WAC 314-03-210 Expanded outdoor alcohol service authorization. (1) Definitions:

(a) "Alcohol service area" means an area in which liquor may be sold, served, and consumed as authorized under Title 66 RCW and rules of the board.

(b) "Licensee" means one or more of the following, as licensed under Titles 66 RCW and 314 WAC:

(i) Beer and wine restaurant;

(ii) Spirits, beer, and wine restaurant;

(iii) Tavern;

(iv) Domestic winery;

(v) Domestic brewery;

(vi) Microbrewery;

(vii) Distillery; or

(viii) Snack bar.

(c) "Local jurisdiction" means a city, town, county, or port authority.

(2) The expanded outdoor alcohol service authorization described in this rule allows licensees within a local jurisdiction to share an expanded outdoor alcohol service area with other licensees subject to the requirements of this rule.

(a) This rule does not apply to outdoor or expanded alcohol service as described in WAC 314-03-200.

(b) Licensees may share use of an expanded outdoor alcohol service area with businesses that do not engage in the sale or service of alcohol, subject to the requirements in WAC 314-03-215.

(c) Licensees participating in expanded outdoor alcohol service must notify the board. Licensees participating may designate a primary licensee to provide notification of participation to the board.

(d) All participating licensees are jointly responsible for any violation or enforcement issues unless it can be demonstrated that the violation or enforcement issues was due to one or more licensee's specific conduct or action, in which case the violation or enforcement applies only to those identified licensees.

(3)(a) The authorization described in this rule may include the entire local jurisdiction, or a specific area or areas of the local jurisdiction.

(b) A county can only be approved for the authorization in this rule as to unincorporated areas of the county.

(4) A local jurisdiction that requests approval from the board for an expanded outdoor alcohol service authorization, as described in this rule, shall submit documentation of the following with its request:

(a) How local resources will be allocated regarding the expanded outdoor alcohol service area, including law enforcement patrols, to ensure safe operations of activities, the safety of the community, consistent with RCW 66.24.800 (1)(d)(i), and compliance with WAC 314-11-015;

(b) How services will be allocated or provided to keep the expanded outdoor alcohol service area clean and free of litter or other remnants of the use of public space for expanded outdoor alcohol service, consistent with RCW 66.24.800 (1)(d)(ii); and

(c) Identifying maximum distance apart for openings into and out of the expanded outdoor alcohol service area. If a local jurisdiction does not specify maximum distances in their application, then openings cannot exceed 10 feet wide.

(5) Local jurisdiction is responsible for updating the board on changes to their authorized area or areas designated for the expanded service.

(6)(a) All expanded outdoor alcohol service areas must be enclosed by one of the following:

(i) A permanent or movable barrier, at a minimum height determined by the local jurisdiction (naturally sloped conditions approximating a barrier of the minimum height determined by the local jurisdiction or greater will satisfy this requirement). If a local jurisdiction does not specify a minimum height in their application, then a minimum barrier height of 42 inches applies; or

(ii) Permanent fence-free demarcation.

(b) Licensees must notify the board which boundary options identified in (a) of this subsection will be used.

(c) A permanent fence-free demarcation, as described in (a)(ii) of this subsection, must comply with the following:

(i) At least six inches in diameter;

(ii) Placed no more than 10 feet apart; and

(iii) Visible at night.

(7) An employee of the licensee with a mandatory alcohol server training (MAST) permit under chapter 314-17 WAC must always be assigned to the expanded outdoor alcohol service area when patrons are present in order to monitor alcohol consumption, but is not required to be inside the alcohol service area at all times that patrons are present. Neither the inability of a licensee to adequately see an alcohol service area nor the failure of a licensee to adequately monitor an alcohol service area will be considered acceptable grounds for the mitigation of an administrative violation notice issued for any violation of the requirements in this section or other applicable sections of Title 314 WAC.

(8) A local jurisdiction approved for an expanded outdoor alcohol service authorization consistent with this rule must submit the results of a public engagement review consistent with WAC 314-03-214.

(9) The fee for a local jurisdiction to request the expanded outdoor alcohol service area shall be $1,700 per application.

(10) The authorization described in this rule is effective until December 31, 2027.

[Statutory Authority: RCW 66.08.030, 66.24.380, 66.24.690, 66.24.710, 66.24.800, 66.24.810, 66.24.820, 66.44.100, 66.98.070, 2025 c 361, and 2025 c 343. WSR 26-02-076, s 314-03-210, filed 1/7/26, effective 2/7/26.]