

December 27, 2018

William A. Markel  
Secretary  
AMVETS Post 22  
206 Broadway  
Hanover, PA 17331  
**VIA E-MAIL:**

**RE: Deck**

Dear Mr. Markel:

ISSUE: Your e-mail of November 15, 2018 states that you are considering adding a deck on to your establishment so that your members can sit outside and have an alcoholic beverage. You inquire whether this is permissible.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Home Association Hanover Amvets Post No. 22, Inc. holds Catering Club Liquor License No. CC-4755 (LID 2173) for use by it at premises located at 206-208 Broadway, Hanover, Pennsylvania.

OPINION: As a threshold matter, you are strongly encouraged to consult private counsel experienced in Pennsylvania liquor law. This office is not authorized to provide specific legal advice regarding your potential options.

In order to allow sales and/or service of alcoholic beverages beyond an existing licensed premise, a licensee must apply for an extension of its licensed premises to cover any additional area. 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) (emphasis added).

The PLCB has discretion to approve an application for extension to an area that is not immediate, abutting, adjacent or contiguous; however, typically such an area must be on the same premises or location as the licensed premises. Roberts v.

Pennsylvania Liquor Control Board, 146 Pa. Cmwlth. 64, 604 A.2d 1152 (1992). See also, Gramland Properties, Inc. v. Pennsylvania Liquor Control Board, 807 A.2d 339 (Pa. Cmwlth. 2002).

The Bureau of Licensing, and the three-member Board have authority to determine whether to approve a particular application for an extension of premises.

Additional information, including the application materials, is available on the PLCB's website.

Please note that club licensees are not permitted to serve alcoholic beverages for consumption off the licensed premises. Therefore, any outside area, such as a deck, would have to be licensed in order for patrons to be permitted to consume alcoholic beverages thereupon.

Please do not hesitate to contact this office should you have additional questions.

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. 18-460