

STATE OF NEW YORK
LIQUOR AUTHORITY

TO: On-premises retail licensees
SUBJECT: Seasonal additional stand-up bars

Subdivision 4 of section 100 of the Alcoholic Beverage Control Law allows each retail on-premises licensee to operate one “stand-up” bar (a bar where customers are served) as part of the license privilege. That subdivision further provides that the Authority can permit (for good cause) each retail on-premises licensee to operate no more than two additional stand-up bars. The fee for each approved additional stand-up bar is “equivalent to the amount of the annual license fee paid by the licensee...”

The Alcoholic Beverage Control Law provides for the issuance of retail on-premises licenses on a seasonal, rather than annual, basis with a pro-rated license fee. However, the law does not address whether permission can be given to operate an additional stand-up bar on a seasonal basis with a pro-rated fee. To date, the Authority has required retail on-premises licensees to pay the entire annual fee to operate an additional stand-up bar even if that bar is only used on a seasonal basis.

Upon further consideration of the issue, the Authority finds that it is not inconsistent with the “equivalent to the amount” language in subdivision 4 of section 100 to permit retail on-premises licensees to operate additional stand-up bars on a seasonal basis with the fee being pro-rated to the number of months that the additional bar is in use. Provided, however that, as with seasonal licensees, the fee for a seasonal additional stand-up bar shall be no less than one-half the amount of the annual license fee paid by the licensee.

The certificate issued for the seasonal additional stand-up bar shall set forth the dates that the additional bar may be used by the licensee. Use of the additional bar on any date other than those provided for in the certificate will subject the licensee to disciplinary action by the Authority.