

January 28, 2019

Michael Slade Lindgren
VIA E-MAIL

Re: Brewery or Brewery Storage in Dry Municipality

Dear Mr. Lindgren:

ISSUE: Your e-mail of December 5, 2018 inquires whether brewery and brewery storage licenses are permitted in a “dry” municipality; i.e., a municipality that has voted to prohibit certain classes of liquor licenses.

Pennsylvania Liquor Control Board (“PLCB”) records indicate that Lindgren Craft Brewery, LLC holds Brewery License No. G-37900 (LID 91116) for use by it at the premises located at 315 Faculty Road, Duncannon, 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. Id.

A brewery license is not listed among those types of licenses which may be subject to such local option, since it is a manufacturing license and not a retail license.

In addition, a brewery storage license is not among those types of licenses which may be subject to such local option.

Be advised that there may be other issues involving zoning or other municipal restrictions or concerns which should be addressed with the municipality before such sales take place.

If you have any further questions or concerns regarding the Liquor Code or the Board’s Regulations, please do not hesitate to again contact this office.

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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,

A handwritten signature in cursive script that reads "Rodrigo J. Diaz".

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. 18-500