

March 29, 2016

Linda F. Montoya  
**VIA E-MAIL**

**RE: Outdoor Event**

Dear Ms. Montoya:

ISSUE: Your e-mail of March 18, 2016 requests information regarding the requirements for a one day outdoor event of a Cinco de Mayo celebration. You propose to close off a part of your parking lot and set up a tent, bar, fun table for families, decorations with balloons, piñata, giveaways, t-shirts, pens, etc. There would be no charge for patrons to participate. Food and beverages would be sold as usual off the menu.

Records maintained by the Pennsylvania Liquor Control Board (“PLCB”) indicate that you are an officer in three restaurant licensees:

Plaza Azteca Kennett Square, Inc. holds Restaurant Liquor License No. R-64827 (LID 64827) for use by it at premises located at 186 Onix Drive, Kennett Square, Pennsylvania.

Plaza Azteca King of Prussia, Inc. holds Restaurant Liquor License No. R-19108 (LID 67267) for use by it at premises located at 153 South Gulph Road, King of Prussia, Pennsylvania.

Plaza Azteca Wyomissing, Inc. holds Restaurant Liquor License No. R-20586 (LID 61096) for use by it at premises located at 955 Woodland Road, Wyomissing, Pennsylvania.

OPINION: Nothing in the Liquor Code or the PLCB’s Regulations would prohibit a licensee from selling or serving food and non-alcoholic beverages outside the licensed premises. However, licensees are permitted to sell and serve alcoholic beverages only on the licensed portion of their premises.

In order to allow sales and service of alcoholic beverages beyond its existing licensed premises, a licensee must apply for an extension of premises. Section 7.21(b)(2) of the PLCB’s Regulations permits a licensee to extend its license to immediate, abutting, adjacent, and contiguous vacant land. 40 Pa. Code § 7.21(b)(2). Such an extension can be requested on a temporary or permanent basis. Once the extension is approved, the

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area becomes subject to all restrictions in the Liquor Code and the PLCB's Regulations. Please note that it is the PLCB's Bureau of Licensing ("Licensing") initially, and the three (3)-member Board ultimately, that decides whether a particular extension request is in compliance with the Liquor Code and the PLCB's Regulations, and whether or not to grant the extension.

An extension application is available on the PLCB's website at [www.lcb.state.pa.us](http://www.lcb.state.pa.us). Click on "Licensees," then "Applications and Forms," then "Application Packet for Extension of Retail License to Cover Additional Premises." Licensing can also confirm what areas are currently covered by each license. Licensing can be reached by telephone at (717) 783-8250.

Please note that your municipality may have a local ordinance that prohibits a person from possessing an open container of alcohol. It is suggested that you contact your local municipality or local police department to determine if an open container law would prohibit this.

Please feel free to again contact this office if you have any further questions regarding this matter, the Liquor Code, or the PLCB's Regulations.

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.

Sincerely,



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. 16-093