

INFORMATION BOOKLET



pennsylvania
LIQUOR CONTROL BOARD

FOR RETAIL LICENSES

**COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA LIQUOR CONTROL BOARD**



pennsylvania
LIQUOR CONTROL BOARD

Applications, forms and changes are continually updated on our website at www.lcb.state.pa.us

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The information contained in this booklet has been prepared for the purpose of providing the licensee or prospective licensee with a general description of the requirements for the operation of a licensed business. It is not intended as a substitute for the official Acts of the Pennsylvania Legislature relating to the manufacture of and transactions in liquor, alcohol and malt or brewed beverages, or the regulations promulgated by the Board.

*Prepared by Bureau of Licensing
Pennsylvania Liquor Control Board
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SECTION I

GENERAL INFORMATION

FUNCTIONS

The Pennsylvania Liquor Control Board, Bureau of Licensing is responsible for the granting and issuance of all licenses and permits authorized to be issued by the Pennsylvania Liquor Code.

The Pennsylvania Liquor Control Board, Office of Chief Counsel is responsible for issuance of legal opinions regarding any subject matter of the Liquor Code or regulations.

The Pennsylvania State Police, Bureau of Liquor Control Enforcement is responsible for enforcing the Pennsylvania Liquor Code and any of the Board's regulations contained in Title 40, of the Pennsylvania Code.

The Office of the Administrative Law Judge, an autonomous office of the Board, is responsible for conducting and presiding at all citation and other enforcement hearings permitted under the Liquor Code for violations of the Pennsylvania Liquor Code and Title 40, Pennsylvania Code, by licensees.

TYPES OF LICENSES

The Liquor Control Board grants various types of licenses which are classified under the general headings of "retail." The issuance of retail licenses is governed by Quota Laws which establish the ratio of licenses which may be issued per number of inhabitants for a particular county of the Commonwealth. Population figures from the Federal Decennial Census (or subsequent Special Census) are used to compute the retail quotas.

A **retail license** allows the sale of liquor, wine, and malt or brewed beverages for consumption on the licensed premises. Retail licenses are further distinguished by which alcoholic beverages may be sold with the license. A "retail liquor" license allows the sale of liquor, wine, and malt or brewed beverages; while a "retail dispenser" license allows the sale of malt or brewed beverages only.

The major types of retail (except clubs) licenses granted by the Board and the alphabetical abbreviation used for these licenses are as follows:

RETAIL LICENSES

Retail Liquor

Restaurant Liquor (R)
Hotel Liquor (H)
Airport Restaurant Liquor (AR)
Municipal Golf Course
Restaurant Liquor (GR)
Privately-Owned Public Golf
Course Restaurant (PGR)
Off-Track Wagering
Restaurant Liquor (OWR)
Economic Development
Restaurant Liquor (EDR)

Retail Dispenser (Beer Only)

Eating Place Retail
Dispenser (E)
Hotel Retail Dispenser (L)
Municipal Golf Course
Retail Dispenser (GE)
Privately-Owned Public
Golf Course Retail
Dispenser (PGE)
Economic Development
Eating Place Retail
Dispenser (EDE)

See contact information at the back of the book.

LOCAL OPTION ELECTIONS

Every municipality may vote on whether to allow or prohibit the granting of retail liquor and/or retail dispenser licenses, within their municipal boundaries, by the Liquor Control Board. A separate vote for a specific applicant may be held in a municipality that has otherwise prohibited the retail sale of alcoholic beverages to provide for that applicant to obtain a privately-owned public golf course license. Each question must be submitted to the County Board of Elections on a petition signed by electors equal to at least 25% of the highest vote cast for any office in the municipality at the last preceding general election.

The issue may be voted on during the primary election of an odd numbered year. By the same legal process any municipality which as voted either for ("wet") or against ("dry") the granting of retail liquor and/or retail dispenser licenses can, in the fourth year thereafter, vote on the same question. The issue may **not** be voted on more than once in four years.

If a majority of electors vote to prohibit the granting of retail liquor and/or retail dispenser licenses in their municipality, the Liquor Board shall have no power to issue or renew any such licenses upon their expiration. The license may be transferred to another municipality in the same county that allows the issuance of that type license.

LIMITATION OF LICENSES

The Liquor Code places limitations on the number and types of licenses which may be held by a licensee.

No retail licensee may own a distributor or importing distributor license and no distributor or importing distributor licensee may own a retail license. However, retail licensees may own other retail licenses at separate locations. The exception to the rule falls under Section 443(e) which allows a manufacturer of malt or brewed beverages or a limited winery to also hold a R, H, or E on the same premises

PRIOR APPROVAL

The Liquor Code provides for the filing and processing of applications for new licenses and for the transfer or extension of such licenses to other premises not then licensed, prior to the alteration or construction of the premises proposed to be licensed.

Applications for prior approval should be indicated by marking the appropriate space on the application form. Floor plans showing the establishment, including placement of equipment for retail licenses, as it will be after the alteration or construction of the premises is completed must be submitted with the application. The floor plans are to depict room dimensions exits, entrances, doorways and use of proposed areas such as serving, kitchen and storage. Plans should be on 8½" x 11" paper. A separate floor plan is required for each floor used in conjunction with the licensed business.

Applications for prior approval also require the submission of a site plan. The site plan is to depict the location of the proposed licensed premises in relation to identifiable property lines or easily identifiable landmarks or reference points with measurements to the property lines, landmarks or reference points. Site plans shall be reproduced on 8½" x 11" paper format, and be clear and legible.

If the application is approved by the Board, six months are allowed from the date of approval for completion of the proposed plans. The license shall be held by the Board until the premises are completed according to the plans submitted and all statutory requirements are met. No such license shall be transferable while being held by the Board, unless full compliance is impossible for reasons beyond the licensee's control.

SECTION II

RETAIL LICENSES

QUOTA LAW, RETAIL

The issuance of new retail licenses is governed by the Retail Quota Law which allows the issuance of one restaurant liquor or eating place retail dispenser license for each 3,000 inhabitants of a county. Hotels, airport restaurants, privately-owned ski resorts off-track wagering restaurants, and certain golf course facilities meeting the necessary requirements may be issued a license in excess of the quota.

Economic Development

Effective January 1, 2002, the Board may consider new applications for restaurant liquor licenses or eating place retail dispenser licenses filed on the basis of "economic development." The applicant must prove that prior to filing this application, all reasonable means to obtain a license through transfer have been exhausted (see page 27).

Further, the proposed premises must be located in either of the following:

A keystone opportunity zone established under the authority of the act of October 6, 1998, or an area designated as an enterprise zone by the Department of Community and Economic Development, or

A municipality in which the application for license has been approved by the governing body of the municipality for the purpose of local economic development.

Licenses shall not be issued in any municipality where such licenses are prohibited pursuant to local referendum in accordance with Section 472 of the Liquor Code.

PRIVILEGES AND RESTRICTIONS

Retail Liquor (R, H, AR, GR, OWR, PGR)

A retail liquor license permits the purchase of spirits and wines from Pennsylvania Liquor Stores at discount and malt or brewed beverages from licensed distributors, importing distributors and Pennsylvania breweries. Additionally, retail liquor licensees may purchase wines directly from licensed Pennsylvania Limited Wineries. Purchases of alcoholic beverages from any other sources are prohibited.

A retail liquor licensee is permitted to sell liquor, wine, and malt or brewed beverages by the glass, open bottle, other container, or mixed for consumption on the premises only.

A restaurant or hotel, who sells to its patron a full bottle of wine purchased in conjunction with a meal which was consumed on the premises, may allow the patron to remove the bottle from the premises so long as the bottle is resealed.

Malt or brewed beverages may be sold for consumption off the premises in quantities not exceeding 192 fluid ounces in a single sale.

Under no circumstances shall a retail liquor licensee sell liquor or wine for consumption off the premises. However if a patron purchases a bottle of wine for their dining pleasure, any unused portion will be corked to leave the licensed establishment.

Sales of alcoholic beverages are restricted to that part of the establishment described in the application for license and habitually used for serving food to guests or patrons.

A hotel liquor license permits alcoholic beverages to be sold to guests in their private rooms, and/or other rooms if listed on the application. In the case of a licensed restaurant located in a hotel, but not operated by the owner of the hotel, alcoholic beverages may be sold for consumption in that part of the restaurant habitually used for serving meals to patrons and also to guests in private guest rooms in the hotel. The license holder may allow persons to transport alcoholic beverages from the licensed portion of the premises to the unlicensed portion of the premises so long as the alcoholic beverages remain on the hotel property.

Retail Dispenser (E, L, GE, PGE)

A retail dispenser license permits the purchase, possession and sale of malt or brewed beverages only, in the same manner and under the same conditions as set forth for retail liquor licenses.

QUALIFICATIONS OF PREMISES

The sale of food is the primary requirement for a retail license. It is necessary that the establishment be properly equipped with an adequate supply of food and sufficient facilities for its storage, preparation and service to indicate that a bona fide food business is being conducted.

No retail license will be issued, renewed, or transferred by the Board for any premises unless a certificate from the proper State or Municipal authority is issued to the premises to show that the place to be licensed meets all the sanitary requirements of statute, ordinance or regulation.

The property for which any retail license is sought may not be owned by a manufacture of liquor or malt or brewed beverages, unless he owned the property prior to July 18, 1930 and in no event may it be owned by the holder of a distributor or importing distributor license.

Restaurant Liquor (R)

In order to qualify for a restaurant liquor license, the establishment must be a reputable place habitually and principally used for the purpose of providing food for the public. The establishment shall have serving areas within a building of not less than 400 square feet and must be equipped with tables and chairs to accommodate at least 30 persons at one time.

Eating Place Retail Dispenser (E)

In order to qualify for an eating place retail dispenser license, the establishment must be a reputable place where food is regularly and customarily prepared and sold. The establishment shall have a serving area of not less than 300 square feet in one or more rooms, other than living quarters, and must be equipped with tables and chairs accommodating at least 30 persons at one time.

Hotels (H,L)

In order to qualify for a hotel liquor or hotel retail dispenser license, the establishment must be a reputable place where the public may for a consideration, obtain sleeping accommodations. Hotels must have a public dining room or rooms operated by the same management accommodating at least 30 persons at one time, with a kitchen, apart from the dining room or rooms, in which food is regularly prepared for the public.

All hotels while licensed by the Board at the original premise must maintain for guests the minimum number of bedrooms required by the law under which the license was originally issued, unless the licensee qualifies for, files and is approved for the Hotel Room exemption.

The number of permanent bedrooms required for the issuance of a new hotel license or to transfer an existing license to a new location varies according to the population of the municipality.

When the Population is:	The Number of Bedrooms Required is:
Less than 3,000	12
3,000 - 9,999	16
10,000 - 24,999	30
25,000 - 99,999	40
100,000 - or more	50

Additional requirements have been established for the issuance of a new hotel license or to transfer an existing license to a new location. These requirements are:

- Each of the required bedrooms must have an area of at least 80 square feet and have an outside window.
- At least one-half of the required number of bedrooms must be regularly available to transient guests, except in resort areas.
- At least one-third of the total required number of bedrooms must be equipped with hot and cold water, a lavatory, a commode, bathtub or shower and a clothes closet.
- An additional one-third of the total required number of bedrooms must be equipped with a lavatory and commode.

Municipal Golf Course (GR,GE)

A municipal golf course license may be issued to a municipal authority with restaurant facilities at any municipal golf course open for public accommodation. Municipal golf course licenses may be issued for restaurant facilities at a municipal golf course in a municipality where the electors have voted to prohibit the sale of liquor and/or malt or brewed beverages.

Airport Restaurant Liquor (AR)

An airport restaurant liquor license may be issued for restaurant facilities at any airport for public accommodations. The airport facilities must be owned or operated directly or through lessees by the Commonwealth of Pennsylvania or by any municipal authority. The Board may not issue any airport restaurant liquor licenses in a municipality where by vote of the electors the retail sale of liquor and malt or brewed beverages is prohibited.

Privately-Owned Public Golf Course (PGR, PGE)

A privately-owned public golf course restaurant license may be issued for restaurant facilities at any golf course open for public accommodation. The golf course must contain nine holes and a total length of at least 2,500 yards. The Board may not issue such license in a municipality where by vote of the electors the retail sale of liquor and malt or brewed beverages is prohibited, unless a specific applicant received a favorable local option vote.

The licensee may, upon application to **and** approval of the Board, contract with a concessionaire to operate the restaurant or provide food service and sell alcoholic beverages (either liquor, wine and/or malt or brewed beverages, depending on the type license) pursuant to the provisions of the Liquor Code.

Off-Track Wagering Restaurant Liquor (OWR)

An off-track wagering restaurant liquor license may be issued for restaurant facilities. The premises must be designated by either the State Horse Racing Commission, or the State Harness Racing Commission as a primary or nonprimary location for pari-mutuel wagering (known as "Race Horse Industry Reform Act"). The establishment must be a reputable place habitually and principally used for providing food to the public. The establishment shall have a serving area within the building of not less than 400 square feet and must be equipped with tables and chairs accommodating at least 30 persons at one time.

The Board may not issue such license in a municipality where by vote of the electors, the retail sale of liquor is prohibited.

QUALIFICATIONS OF APPLICANTS

No person who holds either by appointment or election, any public office which involves the duty to enforce any of the Criminal Codes of the United States or the Commonwealth of Pennsylvania, or any ordinance or resolution of any municipal subdivision of the Commonwealth, shall be issued any license, nor shall such person have any interest directly or indirectly in any such business. This does not apply to members of the General Assembly, Township supervisors, city council persons, mayors without arrest authority and any other public official who does not have the ability to arrest or impose a criminal sentence if the proposed premises is outside the jurisdiction of the individual in question.

Any individual or individuals applying for a license must be of good reputation and a resident of this Commonwealth for a period of at least two years immediately preceding the date of application.

Corporations applying for a retail license must have been created or registered under the laws of Pennsylvania.

Partnerships are not subject to residency requirements, however evidence of such partnership agreement must be submitted with the application for license.

Individual retail applicants and partners of a partnership may be employed elsewhere, if they are not the manager.

MANAGERS

All licensees are required to appoint a manager for the operation of their establishment. Any change to the Board approved manager must be reported within 15 days to the Board by use of proper application.

A manager must be a person of good repute, devote full time to the licensed business, which is no less than 35 hours a week, and shall not be employed or engaged in any other business unless prior written approval is obtained from the Board. Managers are required to complete owner/manager training within 180 days of approval.

Individual retail licensees may designate themselves or another individual to act as manager. If the license is owned by a partnership, one of the partners or another individual may be named as manager.

Temporary managers will be approved for a period of not more than thirty days in cases of illness or extended vacations. In cases of emergency, this period may be extended.

Approval by the Board of a manager will not exempt the licensee from penalties provided by law for violations committed in the licensed establishment.

RESTRICTIVE LOCATIONS FOR RETAIL LICENSES

The Board may, at its discretion, grant or refuse an application for a new license, a place to place or double transfer of an existing license and an extension of an existing license if:

- the proposed premises are within 300 feet of any church, hospital, charitable institution, school, public playground, or other restrictive institution

- the proposed premises are within 200 feet of any other premises licensed by the Board.

- the license would be detrimental to the welfare, health, peace, and morals of the inhabitants of the neighborhood within a 500 foot radius of the establishment.

The Board may, at its discretion, grant or refuse an application of new ownership or controlling interest in an existing license of a presently licensed location based on the reputation of the applicants.

Measurements shall be made or calculated in a straight line, regardless of any intervening land, water, buildings, or structures of any kind. Points of measurements for the aforementioned restrictive places shall be as follows:

- “proposed premises” shall mean the rooms designated in the application for license.

- “church, hospital, charitable institution, school, and public playground” shall mean the building and/or adjoining ground used in connection with such place.

- “any other premises licensed by the Board” shall mean that portion of such premises covered by the current license.

- “500 foot radius” shall mean that area within 500 feet of any point of the premises proposed to be licensed.

The Board shall refuse any application for a new license or the transfer of any license to a location where the sale of liquid fuels or oil is conducted.

CONNECTION OF LICENSED ESTABLISHMENT(S) WITH OTHER BUSINESS

No licensed establishment shall have any inside connection with any residence other than the residence of the licensee, corporate officer, or manager.

No **retail liquor** establishment shall have any inside connection with any other type of business conducted by the licensee or other persons, except with the approval of the Board. The licensee may not permit other persons to operate another business on the licensed area(s).

When an **eating place retail dispenser** business is conducted in conjunction with another business operated by the licensee, the area occupied by such other business shall be separated from the licensed premises by a permanent partition at least four feet in height. The sale and storage of malt or brewed beverages shall be confined strictly to the premises covered by the eating place retail dispenser license.

FEES

License Fees

License fees are required for "new" licenses and the renewal or validation of licenses issued by the Board. Regardless of when during the license term a "new" license is issued, the full year license fee is required.

The fee for a new off-track wagering restaurant liquor license (OWR) is \$5,000.00. To renew the license, the fee is the same as that for a retail liquor license in the same municipality.

The fee for a new economic development restaurant liquor license or a new economic development eating place retail dispenser license is equal to the Liquor License Fee or Retail Dispenser License Fee listed below. In addition, an initial application surcharge is also required, amounting to \$50,000.00 for premises located in 1st through 4th class counties, or \$25,000.00 for premises located in 5th through 8th class counties. If the provisional application is refused, the initial surcharge fee is refunded, except a \$700.00 processing fee. The license fee is refunded.

Retail license fees are determined by the population of the municipality (as established by the last preceding decennial census) in which the establishment is located.

The schedule of **retail liquor** license fees is:

Population		Liquor License Fee
Less than	1,500.....	\$250.00
1,500 -	9,999.....	\$300.00
10,000 -	49,999.....	\$400.00
50,000 -	99,999.....	\$500.00
100,000 -	149,999.....	\$600.00
150,000 -	or more.....	\$700.00
Townships with a population of 1,500 to 11,999.....		\$300.00

The schedule of **retail dispenser** license fees is as follows:

Population		Retail Dispenser License Fee
Less than	10,000.....	\$200.00
10,000 -	49,999.....	\$250.00
50,000 -	99,999.....	\$300.00
100,000 -	149,999.....	\$350.00
150,000 -	or more.....	\$400.00

Filing Fee

A filing fee of \$700.00 is required with every application for new license; \$30.00 for renewal or validation of an existing license.

This filing fee is retained by the Commonwealth whether the application is approved, refused, or cancelled.

Transfer Fee

A transfer fee is required with every application for transfer of an existing license: \$650.00 for person to person; \$550.00 for place to place; OR \$700.00 for both person to person and place to place. If an amusement permit is to be transferred with the license, an additional fee of \$10.00 is required.

The fee(s) paid in connection with transfers are retained by the Commonwealth whether the application is approved, refused, or cancelled.

HOURS OF SALE

Retail licensees are permitted to sell alcoholic beverages only during hours allowed by law or they shall be subject to prosecution.

The Board may, with the approval of the Governor, temporarily close **all** licensed establishments within any municipality during any period of emergency proclaimed by the Governor.

Retail liquor and retail dispenser licensees are permitted to sell alcoholic beverages between the hours of 7:00 A.M. of any weekday and 2:00 A.M. of the following day. If a Sunday Sales Permit is held by a licensee, alcoholic beverages may be sold on Sunday between the hours of 11:00 A.M. and 2:00 A.M. of the following day.

Election Day Sales hours for alcoholic beverages by retail licensees are the same as a regular business day.

Hotel and restaurant liquor licensees only: Whenever the thirty-first day of December falls on a Sunday and on "Super Bowl" Sunday, licensees may sell liquor and malt or brewed beverages from 1:00 P.M. until 2:00 A.M. of the following day. Whenever Saint Patrick's Day falls on a Sunday, licensees may sell liquor and malt or brewed beverages from 7:00 A.M. until 2:00 A.M. of the following day.

SALES ON SUNDAY

Retail liquor and retail dispenser licensees holding a valid Sunday Sales Permit are permitted to sell alcoholic beverages between the hours of 11:00 A.M. and 2:00 A.M. of the following day. Sales of alcoholic beverages may begin at 9:00 A.M. provided the licensee offers a meal. Airport restaurant liquor licensees are permitted to sell alcoholic beverages on Sunday between the hours of 7:00 AM and 2:00 AM of the following day.

A Sunday Sales Permit will be issued to a current licensee upon submission of a \$300.00 fee, and a properly executed application.

All Sunday Sales Permits expire at the end of each license term and must be renewed or validated each year with the license. Also, Sunday Sales Permits may not be transferred from person to person or from place to place.

AMUSEMENT PERMIT

An amusement permit must be obtained by a retail licensee to furnish entertainment such as dancing, theatricals or floor shows of any sort, or moving pictures other than television or such as are exhibited through coin operated machines operated by patrons which project pictures on a screen no greater than 24" x 30" in size. An amusement permit is not required for television devices, audio/video playback devices, radio, instrumental music, games or events/tournaments/contests. If there is an intention to use the premises for other than that described herein, contact the Bureau of Licensing.

Entertainment is allowed only during the hours when the sale of liquor and malt or brewed beverages is legal.

Entertainment on Sunday may be provided during the hours when the Sunday sales of liquor and malt or brewed beverages is legal, even if a Sunday sales permit is not in effect. However, when a Sunday sales permit is not in effect, sales of alcoholic beverages are prohibited.

An amusement permit may be applied for with the application for license or at any time during the license year. The full amusement permit fee is required regardless of when during the license year application is made for the permit. Amusement permits expire with the license and must be renewed or validated annually.

The fee for an amusement permit is equal to one-fifth the annual license fee:

Annual License Fee	Annual Amusement Permit Fee
\$200.00	\$40.00
250.00	50.00
300.00	60.00
350.00	70.00
400.00	80.00
500.00	100.00
600.00	120.00
700.00	140.00

Amusement permits may be transferred with the license for a \$10.00 transfer fee.

An amusement permit may be revoked or suspended for violations of the law. In the event the retail license is revoked, suspended, or terminated for any reason, the amusement permit of the licensee shall also be automatically revoked, suspended, or terminated. There will be no refund or credit for the unused portion of the fee paid for the permit. If an amusement permit is revoked, the licensee shall not be granted another amusement permit for a period of one year from the date of revocation.

An amusement permit may be refused at the time of renewal of license. This non-renewal is based on the review of the operating history of the licensee. Such refusal invalidates the licensee, applicant, manager or person with a majority or controlling interest from either the operation of this or any other license from holding a new permit for a period of two years from the final adjudication of the amusement permit refusal. There will be no refund or credit of the fee paid for the permit.

EXTENDED HOURS FOOD LICENSE

All patrons must vacate the licensed premises no later than one-half hour after legal alcoholic beverage service time expires (2:00 A.M. for all licensees). A licensee may, upon application and approval by the Board, serve food only beyond this period until 7:00 A.M.

To apply, submit PLCB-318, Application for Sunday Sales Permit, Amusement Permit/Extended Hours Food License and Resolution with a \$50.00 license fee.

All Extended Hours Food Licenses expire at the end of each license term and must be renewed or validated each year with the license. Extended Hours Food Licenses may not be transferred from person to person or from place to place.

This license does not extend the hours of sale for alcoholic beverages, nor does it preclude or replace the Sunday sales permit. However if the licensee has an amusement permit, it may be used while the establishment is open.

OFF PREMISE CATERING PERMIT

An off-premise catering permit must be obtained to hold a catered function off the licensed premises and on otherwise unlicensed premises where the licensee may sell wine, liquor and malt or brewed beverages by the glass or other container, and in any mixture together with food, for consumption on those premises.

A catered function is the furnishing of food prepared on the premises or brought onto the premises already prepared in conjunction with alcoholic beverages for the accommodation of a person or an identifiable group of people, not the general public, who made arrangement for the function at least 30 days in advance.

For up to date information on this permit and to obtain the applications needed to file, please go to our website at www.lcb.state.pa.us.

WHOLESALE LIQUOR PURCHASE PERMIT CARD/LICENSEE DISCOUNT CARD

Retail liquor licensees are issued a Wholesale Liquor Purchase Permit Card and a Licensee Discount Card which allow the purchase of liquor at discount from Pennsylvania Liquor Stores.

The Wholesale Liquor Purchase Permit Card is mailed with the actual license and must be deposited with a Pennsylvania Liquor Store of the licensee's choice, unless otherwise directed. The card may not be removed from the Liquor Store except upon written authority from the Board. Ask Store Manager for details.

When depositing the Wholesale Liquor Purchase Permit Card at a Liquor Store, the licensee or authorized officers of the licensee, must sign the card in ink in the space provided. Each licensee may authorize not more than two agents to make purchases at the Liquor Store. Only individuals regularly employed in the operation of the licensed business may be designated as agents.

The Discount Card is also mailed with the actual license. It is to be retained by the licensee and may be used to purchase at liquor stores other than the store at which you have deposited your Wholesale Liquor Purchase Permit Card. When making purchases, the card must be presented and the purchaser must provide identification.

Any liquor licensee who permits his Wholesale Purchase Permit Card or Licensee Discount Card to be used for the purchase of liquor for any use except the lawful conduct of his licensed business, will subject his license to suspension or revocation.

SANITATION CERTIFICATE

All retail licensees must possess and maintain a valid sanitation certificate (health license) issued by the proper

municipality or from the proper State authority. The certificate indicates that the proper municipal or state authorities have found that the premises to be licensed meet all the sanitary requirements for a public eating place in the municipality where the establishment is located. The documentary evidence of such shall be displayed at all times on the licensed premises.

RECORDS

All retail licensees shall keep, for a period of at least two years, complete and truthful records covering the operation of the licensed business. These records shall include the date and actual price of all liquor and malt or brewed beverages purchased, the name of the vendor of malt or brewed beverages and all Liquor Store receipts. Records covering the purchase and sale of food must be maintained separately from those of alcoholic beverages. Records for the most recent 6 months must be maintained on the premises. Records for the remainder of the 2 year period may be kept off site so long as they are returned within 24 hours upon request.

Records shall be available for inspection by authorized employees of the Board at any time during business hours.

METHODS OF OBTAINING A LICENSE

To obtain a license to sell alcoholic beverages, whether for a "new" license or for the transfer of an existing license, an application must be filed with the Board on prescribed forms. Such application may be obtained from and submitted to the office in Harrisburg. Applications may also be obtained from our website at www.lcb.state.pa.us.

To apply for a new license, the following documents must be submitted:

- PLCB-26 - Applicants for Retail Liquor or Retail Dispenser License and Permits.
- PLCB-1773 - Appendix Social Security Information.
- PLCB-1898 - Tax Certification Statement.
- PLCB-1898A - for Management Company, if there is one.
- PLCB-2018 - Criminal History Record Check.
- FEES - \$700.00 filing fee, OR for an application filed on an "economic development" basis, \$50,000.00 if located in a 1st through 4th class county, or \$25,000.00 if located in 5th through 8th class

county.

\$200.00 to \$700.00 depending on population license fee.

\$10.00 per PLCB-2018.

\$300.00 Sunday Sales Permit Fee, if applicable.

\$50.00 Extended Hours Permit Fee, if applicable.

Amusement Permit Fee equal to one fifth of license fee, if applicable.

Photographs - One set of the individuals, members of partnerships, or principal officers of corporations (President, Secretary and Treasurer) and Manager.

- One set of the exterior of the premises showing the principal entrance.

- One set of the interior showing the main serving room (table and chairs, not the bar).

- Photographs must have a matte finish.

- Premises photos must be at least 4" x 6" in size, Personal photos 1½" square.

Floor Plans - One set, 8½" x 11" in size, showing room dimensions, room designations, entrances, exits and interior passages. A separate floor plan is required for each floor, and must be clear and legible.

Municipal Approval - Municipal approval is required when filing an application for a new restaurant/liquor or eating place retail dispenser license on an "economic development" basis under certain circumstances. The first circumstance, is when the proposed premises is located in either a keystone opportunity zone established under the authority of the "Pennsylvania Keystone Opportunity Zone Act," or an area designated as an enterprise zone by the Department of Community and Economic Development, AND the retail quota of the municipality has exceeded one license per 3,000 inhabitants.

The second circumstance, is when the proposed premises is not located in either a keystone opportunity zone or an area designated as an enterprise zone by the Department of Community and Economic Development.

Municipal approval shall be in the form of a resolution or ordinance from the governing body of the municipality in which the proposed premises is located. It must be submitted with the application. The municipal approval process must include at least one public hearing held by the municipal governing body for the purpose of receiving comments and recommendations of interested individuals residing within the municipality concerning the applicant's intent to acquire a new economic development license from the PLCB.

To apply for the transfer of an existing license, the preceding PLCB forms and photographs must be submitted in addition to the following:

- PLCB-21 - Application for transfer of license and permit.
- FEES - \$650.00 for person to person OR
\$550.00 for place to place OR
\$700.00 for both.
\$10.00 per PLCB-2018.
\$10.00 to transfer an existing Amusement Permit OR one fifth of the license fee to apply for a new Amusement Permit, if applicable.
\$50.00 for an Extended Hours Food License, if applicable.
\$300.00 for Sunday Sales Permit, if applicable.

Before you submit the application packet, be sure you have all the documents and they are properly signed.

Application forms submitted to the Board must be original documents. Photocopies are not acceptable, even though originally executed.

Transfer of License

Applications for transfer of liquor licenses and retail dispenser (beer) licenses from one person to another, from one place to another, or both, within the **same county** may be filed at any time. However, when filed within 30 days of the expiration of the license term, the transfer shall apply to the renewal license only, except in case of death of the licensee. The following schedule gives the last day for filing transfers of current licenses and the expiration date in each licensing district:

District #:	Final Filing Date:	Expiration Date:
1	January 2	January 31
2	January 31	February 28
3	March 2	March 31
4	April 1	April 30
5	May 2	May 31
6	June 1	June 30
7	July 2	July 31
8	August 2	August 31
9	September 1	September 30
10	October 2	October 31
11	November 1	November 30

Application for the transfer of a license from one municipality to another municipality within the same county is permitted. However, the receiving municipality must not prohibit, by local option election, the issuance of the type license being transferred.

When an inter-municipal transfer is to a municipality whose municipal quota is met or exceeded, approval by the governing body of the receiving municipality must be obtained, and must be rendered by ordinance or resolution. It must be submitted with the application. The municipal approval process must include at least one public hearing held by the municipal governing body for the purpose of receiving comments and recommendations of interested individuals residing within the municipality concerning the applicant's intent to acquire an inter-municipal transfer from the PLCB. The municipal resolution, must clearly list the applicants name, address and license number.

Once transferred, the license may not be transferred from the receiving municipality for five (5) years after the premises becomes operational.

The type of license **may not** be changed as a result of a transfer: that is, from restaurant or eating place to hotel or club or vice versa.

There shall be no change in ownership until the transfer has been completed and approved by the Board. Approval cannot be given without tax clearance as required by Section 477 of the Liquor Code. The original licensee must remain on the premises in full control of the business.

Death of Licensee

In the event of the death of the licensee, the license may be transferred to the surviving spouse or the descendant's estate immediately upon presentation of the transfer form, application, filing fee and short form certificate from the Register of Wills. In the event it is desired to transfer the license to a person designated by and acting for the administrator or executor, the aforementioned papers and fee, together with written evidence of such designation shall be submitted. The Board shall be notified in writing within 30 days in case of the death of a licensee.

Posting of Notice of Application

All Applicants for a "new" license **OR** for the transfer of a license, **OR** for the extension of an existing license, **OR** for a change in officers to stockholders constituting a change of corporate control of the licensed corporation must post a "Notice of Application" in a **conspicuous place** on the outside of the premises or in a window plainly visible from the outside. In the case of a vacant lot, posting shall be on a post or stake of permanent material at the midpoint of the largest boundary fronting the public thoroughfare and not more than ten (10) feet from the sidewalk or roadway (in absence of a sidewalk). The notice must remain posted from the date the application is filed for a minimum of 30 days until receipt of written notification of approval or refusal.

The applicant's name, address of the premises, signature, whether or not an amusement permit is part of the application, and date of posting must appear legibly on the form. An "Affidavit of Compliance, PLCB-193," must be completed and submitted to the Board.

New Licenses

Certain applications for new licenses may be filed at any time since the issuance of these licenses is exempt from the quota restrictions. These include hotel licenses (H,L), airport restaurant licenses (AR), off-track wagering restaurants (OWR), and municipal golf course licenses (GR, GE). Issuance of the license will occur when the Board is satisfied that the applicant and the premise meet the necessary requirements. Such license shall be effective for the balance of the unexpired license term.

Applications for new economic development licenses (EDE, EDR) may be filed for quarterly filing periods:

- 1st quarter - January 1 through March 31
- 2nd quarter - April 1 through June 30
- 3rd quarter - July 1 through September 30
- 4th quarter - October 1 through December 31

In a calendar year, only two such licenses may be granted in each 1st through 4th class county, while only one such license may be granted in each 5th through 8th class county. A licensee shall be required to sell food and non-alcoholic beverages equal to 70% or more of its combined gross sales of food and alcoholic beverages for the duration of the license. The year the applicant is filed determines the calendar year in which the license is considered issued.

Applications for new restaurant liquor (R), eating place retail dispenser (E), privately-owned public golf course (PGR, PGE) licenses are considered for the current license period. Applications filed on the basis of a quota vacancy are considered for period of six months following said opening in the quota.

License Districts

Eleven license districts are in effect.

COUNTIES IN DISTRICT NO. 1

Bedford	Centre	Franklin	Somerset
Blair	Clearfield	Fulton	Union
Cambria	Cumberland	Huntingdon	

EXPIRATION DATE JANUARY 31

COUNTIES IN DISTRICT NO. 2

Adams	Juniata	Lebanon	Perry	York
Dauphin	Lancaster	Mifflin	Snyder	

EXPIRATION DATE FEBRUARY 28

COUNTIES IN DISTRICT NO. 3

Berks	Chester	Northumberland	Schuylkill
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EXPIRATION DATE MARCH 31

COUNTIES IN DISTRICT NO. 4

Lehigh	Montgomery	Northampton
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EXPIRATION DATE APRIL 30

COUNTIES IN DISTRICT NO. 5

Allegheny	<i>EXPIRATION DATE MAY 31</i>
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COUNTIES IN DISTRICT NO. 6

Armstrong	Butler	Greene	Lawrence	Westmoreland
Beaver	Fayette	Indiana	Washington	

EXPIRATION DATE JUNE 30

COUNTIES IN DISTRICT NO. 7

Cameron	Crawford	Forest	Mercer
Clarion	Elk	Jefferson	Venango
Clinton	Erie	McKean	Warren

EXPIRATION DATE JULY 31

COUNTIES IN DISTRICT NO. 8

Carbon	Luzerne	Montour
Columbia	Lycoming	Sullivan

EXPIRATION DATE AUGUST 31

COUNTIES IN DISTRICT NO. 9

Bradford	Pike	Tioga
Lackawanna	Potter	Wayne
Monroe	Susquehanna	Wyoming

EXPIRATION DATE SEPTEMBER 30

COUNTIES IN DISTRICT NO. 10

Philadelphia	<i>EXPIRATION DATE OCTOBER 31</i>
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COUNTIES IN DISTRICT NO. 11

Bucks	Delaware	<i>EXPIRATION DATE NOVEMBER 30</i>
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Licenses in an even numbered district renew on even years and validate on odd years. Licenses in an odd numbered district, renew on odd years and validate on even years.

SECTION III

THE APPLICATION PROCESS

PROCESSING THE APPLICATION

The time required to process applications varies according to each application submitted. In order to avoid any unnecessary delay, all correspondence from the Bureau of Licensing regarding the application should be answered promptly.

Information contained in this booklet should aid you in the completion of the application items. Upon receipt of the application for license by the Bureau of Licensing in Harrisburg's Central Office, the complete application packet is examined for proper and complete execution. The complete application packet includes only those items described on the preceding pages. Do not submit any additional items (i.e., leases, agreements) unless specifically requested to do so by the Bureau of Licensing.

Regional Office Investigation

An investigation of every applicant and establishment to be licensed is conducted by one of the Board's Licensing Investigation Regional Offices. A report of this investigation is forwarded to the Bureau of Licensing to determine if additional information is necessary, if a hearing must be held, or if the application may be approved.

The investigation will require the review by the analyst of some or all of the following documents. Do not forward these items to the **Harrisburg Office**.

Certificate and Articles of Incorporation

If foreign corporation, date of issuance of authority to do business in Pennsylvania

Stock register and stock certificates

Minute book

Cash income and disbursements record

Bank accounts and cancelled checks

Health license

Lease agreement or sale regarding license and business

Hotel register (hotel licenses only)

Manager agreement - two certified copies if percentage agreement

Demand or judgment notes

Affidavits from individual lenders

Affidavits from applicants or corporate officers regarding source of funds used from savings, sale of real or personal property, etc.

Documentary evidence regarding original source of all funds used in purchasing the license and licensed business, i.e., original source of any money placed in a savings account.

Escrow statement from attorney or financial institution

Individual Financial Disclosure Affidavit (Board Form PLCB-1842). This form must be used to report all financial arrangements related to the purchase of the license and business and all items incidental thereto including but not limited to inventory, the lease or purchase of equipment and real estate; and, construction or renovation costs.

All other pertinent records

All copies of documents provided must be properly signed and dated.

Hearings

Occasionally, license applications must be scheduled for a public hearing. The hearing provides an opportunity for the applicant and protestants, if any, to state their viewpoints before a Hearing Examiner.

All parties deemed valid are notified by letter of the date, time, and place of the hearing.

The examiner, after weighing all evidence, prepares a written report which is forwarded to Harrisburg for review and presentation to the Board for final action.

Appeals

Upon notification of the Board's decision to approve or refuse an application, an appeal from this decision may be filed to the Court of Common Pleas of the county in which the proposed premises is located.

Approval Letter

Upon approval of an application for license, a letter outlining the conditions of the approval is issued. Compliance is required within 30 days. One condition is that the new licensee complete and submit to the Board a certification of completion that the financial arrangements were completed as reported or modified.

Transferring Liquor and Malt or Brewed Beverages with the License

Liquor purchased from a Pennsylvania Liquor Store by a licensee for use in the licensed business, possessed at the time of a person to person transfer of the license, may be sold to the purchaser of the license. Such liquor may be sold only to the transferee or to the Board in accordance with its regulations.

Malt or brewed beverages held by a retail or wholesale licensee may be sold to the purchaser of the license or to the distributor, importing distributor, or brewery from whom it was originally purchased.

LICENSEE RESPONSIBILITY

As a license holder with the Pennsylvania Liquor Control Board, certain procedures must be followed to continue the licensed business. Any changes to the type of operation or physical layout of the premises requires the Board's approval; to do otherwise may subject you to citation or revocation proceedings. Each year the license must be renewed or validated. If, during the license year, a change is made to the way the license is issued (i.e., trade name, address of the licensed premises) manager, the officers of the corporation or club, the Bureau of Licensing must be notified.

An Information Center operates at the Central Office, and is staffed to provide service and assistance to you, the licensee. Contact the Center by calling (717) 783-8250.

SAFEKEEPING

Any licensee, whose licensed establishment, for any reason whatsoever, is not in operation for a period of fifteen consecutive days, must return his license and wholesale liquor purchase permit cards (if applicable) to the Board not later than the expiration of the fifteenth day. The license must be accompanied by a letter from the licensee stating the reason the license is to be placed in safekeeping AND giving the name, address and telephone number of the person to whom correspondence is to be directed while the premise is closed. The license shall be held in "safekeeping" for the licensee and available for the licensees use when business operations are resumed at the licensed premises or until transfer of the license.

A license surrendered for "safekeeping" to the Board shall be held for a period not exceeding three consecutive years from the date of surrender. The Board may add one additional year if the premises are not available due to fire, flood or other natural disaster, or the licensee files the appropriate application and fee for the extension of the safekeeping period. At the expiration of the safekeeping period, the Licensee may request an additional safekeeping year by applying the necessary application, PLCB-2319 and required fee, of either \$5000.00 or \$2500.00. Each additional year of safekeeping must be supported by the application and fee. If the safekeeping period expires and no request to extend is received, the license is revoked. The license must continue to be renewed or validated each year while in safekeeping.

In order to have a license released from safekeeping, the licensee must request reissuance in accordance with Board procedure by filing Return of License from Safekeeping Application and the appropriate fee.

DISHONORED CHECKS

When checks issued by liquor licensees in payment of liquor purchased at Pennsylvania Liquor Stores, are returned to the Board as dishonored, the maker of such check will be required to pay, in addition to all protest fees, a fee of \$5.00 per \$100.00. Failure to pay the amount of the check in full, together with the protest and other fees within ten days after demand has been made will be cause for revocation or suspension of the license and the cancellation of the wholesale purchase permit card.

When checks issued by licensees in payment of filing and/or license fees are returned to the Board as dishonored, the maker of such check will be required to pay, in addition to all protest fees, a fee of \$5.00 per \$100.00. Late filing penalties may also apply. Failure to pay

the amount of the check in full, together with the protest and other fees within ten days after demand has been made **will immediately invalidate the license.**The license will remain invalid until payment and all charges are received by the Board.

UNLAWFUL ACTS

A publication, PLCB-2036, is available from this agency. The publication is a source of the legal restrictions within which licensees must operate.

PLCB OFFICES

Requests for additional information, or for application forms, should be directed to the Central Office located at:

Pennsylvania Liquor Control Board
Bureau of Licensing
Northwest Office Building
901 Capital Street
Harrisburg, Pennsylvania 17105-8940
(717) 783-8250
FAX: (717) 772-2165 or (717) 783-6614

For the convenience of the hearing impaired, we offer Telecommunications Device For the Deaf (TDD) weekdays 7:30 AM to 4:00 PM (717) 772-3725.

Website address: <http://www.lcb.state.pa.us>

E-mail address: ra-lblicensing@state.pa.us
ra-lblegal@state.pa.us

Applications may be submitted to the Central Office or to Regional Offices, as follows:

Regional Office 2
990 Briarsdale Rd., Unit A
Harrisburg, PA 17109-5905
(717) 561-3741
FAX: (717) 561-3740

Regional Office 1
Meetinghouse Business Center
140 W. Germantown Pike, Suite 100
Plymouth Meeting, PA 19462-1421
(610) 940-1200
FAX: (610) 940-1211

Regional Office 3
158 Purity Road
Suite C
Pittsburgh, PA 15235
(412) 723-0100
FAX: (412) 723-0107

