
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 224 Session of
1983

Report of the Committee of Conference

To the Members of the House of Representatives and Senate:

We, the undersigned, Committee of Conference on the part of the House of Representatives and Senate for the purpose of considering House Bill No. 224, entitled:
"An act amending the act of April 12, 1951 (P.L.90, No.21), entitled 'An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; * * * providing for local option, and repealing existing laws,' further providing for records of the board, for hearings on applications for new or transfers of hotel, club or restaurant liquor licenses, for license applications, for the posting of certain notices and the giving of notice to municipalities; * * * further providing for nuisances; and providing penalties,"

respectfully submit the following bill as our report:

ROBERT W. O'DONNELL

THOMAS J. FEE

STANFORD I. LEHR

(Committee on the part of the House of Representatives.)

STEWART J. GREENLEAF

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(Committee on the part of the Senate.)

AN ACT

Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," further providing for records of the board, for hearings on applications for new or transfers of hotel, club or restaurant liquor licenses, for license applications, for the posting of certain notices and the giving of notice to municipalities; providing for licenses for zoos owned by first and second class cities; further providing for suspension and revocation of licenses, for citations, for certain violations; further providing for local option, for the surrender of certain club licenses; prohibiting certain loitering; further providing for nuisances; and providing penalties.

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

Section 1. The act of April 12, 1951 (P.L.90, No.21), known as the Liquor Code, is amended by adding a section to read:

Section 211. Records.--All records of the board, except the personnel file of board employes, shall be open to public inspection and review during normal business hours. Except for testimony given at a hearing, the board shall delete, prior to the release of any record for public inspection, the following:

(1) Any name, address or other information which could reasonably be used to identify any person who provided information for any investigation of the board in the official performance of its official duties.

(2) Any report or information which would be reasonably

1 expected to jeopardize, prejudice or impair the result of any
2 investigation in the process of being conducted by the board or
3 other law enforcement agency.

4 (3) All information assembled as a result of any inquiry or
5 investigation, formal or informal, on any alleged violation of
6 this act or any other law of the Commonwealth when such
7 investigation does not result in a citation.

8 (4) Any other information the release of which is prohibited
9 by law.

10 Section 2. Section 402 of the act is amended to read:

11 Section 402. License Districts; License Year; Hearings.--(a)
12 The board shall, by regulation, divide the State into convenient
13 license districts and shall hold hearings on applications for
14 licenses and renewals thereof, as it deems necessary, at a
15 convenient place or places in each of said districts, at such
16 times as it shall fix, by regulation, for the purpose of hearing
17 testimony for and against applications for new licenses and
18 renewals thereof. The board shall hold a hearing on any
19 application for a new hotel, club or restaurant liquor license
20 or the transfer of any such license to a new location, upon the
21 request of any person with standing to testify under subsection
22 (b) if the request is filed with the board within the first
23 fifteen (15) days of posting of the notice of application
24 pursuant to section 403(g). The board may provide for the
25 holding of such hearings by examiners learned in the law, to be
26 appointed by the Governor, who shall not be subject to the
27 "Civil Service Act." Such examiners shall make report to the
28 board in each case with their recommendations. The board shall,
29 by regulation, fix the license year for each separate district
30 so that the expiration dates shall be uniform in each of the

1 several districts but staggered as to the State.

2 (b) Where a hearing is held in the case of an application
3 for a new hotel, club or restaurant liquor license or an
4 application for the transfer of a hotel, club or restaurant
5 liquor license to a new location, the board shall permit
6 residents residing within a radius of five hundred feet of the
7 premises to testify at the hearing. The board and any hearing
8 officer thereof shall give weight to any testimony of such
9 residents of the municipality given at the hearing.

10 Section 3. Section 403(g) of the act, amended November 19,
11 1959 (P.L.1546, No.553), is amended to read:

12 Section 403. Applications for Hotel, Restaurant and Club
13 Liquor Licenses.--* * *

14 (g) Every applicant for a new license or for the transfer of
15 an existing license [to another premises not then licensed]
16 shall post, for a period of at least fifteen days beginning with
17 the day the application is filed with the board, in a
18 conspicuous place on the outside of the premises or at the
19 proposed new location for which the license is applied, a notice
20 of such application, in such form, of such size, and containing
21 such provisions as the board may require by its regulations.
22 Simultaneous with posting of the notice of such application, the
23 applicant shall send notice of the application to the governing
24 body of the municipality in which the premises or proposed new
25 location is located by certified mail, return receipt requested.
26 Proof of the posting of such notice and mailing of notice to the
27 municipality shall be filed with the board. Notwithstanding any
28 other provision of law, the board shall take no action on an
29 application until at least fifteen days have elapsed from the
30 date of receipt of notice by the municipality.

1 * * *

2 Section 4. The act is amended by adding a section to read:

3 Section 408.10. Zoos Owned by Cities of the First and Second
4 Class.--(a) The board is authorized to issue a license in any
5 city of the first or second class for the retail sale of liquor
6 and malt or brewed beverages by the glass, open bottle or other
7 container, and in any mixture, for consumption in any city-owned
8 zoos or city-owned zoos leased or maintained by a nonprofit
9 corporation. For the purpose of this section, "nonprofit
10 corporation" shall mean a corporation organized under the
11 nonprofit corporation laws of the Commonwealth for the benefit
12 of the public and not for the mutual benefit of its members, and
13 which maintains a zoo on city-owned property containing a
14 minimum of forty acres.

15 (b) The application for a license may be filed at any time
16 by the city, the nonprofit corporation or lessee. The
17 application may also be filed by a concessionaire selected and
18 certified by the city or a nonprofit corporation. The
19 application shall conform with all requirements of this act
20 except as otherwise provided herein, and that liquor, or malt or
21 brewed beverages, or both, may be sold by the city, the
22 nonprofit corporation or lessee, at multiple locations approved
23 by the board within the security fencing of the zoo. The
24 applicant shall submit such other information as the board may
25 require. The application shall be in writing on forms prescribed
26 by the board and shall be signed and submitted to the board by
27 the applicant with the requisite filing fee.

28 (c) Upon receipt of the application in proper form with the
29 application fee, and upon being satisfied that the applicant is
30 of good repute and financial responsibility and that the

1 proposed place of business is proper, the board shall issue a
2 license to the applicant.

3 (d) The annual fee for a zoological facility license shall
4 be six hundred dollars (\$600) and shall accompany the
5 application for a license.

6 (e) The penal sum of the bond which shall be filed by an
7 applicant for a zoological facility pursuant to section 465
8 shall be two thousand dollars (\$2,000).

9 (f) The license shall be issued for the same period of time
10 as provided for restaurant licenses and shall be renewed as
11 provided in section 402. The license shall terminate upon
12 revocation by the board or upon termination of the contract
13 between the concessionaire and the city or the nonprofit
14 corporation.

15 (g) Sales by the holder of a zoo license may be made on
16 premises used for zoological purposes except to those persons
17 prohibited by this act. The sales may not be made beyond the
18 hours expressed in this act.

19 (h) Licenses issued under this section shall not be subject
20 to the quota restrictions of section 461, nor shall they be
21 subject to the provisions of section 463 and section 493 (10).

22 (i) Whenever a lease or concession contract is terminated
23 prior to the expiration date provided in the lease or contract
24 between the city or nonprofit corporation or the tenant or
25 concessionaire, the city or the nonprofit corporation may select
26 and certify to the board a different licensee or concessionaire
27 who may then apply to the board for a new license. If the
28 applicant meets the requirements of the board as herein
29 provided, a new license shall thereupon be issued.

30 Section 5. Section 471 of the act, amended January 13, 1966

1 (1965 P.L.1301, No.518) and repealed in part June 3, 1971
2 (P.L.118, No.6), is amended to read:

3 Section 471. Revocation and Suspension of Licenses; Fines.--

4 (a) Upon learning of any violation of this act or any laws of
5 this Commonwealth relating to liquor, alcohol or malt or brewed
6 beverages, or of any regulations of the board adopted pursuant
7 to such laws, of any violation of any laws of this Commonwealth
8 or of the United States of America relating to the tax-payment
9 of liquor or malt or brewed beverages by any licensee within the
10 scope of this article, his officers, servants, agents or
11 employes, or upon any other sufficient cause shown, the board
12 may, within one year from the date of such violation or cause
13 appearing, cite such licensee to appear before it or its
14 examiner, not less than ten nor more than sixty days from the
15 date of sending such licensee, by registered mail, a notice
16 addressed to him at his licensed premises, to show cause why
17 such license should not be suspended or revoked or a fine
18 imposed.

19 (b) Hearings on such citations shall be held in the same
20 manner as provided herein for hearings on applications for
21 license. Upon such hearing, if satisfied that any such violation
22 has occurred or for other sufficient cause, the board shall
23 immediately suspend or revoke the license, or impose a fine of
24 not less than fifty dollars (\$50) nor more than one thousand
25 dollars (\$1,000), notifying the licensee by registered letter
26 addressed to his licensed premises. If the licensee has been
27 cited and found to have violated section 493(1) insofar as it
28 relates to sales to minors, (10) insofar as it relates to any
29 lewd, immoral or improper entertainment, (14), (16) or (21) of
30 this act or has been found to be a public nuisance pursuant to

1 section 611, or if the owner, operator or any authorized agent
2 has been cited for any violation of the act of April 14, 1972
3 (P.L.233, No.64), known as "The Controlled Substance, Drug,
4 Device and Cosmetic Act," or 18 Pa.C.S. § 5902 (relating to
5 prostitution and related offenses) or 6301 (relating to
6 corruption of minors), the board shall immediately suspend or
7 revoke the license, or impose a fine not to exceed five thousand
8 dollars (\$5,000). The board shall notify the licensee by
9 registered mail, addressed to the licensed premises, of such
10 suspension, revocation or fine. In the event the fine is not
11 paid within twenty days of the order the board shall suspend or
12 revoke the license, notifying the licensee by registered mail
13 addressed to his licensed premises. Suspensions and revocations
14 shall not go into effect until twenty days have elapsed from the
15 date of notice of issuance of the board's order, during which
16 time the licensee may take an appeal as provided for in this
17 act. When a license is revoked, the licensee's bond may be
18 forfeited by the board. Any licensee whose license is revoked
19 shall be ineligible to have a license under this act until the
20 expiration of three years from the date such license was
21 revoked. In the event the board shall revoke a license, no
22 license shall be granted for the premises or transferred to the
23 premises in which the said license was conducted for a period of
24 at least one year after the date of the revocation of the
25 license conducted in the said premises, except in cases where
26 the licensee or a member of his immediate family is not the
27 owner of the premises, in which case the board may, in its
28 discretion, issue or transfer a license within the said year. In
29 all such cases, the board shall file of record at least a brief
30 statement in the form of an opinion of the reasons for the

1 ruling or order. In the event the person who was fined or whose
2 license was suspended or revoked by the board shall feel
3 aggrieved by the action of the board, he shall have the right to
4 appeal to the court of [quarter sessions or the county court of
5 Allegheny County] common pleas in the same manner as herein
6 provided for appeals from refusals to grant licenses. Upon
7 appeal, the court so appealed to shall, in the exercise of its
8 discretion, sustain, reject, alter or modify the findings,
9 conclusions and penalties of the board, based on the findings of
10 fact and conclusions of law as found by the court. The aforesaid
11 appeal shall act as a supersedeas unless upon sufficient cause
12 shown the court shall determine otherwise.

13 (c) If the licensee has been cited and found to have
14 violated section 493(1) as it relates to sales to minors, (10)
15 insofar as it relates to lewd, immoral or improper
16 entertainment, (14) or (21) or has been found to be a public
17 nuisance pursuant to section 611, or if the owner or operator or
18 any authorized agent has been cited for any violation of the act
19 of April 14, 1972 (P.L.233, No.64), known as "The Controlled
20 Substance, Drug, Device and Cosmetic Act" or 18 Pa.C.S. § 5902
21 (relating to prostitution and related offenses) or 6301
22 (relating to corruption of minors), its appeal shall not act as
23 a supersedeas unless the court determines otherwise upon
24 sufficient cause shown. In any hearing on an application for a
25 supersedeas under this section, the court shall consider, in
26 addition to other relevant evidence, the prior history of
27 citations, fines, suspensions or revocations against the
28 licensee; the seriousness of the offense and the evidence of any
29 recurrence of the unlawful activity occurring between the date
30 of the citation which is the subject of the appeal and the date

1 of the hearing by the court.

2 (d) No penalty provided by this section shall be imposed by
3 the board or any court for any violations provided for in this
4 act unless the enforcement officer or the board notifies the
5 licensee of its nature and of the date of the alleged violation
6 within ten days of the completion of the investigation which in
7 no event shall exceed ninety days.

8 (e) If the violation in question is a third or subsequent
9 violation of this act or [the act of June 24, 1939 (P.L.872),
10 known as "The Penal Code,"] Title 18 of the Pennsylvania
11 Consolidated Statutes (relating to crimes and offenses),
12 occurring within a period of four years the board shall impose a
13 suspension or revocation.

14 [The jurisdiction of the county court of Allegheny County
15 conferred hereby shall be exclusive within the territorial
16 limits of its jurisdiction.]

17 (f) (1) Upon reasonable cause, any law enforcement agency
18 may cite a licensee within the scope of this article for any
19 violation of this act or of any laws of the Commonwealth
20 relating to liquor, alcohol or malt or brewed beverages, or of
21 any regulation adopted pursuant to such laws, of any violation
22 of any laws of the Commonwealth or of the United States of
23 America relating to tax payment of liquor or malt or brewed
24 beverages by any licensee within the scope of this act, his
25 officers, servants, agents or employes, or upon any other
26 sufficient cause shown.

27 (2) The citations allowed by clause (1) shall be on forms
28 designed and provided by the board.

29 (3) Any citation issued by a law enforcement agency pursuant
30 to this section shall identify the alleged violation and shall

1 include the date of said violation. A copy of said citation
2 shall be served by the law enforcement agency by delivering the
3 citation to the licensed premises and leaving it with the
4 licensee or any officer, servant, agent or employee of the
5 licensee found on the premises. If neither the licensee nor any
6 officer, servant, agent or employee of the licensee is found on
7 the premises, the citation may be served by leaving a copy
8 thereof at the licensed premises. A copy of the citation may be
9 delivered as provided in this subsection at the time that the
10 violation is observed or detected by the law enforcement agency
11 or within twenty days following the later of either:

12 (i) the observance or detection of the violation; or
13 (ii) the completion of the investigation disclosing the
14 violation.

15 (4) Upon issuing any citation as herein provided, the law
16 enforcement agency issuing the citation shall promptly provide a
17 copy of the citation to the board. Upon receipt of such a
18 citation, the board shall schedule a hearing on the citation not
19 less than thirty nor more than sixty days after a copy of the
20 citation was served as provided in clause (3). At the hearing,
21 the licensee will be required to show cause why the license
22 should not be suspended or revoked or a fine imposed, or both.
23 The hearing provided for by this subsection shall be identical
24 in form and substance to a hearing on a citation issued pursuant
25 to subsection (a). The board shall, by registered mail, notify
26 the licensee and the law enforcement agency issuing the citation
27 of the date, time and place for the hearing.

28 (5) Upon providing a copy of the citation to the board as
29 provided in clause (4), the law enforcement agency shall, in
30 addition, supply the board with the names and addresses of all

1 witnesses known to the law enforcement agency that may be
2 required to prosecute the citation. The board shall command the
3 appearance at the scheduled hearing of those persons, including
4 members of the law enforcement agency, necessary to prosecute
5 the citation.

6 (6) The authority given to law enforcement agencies under
7 this subsection shall be in addition to any other authority
8 which said agencies possess.

9 (7) As used in this subsection "law enforcement agency"
10 means the Pennsylvania State Police and any police department of
11 any municipality within this Commonwealth.

12 Section 6. Section 472 of the act, amended July 11, 1980
13 (P.L.558, No.117), is amended to read:

14 Section 472. Local Option.--In any municipality or any part
15 of a municipality where such municipality is split so that each
16 part thereof is separated by another municipality, an election
17 may be held on the date of the primary election immediately
18 preceding any municipal election, but not [oftener] more than
19 once in four years, to determine the will of the electors with
20 respect to the granting of liquor licenses to hotels,
21 restaurants and clubs, not [oftener] more than once in four
22 years, with respect to the granting of licenses to retail
23 dispensers of malt and brewed beverages, not [oftener] more than
24 once in four years with respect to granting or renewal of
25 licenses to wholesale distributors and importing distributors,
26 or not more than once in four years with respect to the
27 establishment, operation and maintenance by the board of
28 Pennsylvania liquor stores, within the limits of such
29 municipality or part of a split municipality, under the
30 provisions of this act: Provided, however, Where an election

1 shall have been held at the primary preceding a municipal
2 election in any year, another election may be held under the
3 provisions of this act at the primary occurring the fourth year
4 after such prior election: And provided further, That an
5 election on the question of establishing and operating a State
6 liquor store shall be initiated only in those municipalities, or
7 that part of a split municipality that shall have voted against
8 the granting or renewal of liquor licenses; and that an election
9 on the question of granting or renewal of wholesale distributor
10 and importing distributor licenses shall be initiated only in
11 those municipalities or parts of split municipalities that shall
12 have at a previous election voted against the granting or
13 renewal of dispenser's licenses. Whenever electors equal to at
14 least twenty-five per centum of the highest vote cast for any
15 office in the municipality or part of a split municipality at
16 the last preceding general election shall file a petition with
17 the county board of elections of the county for a referendum on
18 the question of granting or renewal of any of said classes of
19 licenses or the establishment of Pennsylvania liquor stores, the
20 said county board of elections shall cause a question to be
21 placed on the ballots or on the voting machine board and
22 submitted at the primary immediately preceding the municipal
23 election. Separate petitions must be filed for each question to
24 be voted on. Said proceedings shall be in the manner and subject
25 to the provisions of the election laws which relate to the
26 signing, filing and adjudication of nomination petitions,
27 insofar as such provisions are applicable.

28 When the question is in respect to the granting of liquor
29 licenses, it shall be in the following form:

30 Do you favor the granting of liquor licenses

1 for the sale of liquor in..... Yes
2 of.....? No

3 When the question is in respect to the granting of licenses
4 to retail dispensers of malt and brewed beverages, it shall be
5 in the following form:

6 Do you favor the granting of malt and brewed
7 beverage retail dispenser licenses for
8 consumption on premises where sold in the..... Yes
9 of.....? No

10 When the question is in respect to the granting of licenses
11 to wholesale distributors of malt or brewed beverages and
12 importing distributors, it shall be in the following form:

13 Do you favor the granting of malt and brewed
14 beverage wholesale distributor's and importing
15 distributor's licenses not for consumption on
16 premises where sold in the..... Yes
17 of.....? No

18 When the question is in respect to the establishment,
19 operation and maintenance of Pennsylvania liquor stores it shall
20 be in the following form:

21 Do you favor the establishment, operation
22 and maintenance of Pennsylvania liquor
23 stores in the..... Yes
24 of.....? No

25 In case of a tie vote, the status quo shall obtain. If a
26 majority of the voting electors on any such question vote "yes,"
27 then liquor licenses shall be granted by the board to hotels,
28 restaurants and clubs, or malt and brewed beverage retail
29 dispenser licenses or wholesale distributor's and importing
30 distributor's license for the sale of malt or brewed beverages

1 shall be granted by the board, or the board may establish,
2 operate and maintain Pennsylvania liquor stores, as the case may
3 be, in such municipality or part of a split municipality, as
4 provided by this act; but if a majority of the electors voting
5 on any such question vote "no," then the board shall have no
6 power to grant or to renew upon their expiration any licenses of
7 the class so voted upon in such municipality or part of a split
8 municipality; or if the negative vote is on the question in
9 respect to the establishment, operation and maintenance of
10 Pennsylvania liquor stores, the board shall not open and operate
11 a Pennsylvania liquor store in such municipality or part of a
12 split municipality, nor continue to operate a then existing
13 Pennsylvania liquor store in the municipality or part of a split
14 municipality for more than two years thereafter or after the
15 expiration of the term of the lease on the premises occupied by
16 such store, whichever period is less, unless and until at a
17 later election a majority of the voting electors vote "yes" on
18 such question.

19 When the question is in respect to the renewal of liquor
20 licenses, it shall be in the following form:

21 Do you favor continuing the availability of
22 liquor licenses for the sale of liquor in..... Yes
23 of.....? No

24 When the question is in respect to the renewal of licenses
25 to retail dispensers of malt and brewed beverages, it shall be
26 in the following form:

27 Do you favor continuing the availability of malt
28 and brewed beverage retail dispensers licenses
29 in..... Yes
30 of.....? No

When the question is in respect to the renewal of licenses to wholesale distributors of malt or brewed beverages and importing distributors, it shall be in the following form:

Do you favor continuing the availability of malt and brewed beverage wholesale distributors' and importing distributors' licenses not for consumption on premises in..... Yes
of.....? No

In case of tie vote, the status quo shall obtain. If a majority of the voting electors on any such question vote "yes," then liquor licenses shall be renewed by the board to hotels, restaurants and clubs, or malt and brewed beverage retail dispenser licenses or wholesale distributor's and importing distributor's license for the sale of malt or brewed beverages shall be renewed by the board, or the board may continue to operate and maintain Pennsylvania liquor stores, as the case may be, in such municipality or part of a split municipality, as provided by this act, but if a majority of the electors voting on any such question vote "no," then the board shall have no power to renew upon their expiration any licenses of the class so voted upon in such municipality or part of a split municipality; or if the negative vote is on the question in respect to the continued operation and maintenance of Pennsylvania liquor stores, the board shall not continue to operate a then existing Pennsylvania liquor store in the municipality or part of a split municipality for more than two years thereafter or after the expiration of the term of the lease on the premises occupied by such store, whichever period is less, unless and until at a later election a majority of the voting electors vote "yes" on such question.

1 Section 7. Section 493 of the act is amended by adding a
2 clause to read:

3 Section 493. Unlawful Acts Relative to Liquor, Malt and
4 Brewed Beverages and Licensees.--The term "licensee," when used
5 in this section, shall mean those persons licensed under the
6 provisions of Article IV, unless the context clearly indicates
7 otherwise.

8 It shall be unlawful--

9 * * *

10 (28) Obstructing Public Passage or Disorderly Conduct. For
11 any licensee to permit or encourage any patron to obstruct
12 public passage or engage in disorderly conduct in public and on
13 the property of the premises of the licensee.

14 Section 8. Section 494 of the act, amended May 25, 1956
15 (1955 P.L.1743, No.583), is amended to read:

16 Section 494. Penalties.--(a) Any person who shall violate
17 any of the provisions of this article, except as otherwise
18 specifically provided, shall be guilty of a misdemeanor and,
19 upon conviction thereof, shall be sentenced to pay a fine of not
20 less than one hundred dollars (\$100), nor more than five hundred
21 dollars (\$500), or if the licensee has been cited and found to
22 have violated section 493(1), (10) insofar as it relates to
23 lewd, immoral or improper entertainment, (14), (16) or (21) of
24 this act or has been found to be a public nuisance pursuant to
25 section 611, or if the owner, operator or any authorized agent
26 has been cited for any violation of the act of April 14, 1972
27 (P.L.233, No.64), known as "The Controlled Substance, Drug,
28 Device and Cosmetic Act," or 18 Pa.C.S. § 5902 (relating to
29 prostitution and related offenses) or 6301 (relating to
30 corruption of minors), a fine not exceeding five thousand

1 dollars (\$5,000), and on failure to pay such fine, to
2 imprisonment for not less than one month, nor more than three
3 months, and for any subsequent offense, shall be sentenced to
4 pay a fine not less than three hundred dollars (\$300), nor more
5 than five hundred dollars (\$500), and to undergo imprisonment
6 for a period not less than three months, nor more than one year.

7 (b) The right of the board to suspend and revoke licenses
8 granted under this article shall be in addition to the penalty
9 set forth in this section.

10 Section 9. Section 611(b) of the act is amended to read:

11 Section 611. Nuisances; Actions To Enjoin.--* * *

12 (b) An action to enjoin any nuisance defined in this act may
13 be brought in the name of the Commonwealth of Pennsylvania by
14 the Attorney General [or], by the district attorney of the
15 proper county or by a private citizen residing within a radius
16 of one mile of the alleged nuisance. Such action shall be
17 brought and tried as an action in equity and may be brought in
18 any court having jurisdiction to hear and determine equity cases
19 within the county in which the offense occurs. If it is made to
20 appear, by affidavit or otherwise, to the satisfaction of the
21 court that such nuisance exists, a temporary writ of injunction
22 shall forthwith issue, restraining the defendant from conducting
23 or permitting the continuance of such nuisance until the
24 conclusion of the proceedings. If a temporary injunction is
25 prayed for, the court may issue an order restraining the
26 defendant and all other persons from removing or in any way
27 interfering with the liquids, beverages or other things used in
28 connection with the violation of this act constituting such
29 nuisance. No bond shall be required in instituting such
30 proceedings brought in the name of the Commonwealth by the

1 Attorney General or the district attorney. It shall not be
2 necessary for the court to find the property involved was being
3 unlawfully used, as aforesaid, at the time of the hearing, but
4 on finding that the material allegations of the petition are
5 true, the court shall order that no liquor, alcohol or malt or
6 brewed beverage shall be manufactured, sold, offered for sale,
7 transported, bartered or furnished, or stored in bond, or stored
8 for hire in such room, house, building, structure, boat,
9 vehicle, or place, or any part thereof.

10 * * *

11 Section 10. This act shall take effect in 60 days.