

LIMITING NUMBER OF LIQUOR LICENSES
Act of Jun. 24, 1939, P.L. 806, No. 358
AN ACT

CL. 47

Limiting the number of licenses for the retail sale of liquor, malt or brewed beverages, or malt and brewed beverages, to be issued by the Pennsylvania Liquor Control Board; defining hotels, and prescribing the accommodations required of hotels in certain municipalities.

Compiler's Note: This act was repealed April 12, 1951, P.L.90, No.21, except insofar as the provisions of section 1, as amended, shall apply to hotel licenses granted prior to September 1, 1949, or granted on any application made and pending prior to said date, or to any renewal or transfer of such licenses, or to hotels under construction or for which a bona fide contract had been entered into for construction prior to said date.

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

Section 1. Definitions.--The word "hotel," as used in this act, shall mean any reputable place operated by a responsible person of good reputation, where the public may, for a consideration, obtain sleeping accommodations; at least one-half of the required number of bed-seven days weekly, except in resort areas; at least one-rooms shall be regularly available to transient guests third of such bedrooms shall be equipped with hot and cold water, a lavatory, commode, bathtub or shower, and a clothes closet; and an additional one-third of the total of such required rooms shall be equipped with lavatory and commode--

(a) In municipalities having a population of less than three thousand, shall have at least twelve permanent bedrooms for the use of guests;

(b) In municipalities having a population of three thousand and more but less than ten thousand inhabitants, shall have at least sixteen permanent bedrooms for the use of guests;

(c) In municipalities having a population of ten thousand and more but less than twenty-five thousand inhabitants, shall have at least thirty permanent bedrooms for the use of guests;

(d) In municipalities having a population of twenty-five thousand and more but less than one hundred thousand inhabitants, shall have at least forty permanent bedrooms for the use of guests; and

(e) In municipalities having a population of one hundred thousand or more inhabitants, shall have at least fifty permanent bedrooms for the use of guests.

All such hotels shall have a public dining room or rooms, operated by the same management, accommodating at least thirty persons at one time, and a kitchen apart from the dining room or rooms in which food is regularly prepared for the public.

The word "person" shall mean every natural person, association or corporation.

The word "municipality" shall mean any city, borough, incorporated town, or township.

The term "bedrooms" shall mean bedrooms each of which shall have an area of not less than eighty square feet and an outside window.

(1 amended May 9, 1949, P.L.964, No.273)

Compiler's Note: Section 2 of Act 273 of 1949, which amended section 1, provided that the provisions of Act 273 shall not apply to hotel licenses heretofore granted or that may hereafter be granted on any application made and pending prior to the effective date of Act 273 nor to any renewal or transfer thereof, or hotels under construction or for which a bona fide contract has been entered into for construction prior to the effective date of Act 273.

Section 2. No licenses shall hereafter be granted by the Pennsylvania Liquor Control Board for the retail sale of malt or brewed beverages, or the retail sale of liquor and malt or brewed beverages, in excess of one of such licenses, of any class, for each one thousand inhabitants or fraction thereof, in any municipality, exclusive of licenses granted to hotels, as defined in this act, and clubs; but at least one such license may be granted in each municipality, except in municipalities where the electors have voted against the granting of any retail licenses. Nothing contained in this section shall be construed as denying the right to the Pennsylvania Liquor Control Board to renew or to transfer existing retail licenses of any class, notwithstanding that the number of such licensed places in a municipality shall exceed the limitation hereinbefore prescribed; but where such number exceeds the limitation prescribed by this act, no new license, except for hotels as defined in this act, shall be granted so long as said limitation is exceeded.

Section 3. The Pennsylvania Liquor Control Board shall have the power to increase the number of licenses in any such municipality which, in the opinion of the board, is located within a resort area.

Section 4. All acts and parts of acts inconsistent herewith are hereby repealed.

Section 5. This act shall become effective immediately upon final enactment.