

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1445 Session of
2005

INTRODUCED BY GANNON, CAWLEY, CALTAGIRONE, YOUNGBLOOD, WALKO AND
E. Z. TAYLOR, APRIL 28, 2005

REFERRED TO COMMITTEE ON LIQUOR CONTROL, APRIL 28, 2005

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and 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 further providing for limitation of retail licenses in
18 counties.

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

21 Section 1. Section 461(b.3) of the act of April 12, 1951
22 (P.L.90, No.21), known as the Liquor Code, reenacted and amended
23 June 29, 1987 (P.L.32, No.14) and amended December 8, 2004
24 (P.L.1810, No.239), is amended to read:

25 Section 461. Limiting Number of Retail Licenses To Be Issued

1 In Each County.--* * *

2 (b.3) An intermunicipal transfer of a license or issuance of
3 a license for economic development under subsection (b.1)(2)(i)
4 must first be approved by the governing body of the receiving
5 municipality when the total number of existing restaurant liquor
6 licenses and eating place retail dispenser licenses in the
7 receiving municipality exceed one license per three thousand
8 inhabitants. Upon request for approval of an intermunicipal
9 transfer of a license or issuance of an economic development
10 license by an applicant, at least one public hearing shall be
11 held by the municipal governing body for the purpose of
12 receiving comments and recommendations of interested individuals
13 residing within the municipality concerning the applicant's
14 intent to transfer a license into the municipality or acquire an
15 economic development license from the Pennsylvania Liquor
16 Control Board. The governing body shall, within forty-five days
17 of a request for approval, render a decision by ordinance or
18 resolution to approve or disapprove the applicant's request for
19 an intermunicipal transfer of a license or issuance of an
20 economic development license. The municipality must [approve]
21 deny the request unless [it finds] the applicant proves that
22 [doing so] approval would not adversely affect the welfare,
23 health, peace and morals of the municipality or its residents. A
24 decision by the governing body of the municipality to deny the
25 request may be appealed to the court of common pleas in the
26 county in which the municipality is located. A copy of the
27 approval must be submitted with the license application. The
28 approval requirement shall not apply to licenses transferred
29 into a tax increment district created pursuant to the act of
30 July 11, 1990 (P.L.465, No.113), known as the "Tax Increment

1 Financing Act," located in a township of the second class that
2 is located within a county of the second class if the district
3 was created prior to December 31, 2002, and the governing body
4 of the township has adopted an agreement at a public meeting
5 that consents to the transfer of licenses into the tax increment
6 district.

7 * * *

8 Section 2. The amendment of section 461(b.3) of the act
9 shall apply to requests made on or after the effective date of
10 this section.

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