

December 16, 2013

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Christopher F. Lloyd  
Willow Brook Land Development Corp., LLC

**RE: Additional Golf Course Service Area**

Dear Mr. Lloyd:

ISSUE: This office is in receipt of your e-mail dated November 12, 2013, in which you advise that your privately-owned public golf course has a restaurant liquor license by which it sells alcohol at a grill restaurant, as well as a smaller café located adjacent to the golf course. You desire to sell alcohol at a third site, which site would be a permanent or temporary tent located adjacent to the golf course. This tent would be erected to hold weddings and other events. You ask whether you would be permitted to sell alcohol at this third site.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Willow Brook Land Development Corp., Inc., t/a Willow Brook Golf Course, holds Privately-owned Public Golf Course Liquor License No. PGR-116 (LID 36438) for use by it at premises located at 1364 Howertown Road, Catasauqua, Pennsylvania. In August of this year, you were granted an extension of premises/secondary service area for the area that you refer to above as the “café.” You are listed as assistant treasurer for the licensee.

OPINION: Section 406(e) permits the holder of a club license located on a golf course to sell, furnish, or give liquor or malt or brewed beverages on the licensed as well as unlicensed portions of the golf course, so long as the liquor or malt or brewed beverages remain on the golf course. [47 P.S. § 4-406(e)]. A golf course is defined in section 102 of the Liquor Code as “a course having a minimum of nine (9) holes and a total length of at least twenty-five hundred (2500) yards.” [47 P.S. § 1-102]. You indicate that the proposed tent location is “adjacent to the golf course,” implying that it is not on the golf course.

As you know from your recent successful application for the café area, section 406.1(a) authorizes the Board to approve a secondary service area for any restaurant liquor licensee, among others, by extending the licensed premises to include one (1) additional permanent structure with dimensions of at least one hundred seventy-five (175) feet, enclosed on three (3) sides and having adequate seating. [47 P.S. § 4-406.1(a)]. Such secondary service area must be located on property having a minimum area of one (1) acre, and must be on land which is immediate, abutting, adjacent or contiguous to the licensed premises with no intervening public thoroughfare; however, the original licensed premises and the secondary service area must be located on the same tract of land. [Id.].

The Board usually grants only one (1) secondary service area per license; therefore, your client would need to apply for an extension of premises to include the area where the tent will be located. Section 7.21(b)(2) of the Board's Regulations permits a licensee to extend its license to immediate, abutting, adjacent, and contiguous vacant land. [40 Pa. Code § 7.21(b)(2)]. Such extension applications must be accompanied by appropriate plans or surveys setting forth the metes and bounds, the names of abutting streets and a plotting of the principal licensed premises.

It should be noted that you must have the exclusive right to occupy the outside area in order for it to apply for an extension of premises covering same. Once the extension is approved, the subject area becomes subject to all restrictions in the Liquor Code and the Board's Regulations, including the prohibition on minors frequenting the premises. [47 P.S. § 4-493(14)].

Please note that it is the Board's Bureau of Licensing initially, and the three (3)-member Board ultimately, that decides whether a particular extension request is in compliance with the Liquor Code and the Board's Regulations, and whether or not to grant the extension.

In order to obtain an extension application, go to the Board's website at [www.lcb.state.pa.us](http://www.lcb.state.pa.us), click on "Licensees," then "Applications and Forms," then "Application Packet for Extension of Retail License to Cover Additional Premises."

Please also note, however, that if you intend to store alcohol in the tent area, then this area will have to be of a more permanent nature. For purposes of this correspondence, a tented area is not generally considered to be a permanent

structure. Licensing would have to investigate the precise set-up and make a recommendation to the Board concerning compliance with the laws.

THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM CONSEQUENCES OF CONDUCT OCCURRING PRIOR TO ITS ISSUANCE. THE PROPRIETY OF THE PROPOSED CONDUCT HAS BEEN ADDRESSED ONLY UNDER THE LIQUOR CODE AND REGULATIONS. THE LAWS AND POLICIES ON WHICH THIS OPINION IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD.

Very truly yours,

FAITH S. DIEHL  
CHIEF COUNSEL

cc: Pennsylvania State Police,  
Bureau of Liquor Control Enforcement  
Jerry W. Waters, Director of Office of Regulatory Affairs  
Tisha Albert, Director, Bureau of Licensing  
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 13-526