

March 19, 2014

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Charles H. Rieck, IV, Esquire
Blakinger, Byler & Thomas, P.C.
28 Penn Square
Lancaster, Pennsylvania 17603

Re: Storage of Alcohol in a Dry Municipality

Dear Mr. Rieck:

ISSUE: This is in response to your e-mail sent on January 16, 2014, wherein you advise that your client, the Strasburg Railroad Company (“Strasburg”), holds a Public Service Liquor License and offers alcoholic beverages during certain rides on the railroad. You have a question about the storage of the alcoholic beverages.

You advise that Strasburg has the potential to store alcohol at a property it lawfully possesses; however, the property is located within a dry municipality. You understand that Strasburg may not lawfully sell alcoholic beverages while the train is stationary within any dry municipality. You ask if there is any prohibition on the storage of alcohol within a dry municipality as long as such alcohol is not sold while the train is stopped within a dry municipality.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Strasburg holds Public Service Liquor License No. P-128 (LID 56179), with an address of P.O. Box 96, Strasburg, Pennsylvania.

OPINION: The public service liquor license held by Strasburg permits the sale of liquor, including both spirits and wine and malt or brewed beverages such as beer, to passengers between the hours of 7:00 a.m. and 2:00 a.m. for consumption on the premises, except in stations or docks within municipalities prohibiting such sales. [47 P.S. § 4-408]. This office has held that the storage of alcohol is deemed a privilege inherent in a public service liquor license and, therefore, would require no additional licensing. However, it is necessary that any area planned to be used for storage purposes be specifically identified and reported to the Board’s Bureau of Licensing (“Licensing”).

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As to your question about storing alcohol in a “dry” municipality, section 472 of the Liquor Code pertains to the right of municipalities to determine the circumstances under which alcohol may be sold in that municipality. [47 P.S. § 4-472]. Section 472 does not give any municipality the authority to prohibit the storage of alcohol – or even the consumption of alcohol purchased elsewhere – within its boundaries. Therefore, Strasburg may store its alcohol in a dry municipality as long as the storage areas are specifically identified and reported to Licensing.

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. 14-092