

EXTENDING OUTDOOR LICENSES

BY ED TARASKUS

Governor Wolf signed House Bill Number 425, now known as Act 81 of 2021, into law on November 5. This law is now in effect until December 31, 2024 and temporarily amends the Liquor Code regarding several provisions, which are intended to give licensees some economic help during the health crisis.

I reviewed the change in the law relative to off-premise catering permits in my previous column.

Another change in the law involves the use of the emergency temporary extensions of licenses, which have benefited licensees during the pandemic, but which basically ended on June 15, 2021. Licensees now can apply for temporary license extensions through December 31, 2024.

Only specific licensees, including restaurants, catering clubs, hotels, breweries, limited distilleries, distilleries, and limited wineries, may apply.

The most important change is that licensees may now apply for an outdoor

area that is within 1000 feet of the main licensed building, even if that area to be temporarily licensed is not immediately adjacent to the licensee's premises and is separated by a public thoroughfare as a sidewalk. So, a sidewalk café or an area on a street as permitted by some cities like Philadelphia will qualify.

Licensees, as always, can apply for an area immediately adjacent to the current licensed area. Licensees must have an applicable municipal permit for the new area if the area is on public property.

Once the application is filed and the notice posted, the Pennsylvania Liquor Control Board (PLCB) will immediately grant authority to sell alcoholic beverages in the new outside area until there is a protest to the extension or the PLCB's investigation determines that the licensee or the area does not qualify.

All residents residing within 500 feet of the new extended licensed premises have the legal standing to protest an

application, even if the extension is only to be temporary.

A protest will cause the PLCB to require a licensee to stop using the temporary licensed area. Normally, the PLCB will schedule a hearing on the protests, however it is unclear when and if a hearing can be scheduled. The authorization for the temporary license extensions is only good until December 31, 2024.

Licensees should consider meeting with the neighbors to address their concerns; a successful meeting may result in the neighbors not filing a protest. ■

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