

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1255

Session of
1979

INTRODUCED BY MESSRS. MICOZZIE, ALDEN, GANNON, MRS. DURHAM,
MRS. CLARK AND MRS. ARTY, MAY 9, 1979

AS REPORTED FROM COMMITTEE ON LIQUOR CONTROL, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 26, 1979

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An
2 act relating to alcoholic liquors, alcohol and malt and
3 brewed beverages; amending, revising, consolidating and
4 changing the laws relating thereto; regulating and
5 restricting the manufacture, purchase, sale, possession,
6 consumption, importation, transportation, furnishing, holding
7 in bond, holding in storage, traffic in and use of alcoholic
8 liquors, alcohol and malt and brewed beverages and the
9 persons engaged or employed therein; defining the powers and
10 duties of the Pennsylvania Liquor Control Board; providing
11 for the establishment and operation of State liquor stores,
12 for the payment of certain license fees to the respective
13 municipalities and townships, for the abatement of certain
14 nuisances and, in certain cases, for search and seizure
15 without warrant; prescribing penalties and forfeitures;
16 providing for local option, and repealing existing laws,"
17 further limiting the number of retail licenses in certain
18 municipalities.

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Subsection (a) of section 461, act of April 12,
22 1951 (P.L.90, No.21), known as the "Liquor Code," amended June
23 1, 1978 (P.L.451, No.56), is amended to read:

24 Section 461. Limiting Number of Retail Licenses To Be Issued
25 In Each Municipality.--(a) No licenses shall hereafter be

1 granted by the board for the retail sale of malt or brewed
2 beverages or the retail sale of liquor and malt or brewed
3 beverages in excess of one of such licenses of any class for
4 each two thousand inhabitants in any municipality OR PART OF A <—
5 MUNICIPALITY WHERE SUCH MUNICIPALITY IS SPLIT SO THAT EACH PART
6 THEREOF IS SEPARATED BY ANOTHER MUNICIPALITY, exclusive of
7 licenses granted to airport restaurants, municipal golf courses,
8 hotels and incorporated units of national veterans'
9 organizations, as defined in this section, and clubs; but at
10 least one such license may be granted in each municipality and
11 in each part of a municipality where such municipality is split
12 so that each part thereof is separated by another municipality,
13 except in municipalities where the electors have voted against
14 the granting of any retail licenses and except in that part of a
15 split municipality that is contiguous to any municipality where <—
16 the electors have voted against the granting of any retail
17 licenses. Nothing contained in this section shall be construed
18 as denying the right to the board to renew or to transfer
19 existing retail licenses of any class notwithstanding that the
20 number of such licensed places in a municipality OR PART OF A <—
21 SPLIT MUNICIPALITY shall exceed the limitation hereinbefore
22 prescribed; but where such number exceeds the limitation
23 prescribed by this section, no new license, except for hotels,
24 municipal golf courses, airport restaurants and incorporated
25 units of national veterans' organizations, as defined in this
26 section, shall be granted so long as said limitation is
27 exceeded.

28 * * *

29 SECTION 2. SECTION 472 OF THE ACT, AMENDED JUNE 28, 1957 <—
30 (P.L.419, NO.231), IS AMENDED TO READ:

1 SECTION 472. LOCAL OPTION.--IN ANY MUNICIPALITY OR ANY PART
2 OF A MUNICIPALITY WHERE SUCH MUNICIPALITY IS SPLIT SO THAT EACH
3 PART THEREOF IS SEPARATED BY ANOTHER MUNICIPALITY, AN ELECTION
4 MAY BE HELD ON THE DATE OF THE PRIMARY ELECTION IMMEDIATELY
5 PRECEDING ANY MUNICIPAL ELECTION, BUT NOT OFTENER THAN ONCE IN
6 FOUR YEARS, TO DETERMINE THE WILL OF THE ELECTORS WITH RESPECT
7 TO THE GRANTING OF LIQUOR LICENSES TO HOTELS, RESTAURANTS AND
8 CLUBS, NOT OFTENER THAN ONCE IN FOUR YEARS, WITH RESPECT TO THE
9 GRANTING OF LICENSES TO RETAIL DISPENSERS OF MALT AND BREWED
10 BEVERAGES, NOT OFTENER THAN ONCE IN FOUR YEARS WITH RESPECT TO
11 GRANTING OF LICENSES TO WHOLESALE DISTRIBUTORS AND IMPORTING
12 DISTRIBUTORS, OR NOT MORE THAN ONCE IN FOUR YEARS WITH RESPECT
13 TO THE ESTABLISHMENT, OPERATION AND MAINTENANCE BY THE BOARD OF
14 PENNSYLVANIA LIQUOR STORES, WITHIN THE LIMITS OF SUCH
15 MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY, UNDER THE
16 PROVISIONS OF THIS ACT: PROVIDED, HOWEVER, WHERE AN ELECTION
17 SHALL HAVE BEEN HELD AT THE PRIMARY PRECEDING A MUNICIPAL
18 ELECTION IN ANY YEAR, ANOTHER ELECTION MAY BE HELD UNDER THE
19 PROVISIONS OF THIS ACT AT THE PRIMARY OCCURRING THE FOURTH YEAR
20 AFTER SUCH PRIOR ELECTION: AND PROVIDED FURTHER, THAT AN
21 ELECTION ON THE QUESTION OF ESTABLISHING AND OPERATING A STATE
22 LIQUOR STORE SHALL BE INITIATED ONLY IN THOSE MUNICIPALITIES, OR
23 THAT PART OF A SPLIT MUNICIPALITY THAT SHALL HAVE VOTED AGAINST
24 THE GRANTING OF LIQUOR LICENSES; AND THAT AN ELECTION ON THE
25 QUESTION OF GRANTING WHOLESALE DISTRIBUTOR AND IMPORTING
26 DISTRIBUTOR LICENSES SHALL BE INITIATED ONLY IN THOSE
27 MUNICIPALITIES OR PARTS OF SPLIT MUNICIPALITIES THAT SHALL HAVE
28 AT A PREVIOUS ELECTION VOTED AGAINST THE GRANTING OF DISPENSER'S
29 LICENSES. WHENEVER ELECTORS EQUAL TO AT LEAST TWENTY-FIVE PER
30 CENTUM OF THE HIGHEST VOTE CAST FOR ANY OFFICE IN THE

1 MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY AT THE LAST
2 PRECEDING GENERAL ELECTION SHALL FILE A PETITION WITH THE COUNTY
3 BOARD OF ELECTIONS OF THE COUNTY FOR A REFERENDUM ON THE
4 QUESTION OF GRANTING ANY OF SAID CLASSES OF LICENSES OR THE
5 ESTABLISHMENT OF PENNSYLVANIA LIQUOR STORES, THE SAID COUNTY
6 BOARD OF ELECTIONS SHALL CAUSE A QUESTION TO BE PLACED ON THE
7 BALLOTS OR ON THE VOTING MACHINE BOARD AND SUBMITTED AT THE
8 PRIMARY IMMEDIATELY PRECEDING THE MUNICIPAL ELECTION. SEPARATE
9 PETITIONS MUST BE FILED FOR EACH QUESTION TO BE VOTED ON. SAID
10 PROCEEDINGS SHALL BE IN THE MANNER AND SUBJECT TO THE PROVISIONS
11 OF THE ELECTION LAWS WHICH RELATE TO THE SIGNING, FILING AND
12 ADJUDICATION OF NOMINATION PETITIONS, INsofar AS SUCH PROVISIONS
13 ARE APPLICABLE.

14 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LIQUOR
15 LICENSES, IT SHALL BE IN THE FOLLOWING FORM:

16 DO YOU FAVOR THE GRANTING OF LIQUOR LICENSES
17 FOR THE SALE OF LIQUOR IN..... YES
18 OF.....? NO

19 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LICENSES
20 TO RETAIL DISPENSERS OF MALT AND BREWED BEVERAGES, IT SHALL BE
21 IN THE FOLLOWING FORM:

22 DO YOU FAVOR THE GRANTING OF MALT AND BREWED
23 BEVERAGE RETAIL DISPENSER LICENSES FOR
24 CONSUMPTION ON PREMISES WHERE SOLD IN THE..... YES
25 OF.....? NO

26 WHEN THE QUESTION IS IN RESPECT TO THE GRANTING OF LICENSES
27 TO WHOLESALE DISTRIBUTORS OF MALT OR BREWED BEVERAGES AND
28 IMPORTING DISTRIBUTORS, IT SHALL BE IN THE FOLLOWING FORM:

29 DO YOU FAVOR THE GRANTING OF MALT AND BREWED
30 BEVERAGE WHOLESALE DISTRIBUTOR'S AND IMPORTING

1 DISTRIBUTOR'S LICENSES NOT FOR CONSUMPTION ON
2 PREMISES WHERE SOLD IN THE..... YES
3 OF.....? NO
4 WHEN THE QUESTION IS IN RESPECT TO THE ESTABLISHMENT,
5 OPERATION AND MAINTENANCE OF PENNSYLVANIA LIQUOR STORES IT SHALL
6 BE IN THE FOLLOWING FORM:
7 DO YOU FAVOR THE ESTABLISHMENT, OPERATION
8 AND MAINTENANCE OF PENNSYLVANIA LIQUOR
9 STORES IN THE..... YES
10 OF.....? NO
11 IN CASE OF A TIE VOTE, THE STATUS QUO SHALL OBTAIN. IF A
12 MAJORITY OF THE VOTING ELECTORS ON ANY SUCH QUESTION VOTE "YES,"
13 THEN LIQUOR LICENSES SHALL BE GRANTED BY THE BOARD TO HOTELS,
14 RESTAURANTS AND CLUBS, OR MALT AND BREWED BEVERAGE RETAIL
15 DISPENSER LICENSES OR WHOLESALE DISTRIBUTOR'S AND IMPORTING
16 DISTRIBUTOR'S LICENSE FOR THE SALE OF MALT OR BREWED BEVERAGES
17 SHALL BE GRANTED BY THE BOARD, OR THE BOARD MAY ESTABLISH,
18 OPERATE AND MAINTAIN PENNSYLVANIA LIQUOR STORES, AS THE CASE MAY
19 BE, IN SUCH MUNICIPALITY OR PART OF A SPLIT MUNICIPALITY, AS
20 PROVIDED BY THIS ACT; BUT IF A MAJORITY OF THE ELECTORS VOTING
21 ON ANY SUCH QUESTION VOTE "NO," THEN THE BOARD SHALL HAVE NO
22 POWER TO GRANT OR TO RENEW UPON THEIR EXPIRATION ANY LICENSES OF
23 THE CLASS SO VOTED UPON IN SUCH MUNICIPALITY OR PART OF A SPLIT
24 MUNICIPALITY; OR IF THE NEGATIVE VOTE IS ON THE QUESTION IN
25 RESPECT TO THE ESTABLISHMENT, OPERATION AND MAINTENANCE OF
26 PENNSYLVANIA LIQUOR STORES, THE BOARD SHALL NOT OPEN AND OPERATE
27 A PENNSYLVANIA LIQUOR STORE IN SUCH MUNICIPALITY OR PART OF A
28 SPLIT MUNICIPALITY, NOR CONTINUE TO OPERATE A THEN EXISTING
29 PENNSYLVANIA LIQUOR STORE IN THE MUNICIPALITY OR PART OF A SPLIT
30 MUNICIPALITY FOR MORE THAN TWO YEARS THEREAFTER OR AFTER THE

1 EXPIRATION OF THE TERM OF THE LEASE ON THE PREMISES OCCUPIED BY
2 SUCH STORE, WHICHEVER PERIOD IS LESS, UNLESS AND UNTIL AT A
3 LATER ELECTION A MAJORITY OF THE VOTING ELECTORS VOTE "YES" ON
4 SUCH QUESTION.

5 Section ~~2~~ 3. This act shall take effect immediately.

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