

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 482

Session of  
1975

INTRODUCED BY O'DONNELL, FEBRUARY 18, 1975

REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 18, 1975

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 providing for the reclamation of certain licenses in cities  
18 of the first class.

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

21 Section 1. Section 102, act of April 12, 1951 (P.L.90,  
22 No.21), known as the "Liquor Code," is amended by adding  
23 definitions to read:

24 Section 102. Definitions.--The following words or phrases,  
25 unless the context clearly indicates otherwise, shall have the  
26 meanings ascribed to them in this section:

1       \* \* \*

2       "Blighted area" shall mean any geographic area in a city of  
3 the first class in which it is determined that due to a high  
4 concentration of retail liquor and retail malt beverage license  
5 there exists a detriment and danger to the public health,  
6 welfare and safety of the citizens.

7       \* \* \*

8       "Reclamation" shall mean the repossession of a retail liquor  
9 or a retail malt beverage license by the Commonwealth of  
10 Pennsylvania.

11       \* \* \*

12       Section 2. The act is amended by adding a section to read:

13       Section 612. Reclamation of Certain Licenses.--(a) On  
14 petition of the Attorney General or the district attorney in any  
15 city of the first class wherein it is alleged that there exists  
16 a blighted area, proceedings shall be commenced in the name of  
17 the Commonwealth of Pennsylvania for the purpose of reclaiming  
18 retail liquor or retail malt beverage licenses maintained on  
19 premises located within the blighted area.

20       (b) Proceedings for the reclamation of retail liquor or  
21 retail malt beverage licenses may be brought in an equity action  
22 in any court having jurisdiction to hear and determine equity  
23 cases within the city in which the license is located.

24       (c) Where a court of equity determines that a retail liquor  
25 or retail malt beverage license in a blighted area is  
26 detrimental to the public health, welfare and safety, the court  
27 shall order reclamation of the license and grant an injunction  
28 prohibiting the sale of alcoholic and/or malt beverages pursuant  
29 to the license which is the subject of the equity proceedings.

30       (d) Reclamation of retail liquor or retail malt beverage

licenses in blighted areas shall be made in the order in which it is determined that each licensee contributes to the erosion of the public health, welfare and safety within that area. The following factors shall be taken into consideration by a court in making such determinations: (i) prior closings after a finding that the activities of the licensee constituted a public nuisance, (ii) convictions for violations of State laws and/or municipal ordinances and (iii) violations of Liquor Control Board Regulations.

(e) Upon reclamation of the retail liquor or retail malt beverage license, the Commonwealth of Pennsylvania shall be obliged to compensate the licensee in an amount equal to the fair market value at the time of reclamation. The fair market value of the retail liquor or retail malt beverage license shall be determined in a separate proceeding.