

**As of 12/14/20, Indoor dining is [not allowed](#) in NYC until further notice.

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NYC OUTDOOR DINING FAQ

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. – 10:00 p.m.

Sunday: 10:00 a.m. – 10:00 p.m.

Am I only required to stop serving food at 10:00 p.m. or do all patrons need to leave my dining area by that time?

All consumption at your establishment must end at or before 10:00 p.m. and all patrons must leave the outdoor dining premises by that time.

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?

For establishments **not located in cluster zones**, 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.

What are the social distancing requirements in cluster zones?

- In **red zones**, no indoor or outdoor restaurant dining is permitted.
- In **yellow and orange zones**, up to 4 people may dine at one table. Patrons of different parties must be separated by at least 6 feet or physical barriers.

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

Yes, outdoor service may occur 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 fewer than two open sides, it is considered an indoor dining

Area. A structure with 3 or more enclosed sides cannot be used for dining unless: a) you modify the structure to be compliant with New York State's guidelines; or b) State officials announce that indoor dining may resume. 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](#).

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 at tables, bars, counters, etc.

Is my business required to sell food to people in order to serve them alcohol?

Only if your liquor license requires that alcohol service must only be provided to people who also order food.

If I am required to serve food as a condition of my on-premise liquor license, what types of food are sufficient?

The State Liquor Authority outlines the type and quantity of food items needed to meet the "food requirement" [here](#).

For a party with multiple customers, one shareable food item may be purchased if it would sufficiently serve the number of people in the party.

Must a patron order food with each alcoholic beverage ordered?

No, so long as the food ordered when placing the original drink order is sufficient in substance and quantity based on the number of people in the party.

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?

It depends on your license. Businesses licensed by the State Liquor Authority may only offer on-premises music if their license certificate specifically allows for such activity.

Can I use the seating area for any other forms of live entertainment?

No. All other forms of live entertainment (e.g., exotic dancing, comedy shows, karaoke, etc.) are not permissible.

My license allows for dancing and/or on-premises services. Are they allowed?

No, dancing and bar games (e.g., darts, pool, cornhole) are not allowed.

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?

- [Governor Executive Order 202.68](#)
- [Governor Executive Order 202.74](#)
- [NYC DOT Open Restaurants FAQ](#)

- [SLA Guidance on Food Service with Alcoholic Beverages](#)
- [SLA Guidance on Outdoor Expansion of Licensed Premises in Response to COVID-19](#)
- [NYC DOHMH Covid-19 Guidance](#)
- [NYS Outdoor and Take-Out/Delivery Food Services Guidelines](#)
- [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](#)
- [SLA Guidance on COVID-Related Closing Times](#)