

## NYC OUTDOOR DINING FAQ

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### **What is the Open Restaurants program?**

Open Restaurants allows any food service establishment licensed by the NYC Department of Health and Mental Hygiene that has business frontage on the ground floor to use public sidewalk or roadway space for outdoor dining.

### **How do I apply for the Open Restaurants program?**

Restaurants can apply on the NYC Department of Transportation [website](#). There is no fee to apply.

### **Can I apply for the Open Restaurants program if I'm on an Open Streets location?**

Yes, establishments that are currently on an Open Streets location may apply for sidewalk and/or roadway seating [here](#).

### **What are the hours of operation for the Open Restaurants program?**

Participating establishments may offer seating during the following hours:  
Monday-Saturday: 8:00 a.m. – 12:00 a.m.  
Sunday: 10:00 a.m. – 12:00 a.m.

### **Must Open Restaurant seating be ADA-compliant?**

Yes. Visit the Mayor's Office for People with Disabilities [website](#) for additional information.

### **What are the social distancing requirements for outdoor dining?<sup>1</sup>**

Patrons from the same party may sit together, provided that the party consists of 10 or fewer people. Patrons of different parties must be separated by at least 6 feet or by physical barriers, including those seated at bar stools or communal tables.

### **Can I place a cover above my tables or build an enclosed structure?**

Yes, outdoor service may be provided under a temporary or fixed cover (e.g., awning or roof) so long as such cover has at least two open sides for airflow. If your structure has only one open side, or no open sides, it is considered an indoor dining area and service within the structure must adhere to all relevant indoor dining guidelines. Additional guidance on enclosures is [here](#).

### **May I provide heating to patrons who are dining outdoors?**

Yes, restaurants that offer outdoor dining have 3 heating options:

1. Electrical heating: either portable units or wall/ceiling mounted units
2. Natural gas-fired heaters: either portable or wall/ceiling mounted units
3. Propane-fueled heaters: portable only

More information on heating for outdoor dining can be found [here](#).

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<sup>1</sup> Any establishments located in a cluster zone area should abide by the relevant restrictions. More information [here](#).

**What happens if it snows?**

Restaurants should use snow sticks in winter weather to protect patrons, staff, and property. If a Winter Operations Advisory is issued, roadway dining may continue. If a Snow Alert is issued, roadway dining must close. More information can be found [here](#).

**FOOD AND ALCOHOL**

**Can I serve alcoholic beverages in the outdoor dining area as part of the Open Restaurants program?**

Yes, as long as your establishment is authorized to participate in the Open Restaurants program and appropriately licensed by the State Liquor Authority.

**Can patrons eat and drink while standing?**

No, patrons may not consume food or drink while standing. All consumption must occur while seated at tables, bars, counters, etc.

**My outdoor bar did not offer table service prior to now. If all patrons need to be seated, do I now need to offer table service?**

No, but walk-up ordering at an outdoor bar counter is subject to the following restrictions:

1. All patrons ordering and all employees taking orders must wear appropriate face coverings, pursuant to the NY State Department of Health's interim guidance
2. All patrons (who are of separate parties) who are ordering from the bar/counter must be spaced at least 6 feet apart, pursuant to the NY State Department of Health's interim guidance
3. At no time may more than 5 patrons stand at the bar/counter at the same time
4. Markings must be placed on the floor to indicate proper spacing
5. Once an order is placed, patrons must either receive their food and/or drink immediately or return to their table and wait until called to pick up their order (i.e., patrons should be at the bar/counter only to place, pay for, or receive an order)

**ENTERTAINMENT**

**Can I have live entertainment or a DJ in my outdoor dining area?**

Yes, if allowed by the establishment's SLA license. Any live entertainment should be conducted in accordance with the [NYS Guidance for Arts and Entertainment](#).

**My license allows for recreational activities. Are they allowed?**

Yes. Bar games (such as darts, pool, toss/bowl/shuffle games, racket games, axe throwing, etc.) may be conducted in accordance with the [DOHMH Guidance on Sports and Recreation](#).

**MISCELLANEOUS**

**Can I offer food and drink on a golf course?**

Yes, as long as patrons follow all applicable guidance and/or laws.

### **Can I conduct tastings?**

Yes, liquor stores, manufacturers, bars, restaurants may conduct outdoor tastings consistent with the guidance on outdoor and takeout/delivery food service guidelines.

## **ENFORCEMENT**

### **Who is conducting inspections?**

Inspectors will make both proactive and complaint-driven visits. Restaurants may expect visits from the NYC Department of Health and Mental Hygiene, NYC Department of Transportation, Mayor's Office of Special Enforcement, and State agencies, among others.

### **What happens if I don't adhere to the rules of the Open Restaurants program?**

Failure to comply may lead to revocation of your Open Restaurants permit and involvement of the State Liquor Authority.

### **What are some helpful resources?**

- [NYC DOT Open Restaurants](#)
- [NYS Outdoor and Take-Out/Delivery Food Services Guidelines](#)
- [NYS DOH Interim Guidance for Sports and Recreation](#)
- [NYS DOH Interim Guidance for Small and Medium Scale Performing Arts & Entertainment](#)
- [SLA Guidance on Food Service with Alcoholic Beverages](#)
- [SLA Guidance on Outdoor Expansion of Licensed Premises in Response to COVID-19](#)
- [SLA Guidance on COVID-Related Closing Times](#)
- [NYC DOHMH Covid-19 Guidance](#)
- [NYC Small Business Services Restaurant Reopening Guide](#)
- [NYC Restaurant Reopening Toolkit](#)
- [NYC Counsel to the Mayor Outdoor Heaters for Outdoor Dining FAQ](#)
- [FDNY Guidance on Comfort Heating of Restaurant Patrons in Outdoor Dining Areas](#)