree to indemnify, hold harmless and defend the City of Martinsburg and the West Virginia Alcohol Beverage Control Administration and each of its elected officials, officers, officials, employees, agents and volunteers from any and all claims, counterclaims, demands, all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time and property damage) incurred by City, the WVABCA, Permittee or any other person, including invitees, and from any and all claims, demands and actions in law or equity (including attorney's fees and litigation expenses), arising or alleged to have arisen directly or indirectly out of the special event. Permittee's obligations under the preceding sentence shall apply regardless of whether City, the WVABCA or any of its elected officials, officers, officials, employees, agents or volunteers are negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused solely by the gross negligence, or caused by the willful misconduct, of City, the WVABCA, or any of its elected officials, officers, officials, employees, agents or volunteers.

_____ I acknowledge the power and authority to bind the Applicant to the terms herein by signing this document.

Applicant Signature: _____

Applicant Print Name: _____

Relationship to Requesting Business: _____

Date: _____