

August 27, 2015

Robert Marion
President
Yardley Country Club
1010 Reading Avenue
Yardley, PA 19067

RE: Private Golf Course License

Dear Mr. Marion:

ISSUE: This is in response to your e-mail inquiry of July 29, 2015, in which you state that you are the President of the Yardley County Club (“YCC”). YCC currently holds a liquor license and operates a public restaurant. Since the restaurant mostly serves club members, YCC intends to obtain a private golf club license and sell the current liquor license. You ask if YCC can obtain a private golf club license. You further ask if it would be possible to maintain continuous operation of the restaurant during the time that YCC obtains the private golf club license and sells the current liquor license.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Yardley Country Club Inc. holds Restaurant Liquor License No. R-16847 (LID 18249) for use by it at premises located at 1010 Reading Avenue, Yardley, Pennsylvania 19067.

OPINION: Section 461(e.2) of the Liquor Code defines a “privately-owned private golf course” as “the clubhouse at any privately-owned golf course as defined in section 102 open for private membership accommodations only as a club as defined in section 102.” [47 P.S. § 4-461(e.2)]. “Golf course” is defined in section 102 of the Liquor Code as a course having a minimum of nine holes and a total length of at least two thousand five hundred (2,500) yards. The term includes a privately-owned private golf course. [47 P.S. § 1-102].

Section 102 of the Liquor Code [47 P.S. § 1-102] defines a “club” generally, as any reputable group of individuals associated together not for profit for legitimate

purposes of mutual benefit for which the sale of liquor or malt or brewed beverages is secondary. The last sentence in the definition states: “The term includes a privately-owned private golf course.” Section 461(e.2) of the Liquor Code provides that a privately-owned private golf course means “the clubhouse at any privately-owned golf course as defined in section 102 open for private membership accommodations only as a club as defined in section 102. The license to be issued in this instance shall be a club license.” [47 P.S. § 4-461(e.2)].

A privately-owned private golf course club (“PGC”) liquor license requires a holder to serve liquor only to its club members. The sales of liquor or malt or brewed beverages to members would be permitted at any time, except between the hours of 3:00 a.m. and 7:00 a.m. [47 P.S. §§ 4-406(4), 4-492(7)]. Sales of alcohol for consumption off the premises would not be permissible.

Please note that there is also a privately-owned private golf course catering club liquor license (“GCC”). A GCC is similar to a PGC, but a GCC permits an entity to furnish alcoholic beverages, with food, to groups of non-members by prior arrangement for private events. [40 Pa. Code § 5.83]. Also, there is also a privately-owned public golf course restaurant liquor license (“PGR”). This is a restaurant liquor license for a privately-owned public golf course. Such a license is applicable to restaurant facilities at a privately-owned golf course open for public accommodation. [47 P.S. § 4-461(e.1)].

Therefore, so long as YCC meets the definition set forth in section 102 for a golf course and has a clubhouse open for private membership accommodations, it could obtain and hold a PGC. The profit status of YCC does not, in and of itself, disqualify it from obtaining a PGC. Since any club can apply for a catering license, YCC would also be eligible for a GCC. Please note that in order to meet the definition of a “club” in section 102 of the Liquor Code, YCC, if incorporated, must be in continuous existence and operation for at least one year. [47 P.S. § 1-102].

Finally, please note that during the pendency of the application of the private golf club license, you may continue to operate the restaurant under your current liquor license. Once the application for the private golf club license is approved, on what is generally referred to as prior approval, it will be up to you to notify Licensing that you are ready to operate the private golf club license. At that point, authority may be given to you operate the private golf club license and place the current

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liquor license into safekeeping. Thus, it may be possible to operate the restaurant one day under the current liquor license and then operate the restaurant the following day under the private golf club license. [40 Pa. Code § 7.32].

Should you have any further questions or concerns regarding this matter, please 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. 15-378