

September 8, 1998

Mr. Paul Schofield

PAPARELLI & SCHOFIELD, INC.

d/b/a Andy's Pub

3866 Peach Street

Erie, PA 16509

Dear Mr. Schofield:

ISSUE: This is in response to your recent letter to this office, in which you ask a number of questions concerning the use of pool tables in your licensed retail establishment. You ask whether your pool tables must be coin-operated or whether you may charge per hour; whether there is a maximum number of pool tables allowed; whether a billiard room can be licensed; and what constitutes a place of amusement or a billiard room.

OPINION: The Liquor Code or the Board's Regulations do not regulate whether or how many pool tables can be on a licensed premises, although your business must be primarily a restaurant and not just a billiard hall. As long as you maintain sufficient room to meet Board requirements such as required seating and tables, you may install pool tables. Similarly, there is nothing in the liquor laws which regulates whether pool tables are coin-operated or rented per hour. Nor is a 'place of amusement' or a 'billiard room' defined in the liquor laws, although section 463 of the Liquor Code [47 P.S. Section 4-463] refers to certain places of amusement that cannot obtain a liquor license. In the context of that section, a place of amusement refers to amusements of a character similar to theaters, circuses, museums and the like. A billiard room can be part of the licensed premises. If it is not at the present time and you would like it to be, you must apply with the Board's Bureau of Licensing for an extension of premises. Contact the Bureau of Licensing at 717-783-8250 for the appropriate form.

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.

Very truly yours,

FAITH S. DIEHL

Chief Counsel

c.c. Pennsylvania State Police

Bureau of Liquor Control Enforcement

Refer to: (717) 783-9454

FAX: (717) 787-8820

LCB Advisory Opinion No. 98-289