

June 20, 2014

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Don Battaglia
Treasurer/Manager
Norristown Maenner Chor
920 Haws Avenue, Norristown, PA.

E: Extension of License to Outside Pavilion

Dear Mr. Battaglia:

ISSUE: This office is in receipt of your e-mail dated May 21, 2014, wherein you state that your club has an outside pavilion that you intend to rent. The area can hold approximately seventy-five (75) to one hundred (100) people. You inquire as to the steps by which to extend your license to the outside area.

Records maintained by the Pennsylvania Liquor Control Board (“Board”) indicate that Norristown Maenner Chor holds Catering Club Liquor License No. CC-1329 (LID 3123) for premises located at 920 Haws Avenue, Norristown, Pennsylvania.

OPINION: In order to allow sales and service of alcoholic beverages beyond the club’s existing licensed premises, the club must apply for an extension of premises. 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 an extension can be requested on a temporary or permanent basis. Once the extension is approved, the area becomes subject to all restrictions in the Liquor Code and the Board’s Regulations. Please note that it is the Board’s Bureau of Licensing (“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.

An extension application is available on the Board’s website at www.lcb.state.pa.us. Click on “Licensees,” then “Applications and Forms,” then “Application Packet for Extension of Retail License to Cover Additional

Premises.” Licensing can also confirm what areas are currently covered by your license. Licensing can be reached by telephone at (717) 783-8250.

Please note that your municipality may have a local ordinance that prohibits a person from possessing an open container of alcohol. It is suggested that you contact your local municipality or local police department to determine if an open container law would prohibit this.

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. 14-371