

December 1, 2015

Ron Zampogna
VIA E-MAIL

RE: Restrooms

Dear Mr. Zampogna:

ISSUE: Your e-mail of November 12, 2015 inquires whether you need to have a restroom in your restaurant lounge, given that you have a handicapped accessible restroom in your licensed winery within twenty (20) feet of the restaurant area.

Records of the Pennsylvania Liquor Control Board (“Board”) indicate that Flickerwood Wine Cellars, Inc. holds Restaurant Liquor License No. R-8949 (LID 72243) for use by it at premises located at 309 Flickerwood Road, Kane, Pennsylvania.

OPINION: Nothing in the Liquor Code or the Board’s Regulations specifically requires a restaurant licensee to have a restroom on the premises. However, section 5.41 of the Board’s Regulations requires a restaurant liquor license holder to acquire documentary evidence that they are in compliance with all sanitation requirements imposed upon them by the proper state and local officials. [40 Pa. Code § 5.41].

You may wish to consult the Department of Health, the Department of Labor and Industry, and/or your local municipality regarding any related requirements applicable to your business.

Should you have any other questions and/or issues related to the Liquor Code or the Board’s Regulations, please feel free to once again 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

Ron Zampogna
December 1, 2015
Page 2

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,

RODRIGO J. DIAZ
EXECUTIVE DEPUTY 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. 15-483