

August 19, 2016

Dustin Delozier  
US Hotel Tavern  
**VIA E-MAIL**

**Re: Outdoor Event/Festival**

Dear Mr. Delozier:

ISSUE: This is in response to your e-mail received July 13, 2016, wherein you inquire about the possibility of holding an outdoor event in which you would serve food and alcoholic beverages on the street in front of your licensed establishment. You advise that the Borough of Hollidaysburg would close the street and would allow “open containers” on the street and sidewalk in front of your establishment. You ask whether there is a temporary permit that would allow you to hold such an event. You also ask whether the answer would be different if the event were held in the unlicensed parking lot on your property.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Liberty Hall Services, LLC holds Hotel Liquor License No. H-3500 (LID 69519) for the premises located at 401-409 South Juniata Street, Hollidaysburg, Pennsylvania.

OPINION: A hotel liquor license authorizes the licensee to sell alcoholic beverages only on the licensed areas of its premises. 47 P.S. § 4-406(a)(1). However, a hotel licensee may permit customers to carry any alcohol from the licensed premises to an unlicensed area of the premises as long as they remain on hotel property. 47 P.S. § 4-406(e). In addition, a hotel licensee may sell, for consumption off-premises, no more than 192 fluid ounces of malt or brewed beverages in a single sale to one person. 47 P.S. § 4-407. Therefore, a patron could purchase malt or brewed beverages on the licensed premises, as long as the purchase complies with section 407, and thereafter take the beer outdoors to be consumed, assuming the municipality permits such activity as you stated.

It should also be noted that after Act 39 of 2016 takes effect on August 8, 2016, a wine expanded permit will be available for application by restaurant and hotel

licensees. It will allow permit holders to sell up to three liters of wine in a single transaction for consumption off premises. More information on the wine expanded permit can be found on the PLCB's website, [www.lcb.state.pa.us](http://www.lcb.state.pa.us), by clicking on "Act 39 of 2016" under "News & Reports."

In the event your hotel wishes to conduct sales of alcohol off of the licensed premises, one option would be to apply for a temporary extension of the licensed premises. Section 7.25 of the PLCB's Regulations provides:

- a. The Board has discretion to approve a temporary extension of licensed premises upon filing of an application accompanied by appropriate plans or surveys setting forth the metes and bounds, the names of the abutting streets and a plotting of the proximity of the principal licensed premises.
- b. The application must describe the entire scope of business to be conducted at the temporarily extended licensed premises and include the specific dates and hours business will be conducted.
- c. A nonrefundable fee of \$220 must accompany an application for temporary extension of licensed premises.
- d. The additional premises for which it is desired to temporarily extend a license shall be completely equipped for the carrying on of the type of business permitted under the license, but sales or storage of liquor or malt or brewed beverages may not take place in the temporarily extended premises until approval has been given by the Board.
- e. Approval may be in the form of a new license, giving the additional address/location [sic] or a letter authorizing the use of the additional temporary premises extension. Board approval or letter of authorization shall be maintained on the temporarily extended licensed premises.

40 Pa. Code § 7.25. Please note that the licensee must have the exclusive right to occupy the area to be covered by a temporary extension of the licensed premises. Further, once an extension is approved, the temporarily extended area becomes

subject to all restrictions in the Liquor Code and PLCB's Regulations, including the prohibition against minors frequenting the premises. 47 P.S. § 4-493(14).

The PLCB's Bureau of Licensing determines whether a particular extension request is in compliance with the Liquor Code and the PLCB's Regulations, and ultimately it is the three-member Board that will decide whether or not to grant your application, if you decide to apply.

In the alternative, hotel licensees, among others, are eligible to obtain an off-premises catering permit, which allows the permittee to hold a "catered function" off its licensed premises and on otherwise unlicensed premises. 47 P.S. § 4-406(f). A "catered function" is defined as "the furnishing of food prepared on the premises or brought onto the premises already prepared, in conjunction with alcohol beverages, for the accommodation of a person or an identifiable group of people who made arrangements for the function at least forty-eight hours in advance. 47 P. S. § 1-102. Please note that a hotel liquor licensee may not self-sponsor catered functions.

Sales of alcohol at a catered function are permitted by the glass, open bottle, or other container, for consumption on the catered premises. Licensees that obtain an off-premises catering permit are allowed to transport the alcohol to and from their licensed premises to the site of the catered premises. 47 P.S. §§ 4-406(f), 4-442(f).

The following conditions of an off-premises catering permit are also worth noting:

- Alcoholic beverages may only be provided during the hours the licensee can normally sell such beverages.
- All servers at the catered site must be RAMP-certified.
- A catered function cannot last longer than one day.
- Written notice of the catered function must be provided to the local police or, if none, to the Bureau of Liquor Control Enforcement, at least forty-eight hours in advance.

47 P.S. §§ 4-406(f), 4-493(33).

For more information about off-premises catering permits, you may wish to contact the Bureau of Licensing at (717) 783-8250. Please note that the fee for the initial permit is \$500.00, and the annual deadline to apply for an off-premises

catering permit is March 1. The PLCB has the discretion to accept applications filed after March 1, subject to payment of a late fee; however, the application must still be submitted at least sixty days prior to the first catered function.

If you have any additional questions regarding the Liquor Code or the PLCB's regulations, feel free to 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 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. 16-312