

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 724 Session of 2011

INTRODUCED BY MENSCH, RAFFERTY, BOSCOLA, EARLL, WARD, YUDICHAK,  
BREWSTER AND WOZNIAK, FEBRUARY 28, 2011

REFERRED TO LAW AND JUSTICE, FEBRUARY 28, 2011

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 defining "ski resort"; and further providing for limiting the  
 18 number of retail licenses to be issued in each county.

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

21 Section 1. Section 102 of the act of April 12, 1951 (P.L.90,  
 22 No.21), known as the Liquor Code, reenacted and amended June 29,  
 23 1987 (P.L.32, No.14), is amended by adding a definition to read:

24 Section 102. Definitions.--The following words or phrases,  
 25 unless the context clearly indicates otherwise, shall have the  
 26 meanings ascribed to them in this section:

1 \* \* \*

2 "Ski resort" shall mean a resort where downhill skiing  
3 occurs, having a minimum of six ski trails and an elevation of  
4 at least four hundred feet.

5 \* \* \*

6 Section 2. Section 461(a) of the act, amended February 21,  
7 2002 (P.L.103, No.10), is amended to read:

8 Section 461. Limiting Number of Retail Licenses To Be Issued  
9 In Each County.--(a) No additional restaurant, eating place  
10 retail dispenser or club licenses shall be issued within a  
11 county if the total number of restaurant and eating place retail  
12 dispenser licenses is greater than one license for each three  
13 thousand inhabitants in the county, except the board may issue  
14 licenses to public venues, performing arts facilities,  
15 continuing care retirement communities, airport restaurants,  
16 municipal golf courses, hotels, privately-owned private golf  
17 courses, privately-owned public golf courses, racetracks,  
18 automobile racetracks, nonprimary pari-mutuel wagering  
19 locations, privately-owned ski resorts and to any other entity  
20 which this act specifically exempts from the limitations  
21 provided in this section, and the board may issue a license to a  
22 club situated in a borough having a population less than eight  
23 thousand inhabitants which is located in a county of the second  
24 class A whose application is filed on or before February 28,  
25 2001. In addition, the board may issue an eating place retail  
26 dispenser license for on-premises sales only to the owner or  
27 operator of a facility having a minimum of a one-half mile  
28 asphalt track and having a permanent seating capacity of at  
29 least six thousand people used principally for holding  
30 automobile races, regardless of the number of restaurant and

1 eating place retail dispenser licenses already issued in that  
2 county. When determining the number of restaurant and eating  
3 place retail dispenser licenses issued in a county for the  
4 purposes of this section, licenses exempted from this limitation  
5 and club licenses shall not be considered. Inhabitants of dry  
6 municipalities shall be considered when determining the  
7 population in a county. Licenses shall not be issued or  
8 transferred into municipalities where such licenses are  
9 prohibited pursuant to local referendum in accordance with  
10 section 472. Licenses approved for intermunicipal transfer may  
11 not be transferred from the receiving municipality for a period  
12 of five years after the date that the licensed premises are  
13 operational in the receiving municipality.

14 \* \* \*

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