

December 24, 2018

Debbie Helm
VIA E-MAIL

RE: Limited Winery in a Dry Municipality

Dear Ms. Helm:

ISSUE: Your e-mail of November 15, 2018, states that you own a limited winery located in a “dry” township. You ask “[u]nder what circumstances would [you] be able to operate.” You also ask to be directed to more information on this topic.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Britain Hill Venue and Vineyard holds Limited Winery License No. LK-39990 (LID 95128) for use at premises located at 790 Little Britain Road North, Quarryville, Pennsylvania.

OPINION: Section 472 of the Liquor Code gives municipalities the option of prohibiting the retail sale of both liquor and malt or brewed beverages within their borders, i.e., designating themselves as “dry” municipalities. 47 P.S. § 4-472. Under this section, municipalities are permitted to prohibit the issuance of any license which falls under one of the specifically listed categories of licenses.

However, a limited winery license is not listed among those types of licenses which may be subject to local option under the Liquor Code, as it is considered a manufacturing license and not a retail license. Thus, although the municipality in which your limited winery is located, Little Britain Township, is indeed dry for retail liquor and malt beverage licenses, this does not affect the ability of your limited winery business to conduct sales as allowed under its license. Nonetheless, be advised that the rights of a municipality regarding zoning or other liquor-neutral ordinances are not impacted by the Liquor Code.

As an additional resource, you may wish to review the Bureau of Licensing’s webpage on “Wet Versus Dry Municipalities,” which may be found at www.lcb.pa.gov/Licensing/Topics-of-Interest/Pages/Wet-Versus-Dry.aspx.

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If you have any further questions or concerns regarding the Liquor Code or the PLCB's Regulations, please do not hesitate 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
Tisha Albert, Director of Office of Regulatory Affairs
B.L. Peifer, Director, Bureau of Licensing

LCB Advisory Opinion No. 18-447