

November 16, 2016

Thomas Beech  
**VIA E-MAIL**

**RE: Outside Bars for a Wedding**

Dear Mr. Beech:

ISSUE: This is in response to your e-mail of August 9, 2016, wherein you state that you are the food and beverage manager at the Best Western in Bethlehem, Pennsylvania. You have a request to set up two outside bars consisting of tables to be used as bars, on the property for a wedding event in May 2017. Via phone, you were advised to apply for an extension of premises using form PLCB-49. Further, you inquire as to whether the application for extension only applies to permanent structures and if the fee is the same for a temporary set up.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that BW Lehigh Associates, LLC, holds Hotel Liquor License No. H-6478 (LID 71292) for use by it at 300 Gateway Drive, Bethlehem, Pennsylvania.

OPINION: An extension of premises, if granted, shall be considered a permanent addition to the licensed premises. Once the extension is approved, the specific area becomes subject to all restriction in the Liquor Code and the PLCB’s Regulations, including the prohibition of minors frequenting. 47 P.S. § 4-493(14).

In the alternative, a licensee may apply for a temporary extension of the licensed premises to cover additional areas so long as there is no intervening public thoroughfare between the licensed premises and the area that will be temporarily licensed.

Section 7.25 of the PLCB’s Regulations provides for the following procedure:

- (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 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.

The licensee must have the exclusive right to occupy the area in which the outdoor events are planned. If the extension is approved, again, the extended area becomes subject to all restrictions in the Liquor Code and the PLCB's Regulations.

Be advised that it is the PLCB's Bureau of Licensing which makes the decision as to 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 determine whether or not to grant the application. Applications may be submitted by visiting the PLCB's website at <http://www.lcb.pa.gov>, selecting "Licensing" tab, and then selecting "PLCB+."

Should you have any other questions regarding the Liquor Code or the PLCB's Regulations, 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**

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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  
Tisha Albert, Director of Office of Regulatory Affairs  
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 16-466