
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1639 Session of
1983

INTRODUCED BY TRUMAN, WILLIAMS, PRESTON, OLIVER, CARN,
RICHARDSON, MILLER, WIGGINS, BARBER, AFFLERBACH, EVANS,
McMONAGLE, RIEGER, FATTAH, KOSINSKI, DEAL, O'DONNELL,
SCHEETZ, MAYERNIK AND PRATT, OCTOBER 26, 1983

REFERRED TO COMMITTEE ON LIQUOR CONTROL, OCTOBER 26, 1983

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 granting additional rights to private citizens and community
18 groups to seek injunctions barring nuisances.

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

21 Section 1. Section 611(b) of the act of April 12, 1951
22 (P.L.90, No.21), known as the Liquor Code, is amended to read:

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

24 (b) An action to enjoin any nuisance defined in this act may
25 be brought in the name of the Commonwealth of Pennsylvania by

1 the Attorney General [or], by the district attorney of the
2 proper county or by a private citizen or a community group
3 located in the municipality where the alleged nuisance is
4 located. Such action shall be brought and tried as an action in
5 equity and may be brought in any court having jurisdiction to
6 hear and determine equity cases within the county in which the
7 offense occurs. If it is made to appear, by affidavit or
8 otherwise, to the satisfaction of the court that such nuisance
9 exists, a temporary writ of injunction shall forthwith issue,
10 restraining the defendant from conducting or permitting the
11 continuance of such nuisance until the conclusion of the
12 proceedings. If a temporary injunction is prayed for, the court
13 may issue an order restraining the defendant and all other
14 persons from removing or in any way interfering with the
15 liquids, beverages or other things used in connection with the
16 violation of this act constituting such nuisance. No bond shall
17 be required in instituting such proceedings brought in the name
18 of the Commonwealth by the Attorney General or the district
19 attorney. It shall not be necessary for the court to find the
20 property involved was being unlawfully used, as aforesaid, at
21 the time of the hearing, but on finding that the material
22 allegations of the petition are true, the court shall order that
23 no liquor, alcohol or malt or brewed beverage shall be
24 manufactured, sold, offered for sale, transported, bartered or
25 furnished, or stored in bond, or stored for hire in such room,
26 house, building, structure, boat, vehicle, or place, or any part
27 thereof.

28 * * *

29 Section 2. This act shall take effect in 60 days.