

August 20, 2015

Carl Smith
BLVD Pub and Kitchen
114 Southpointe Blvd.
Canonsburg, PA 15317

RE: Hours of Operation

Dear Mr. Smith:

ISSUE: This office is in receipt of your e-mail, dated July 14, 2015, wherein you ask the following questions: (1) are you required to post your hours of operation; (2) if so, where are you required to post the hours; and (3) are you required to adhere to your hours of operation. Regarding your third question, you note that you are open seven (7) days per week. You indicate that you close at 2:00 a.m. on Mondays through Saturdays, and you close at midnight on Sundays. You ask if you may close earlier based on your volume of business.

Records maintained by the Pennsylvania Liquor Control Board (“Board”) indicate that Jay’s Sports Bar and Restaurant, Inc., t/a Boulevard Pub and Kitchen, holds Restaurant Liquor License No. R-15534 (LID 38161) for use by it at premises located at 114 Southpointe Boulevard, Suite 200, Canonsburg, Pennsylvania.

OPINION: Initially, be advised that restaurant liquor licensees are permitted to sell alcoholic beverages between the hours of 7:00 a.m. of any weekday and 2:00 a.m. of the following day. [47 P.S. § 4-406(a)(2)]. If a Sunday sales permit is held by a licensee, alcoholic beverages may be sold on Sundays between 9:00 a.m. and 11:00 a.m., provided that the licensee offers a ‘meal’ beginning at 9:00 a.m. [47 P.S. §§ 4-406(a)(3); 4-432(f)]. A ‘meal’ is defined as ‘food prepared on the premises, sufficient to constitute breakfast, lunch or dinner; it shall not mean a snack, such as pretzels, popcorn, chips or similar food.’ [47 P.S. § 4-406(e)].

Further, a restaurant liquor licensee may remain open during those hours it would normally be closed, i.e., 2:00 a.m. until 7:00 a.m. or 9:00 a.m. on Sundays, for the purpose of serving food, if the licensee obtains an extended hours food permit. [47 P.S. § 4-499(b)]. This privilege does not extend the hours of sale for alcoholic beverages; nor does it preclude or replace the Sunday sales permit.

Provided that you do not exceed the permitted hours above, you may vary your closing time and opening time as you see fit.

Additionally, please note that section 499(a) of the Liquor Code provides that all patrons must vacate the licensed premises no later than one-half (½) hour after legal alcoholic beverage service time expires. [47 P.S. § 4-499(a)].

Further, there is nothing in the Liquor Code or Board's Regulations that requires you to post your hours of operations. However, section 406(g) of the Liquor Code requires notice of all happy hours to be posted on the licensed premises seven (7) days prior to the happy hour. [47 P.S. § 4-406(g)].

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. 15-353