

April 17, 2015

Steve Schurr, General Manager  
Pittsburgh Zoo and PPG Aquarium

**RE: Clarification of Licensed Premises and Permitted Sales**

Dear Mr. Schurr:

ISSUE: This office is in receipt of your e-mail dated March 20, 2015 in which you asked for written confirmation of what areas and practices your liquor license covers. Specifically, you note that the license was originally obtained for purposes of private catered events; however, you are not clear about whether you may also make daily sales of alcohol within the Zoo.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Service Systems Associates, Inc., trading as Pittsburgh Zoo, holds Public Venue Liquor License No. PV-157 (LID 69258) for use by it at the premises located at 7340 Butler Street, Pittsburgh, Pennsylvania. Eli Grill is the Board-approved manager.

OPINION: For your general information, section 412(a) of the Liquor Code [47 P.S. § 4-412(a)] authorizes the Board to issue a restaurant liquor license to public venues, as defined in section 102 of the Liquor Code. [47 P.S. § 1-102]. The actual liquor license may be held by the owner of the public venue, the operator of the public venue, or a concessionaire designated by the owner or operator. [47 P.S. § 4-412(b)].

The liquor license authorizes the licensee to sell alcoholic beverages only on the licensed areas of its premises. [47 P.S. § 4-406(a.1); 40 Pa. Code § 7.21(a)]. Further, section 412(f)(3) of the Liquor Code, which pertains to public venue restaurant licenses, provides that “sales of malt or brewed beverages for off-premises consumption are prohibited.” [47 P.S. § 4-412(f)(3)].

Attached for your convenience is an April 14, 2014 correspondence to the licensee from the Board’s Bureau of Licensing (“Licensing”), which correspondence very specifically notes each area that is covered by the subject public venue license. You will note that there are four (4) different buildings covered, with specific measured areas set forth. Those are the licensed premises on which sales, service and/or storage of alcohol may be conducted pursuant to this license.

You will also note that the letter highlights eight (8) statutory parameters that must be followed, including hours and days of operation, restrictions on types of beverage

packaging, and special areas of operation such as club seating. This is not an all-inclusive list, but serves as guidance.

For your further convenience, attached are premises sketches that are part of the Board's records, which sketches clearly depict what square footage is licensed and which is unlicensed. Any area that is not marked as "Serving" is unlicensed, and you may not sell, serve or store alcohol in such unlicensed areas.

Finally, if you wish to seek licensure of additional areas of the property, you may file an application for extension of premises. [40 Pa. Code § 7.21]. The forms necessary to apply for extension of licensed premises may be acquired from Licensing at (717) 783-8250, or via the Board's website, at <http://www.lcb.state.pa.us>, by selecting "Licensees," then "Applications/Forms," then "Application Packets," and then "Application Packet for Extension of Retail License to Cover Additional Premises." Please note that requests for approval of extension of premises are evaluated by Licensing, not this office.

Should you have any additional questions, do not hesitate to contact this office.

**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. 15-179

enclosures