

February 22, 2016

Greg Ressler
VIA E-MAIL

RE: Club Hours

Dear Mr. Ressler:

ISSUE: Your e-mail of January 25, 2016 seeks information on the subject of hours posted in a club. Specifically, if a club has its hours posted, you inquire whether the club is legally obliged to lock the doors at the posted times, or whether the doors can stay open after the posted hours, as long as the doors are closed by 3:00 a.m. and everybody is off the premises by 3:30 a.m.

OPINION: Nothing in the Liquor Code or the Board's Regulations requires a club to post its hours; accordingly, there is no requirement related to your specific question.

However, club licensees must adhere to their constitutions and bylaws. [40 Pa. Code § 5.81]. Therefore, if a club licensee has a provision in its constitution or bylaws related to the posting of hours, it must be followed.

Please note that generally club licensees must stop serving alcohol at 3:00 a.m. and must have patrons vacate the licensed portion of the premises by 3:30 a.m. [47 P.S. § 4-406(a)(4)]. There is no requirement that club licensees lock or close the doors, literally or figuratively, at 3:00 a.m.

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

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BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL
BOARD.

Very truly yours,

RODRIGO J. DIAZ
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. 16-027