



September 14, 2020

Andrew Thornton
New Hope/Pennsylvania District Manager
VIA E-MAIL

RE: Hotel Question

Dear Mr. Thornton:

ISSUE: This is in response to your e-mail of February 17, 2020, in which you ask how many hours a week or month the hotel you manage needs to be open to the public.

Records of the Pennsylvania Liquor Control Board (“PLCB”) indicate that Hotel Du Village holds Hotel Liquor License No. H-6507 (LID 72488) for the premises located at 2535 North River Road, 7092 Phillips Mill Road, New Hope, Pennsylvania.

OPINION: The Liquor Code defines a hotel as a place where the public may obtain sleeping accommodations and meals and contains “a public dining room or rooms operated by the same management accommodating at least thirty persons at one time, and a kitchen, apart from the public dining room or rooms, in which food is regularly prepared for the public.” 47 P.S. § 1-102.

Section 474.1 of the Liquor Code provides:

A restaurant, an eating place retail dispenser, hotel, importing distributor and distributor licensee whose licensed establishment is not in operation for fifteen consecutive days shall return its license for safekeeping with the PLCB no later than at the expiration of the fifteen-day period. The license may only be reissued from safekeeping in the manner set forth by the PLCB through regulation.

47 P.S. § 4-474.1.

Further, section 7.31 (a) of the PLCB’s Regulations provides:

A licensee whose licensed establishment is not in operation for 15 consecutive days shall return his license and, if a liquor licensee, his Wholesale Purchase Permit Cards, to the PLCB not later than the expiration of the 15-day period. The return of the licensing card will not invalidate the license, which will be

held in safekeeping for the benefit of the licensee and be available for his use when operations are resumed at the licensed premises, or for transfer.

40 Pa. Code § 7.31(a).

Based on the above information, a portion of the licensed establishment could be open for operation for one day and closed for fourteen days as a recurring pattern in order to avoid being required to place the license into safekeeping. There is nothing in the Liquor Code or the PLCB's Regulations that specifies the number of hours the premises must remain open during any one business day; however, a hotel licensee must continue to meet the requirements of a hotel, as provided by section 102 of the Liquor Code. Specifically, your hotel must make available to the public, sleeping accommodations and meals to patrons. The premises must have the proper number of permanent bedrooms and a public dining room accommodating at least thirty persons, as well as a kitchen where food is regularly prepared for the public. 47 P.S. § 1-102; 4-461. This is so even though your bar may be open for business only one out of fifteen days. If the above definition of hotel is not met, your hotel will risk citation from the Pennsylvania State Police, Bureau of Liquor Control Enforcement.

If you have additional questions, please feel free to again contact this office. Please accept our apology for the delayed response, which was caused by the public health emergency.

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