

May 13, 2015

Christie Hinds  
Events Sales Representative  
Suburban Bowlerama  
1945 Queen Street  
York, PA 17403

**RE: Temporary Patio Liquor Service**

Dear Ms. Hinds:

ISSUE: This office is in receipt of your e-mail dated April 13, 2015, wherein you state that you work for an establishment that holds an active liquor license. You state that the establishment is hosting a three (3)-day event during the Street Rod Convention that is being held in York. For the event, your establishment would like to set up an outside patio area so guests can watch the street rods that are in the parking lot and driving by the establishment. You ask if there is a type of temporary license that would allow service of alcoholic beverages onto the patio for those few days.

Records maintained by the Pennsylvania Liquor Control Board ("Board") indicate that Sub-Bow, Inc. holds Restaurant Liquor License No. R-11919 (LID 48294) for premises located at 1945 South Queen Street, York, Pennsylvania.

OPINION: Board records indicate that no outside serving areas are currently licensed at your establishment. Therefore, in order to sell or serve alcohol on the unlicensed patio area, it would be necessary to file an application for an extension of premises to license the patio area.

Please be aware that should you extend your license to cover this additional area, that additional area is subject to the Liquor Code and the Board's Regulations. Therefore, for the outside service area, the hotel must prevent minors from frequenting the premises except under specific statutory exceptions. [47 P.S. § 4-493(14)]. Moreover, alcohol cannot be provided or furnished to minors or to visibly intoxicated persons. [47 P.S. § 4-493(1)].

A licensee that wishes to extend its license to cover an outside area must submit an application to extend its licensed premises with the Board. [40 Pa. Code § 7.21]. The forms necessary to apply may be acquired from the Board's Bureau of Licensing ("Licensing"). Licensing's telephone number is (717) 783-8250. In addition, the Board's website allows licensees to download forms necessary to apply to extend their licensed premises. You can obtain these forms from the Board's website at <http://www.lcb.state.pa.us>. Once there, you should click on "Licensees;" then click on "Application/Forms Overview;" then click "Application Packets." The application packet entitled "Application Packet for Extension of Retail License to Cover Additional Premises," is the packet you would need. In addition, sections 7.21 through 7.24 of the Board's Regulations set forth the requirements for extending licensed premises. [40 Pa. Code §§ 7.21-7.24]. Thus, you may want to review these sections. All Commonwealth Regulations, including the Board's Regulations, are available online at <http://www.pacode.com>; all of the Board's Regulations are found in Title 40, entitled "Liquor." After the application packet is received by Licensing, an investigation is performed, which includes a site visit.

It is important to note that, even without an extension of premises, it would still be possible for patrons to purchase up to one hundred ninety-two fluid ounces (192 oz.) of malt or brewed beverages in a single sale from the already licensed premises and thereafter take the malt or brewed beverages off the licensed premises to be consumed, provided there are no local ordinances prohibiting such activity. [47 P.S. § 4-407(a)]. It is advisable that you consult your local municipality in order to determine whether an open container law is in effect which would prohibit patrons from consuming malt or brewed beverages in the patio parking lot area. Patrons would not be permitted to carry wine or spirits from the already licensed premises for off-premises consumption.

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.

Christie Hinds  
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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. 15-212