

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2686 Session of
1982

INTRODUCED BY PERZEL, PUCCIARELLI, SALVATORE AND BOWSER,
SEPTEMBER 22, 1982

REFERRED TO COMMITTEE ON LIQUOR CONTROL, SEPTEMBER 22, 1982

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 licenses for zoos owned by cities of the first
18 class.

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

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

23 Section 408.8. Zoos Owned by Cities of the First Class.--(a)
24 The board is authorized to issue a license in any city of the
25 first class for the retail sale of liquor and malt or brewed

beverages by the glass, open bottles or other containers, and in any mixture, for consumption in any city-owned zoo leased or maintained by a nonprofit corporation. For the purpose of this section, "nonprofit corporation" shall mean a corporation organized under the nonprofit corporation laws of the Commonwealth of Pennsylvania for the benefit of the public and not for the mutual benefit of its members, and which maintains a zoo on city-owned property containing a minimum of forty acres.

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

(c) Upon receipt of the application in proper form with the application fee and upon being satisfied that the applicant is of good repute and financial responsibility and that the proposed place of business is proper, the board shall issue a license to the applicant.

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

(e) The penal sum of the bond which shall be filed by an

applicant for a zoological facility pursuant to section 465
shall be two thousand dollars (\$2,000).

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

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

(h) Licenses issued under this section shall not be subject
to the quota restrictions of section 461, nor shall they be
subject to the provisions of sections 404, 463 and clause (10)
of section 493.

(i) The holder of a zoological license may sell liquor or
malt or brewed beverages on Sunday between the hours of one
o'clock postmeridian and nine o'clock postmeridian.

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

(k) If the board shall revoke any license issued under this
section, the board shall issue a new license to any qualified
applicant without regard to the prohibition in section 471

1 against the grant of a license at the same premises for a period
2 of at least one year.

3 Section 2. All acts or parts of acts inconsistent herewith
4 are hereby repealed to the extent of the inconsistency.

5 Section 3. This act shall take effect in 60 days.