

No. 619

AN ACT

To amend the act, approved the twelfth day of April, one thousand nine hundred fifty-one (Pamphlet Laws 90, Act No. 21), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," by making the establishment and operation of Pennsylvania liquor stores and the granting of malt and brewed beverage distributors licenses subject to local option, and providing where tie vote occurs on local option question the status quo obtains.

"Liquor Code."

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

Sections 432 and 472, act of April 12, 1951, P. L. 90 (Act No. 21), amended.

Section 1. Sections 432 and 472 of the act, approved the twelfth day of April, one thousand nine hundred fifty-one (Pamphlet Laws 90, Act No. 21), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," are hereby amended to read as follows:

Section 432. Malt and Brewed Beverages Retail Licenses.—(a) Subject to the restrictions hereinafter provided in this act, and upon being satisfied of the truth of the statements in the application, that the premises and the applicant meet all the requirements of this act and the regulations of the board, that the applicant seeks a license for a reputable hotel, eating place or club, as

defined in this act, the board shall, in the case of a hotel or eating place, grant and issue, and in the case of a club may, in its discretion, issue or refuse the applicant a retail dispenser's license.

(b) In the case of hotels and eating places, licenses shall be issued only to reputable persons who are citizens of the United States and have for two years been residents of the Commonwealth of Pennsylvania at the date of their application, or to reputable corporations organized or duly registered under the laws of the Commonwealth of Pennsylvania, all of whose officers and directors are citizens of the United States. In the case of incorporated clubs, licenses shall be issued only to those incorporated under the laws of Pennsylvania.

(c) No retail dispenser's [license] licenses shall be granted or renewed upon their expiration in any municipality in which the electors shall vote, as hereinafter provided, [have voted] against the licensing therein of places where malt or brewed beverages may be sold for consumption on the premises where sold.

(d) The board shall, in its discretion, grant or refuse any new license or the transfer of any license to a new location if such place proposed to be licensed is within three hundred feet of any church, hospital, charitable institution, school, or public playground, or if such new license or transfer is applied for a place where the principal business conducted is the sale of liquid fuels and oil. The board shall not issue new licenses, except as herein otherwise provided, in any license district more than twice each license year, effective from specific dates fixed by the board, and new licenses shall not be granted unless the application therefor is filed at least thirty days before the effective date of the license.

(e) Every applicant for a new or for the transfer of an existing license to another premises not then licensed shall post, for a period of at least fifteen days beginning with the day the application is filed with the board, in a conspicuous place on the outside of the premises or in a window plainly visible from the outside of the premises for which the license is applied, a notice of such application, in such form, of such size, and containing such provisions as the board may require by its regulations. Proof of the posting of such notice shall be filed with the board.

Section 472. Local Option.—In any municipality, an election may be held on the date of the primary election immediately preceding any municipal election, but not oftener than once in four years, to determine the will of the electors with respect to the granting of liquor licenses to hotels, restaurants and clubs, [or] not oftener than once in four years, with respect to the granting of licenses to retail dispensers of malt and brewed

beverages, not oftener than once in four years with respect to granting of licenses to distributors, or not more than once in four years with respect to the establishment, operation and maintenance by the board of Pennsylvania liquor stores, within the limits of such municipality, under the provisions of this act: Provided, however, Where an election shall have been held at the primary preceding a municipal election in any year, another election may be held under the provisions of this act at the primary occurring the fourth year after such prior election: *And provided further, That an election on the question of establishing and operating a State liquor store shall be initiated only in those municipalities that shall have voted against the granting of liquor licenses; and that an election on the question of granting wholesale distributor licenses shall be initiated only in those municipalities that shall have at a previous election voted against the granting of dispenser's licenses.* Whenever electors equal to at least twenty-five per centum of the highest vote cast for any office in the municipality at the last preceding general election shall file a petition with the county board of elections of the county for a referendum on the question of granting [either] any of said classes of licenses or the establishment of Pennsylvania liquor stores, the said county board of elections shall cause a question to be placed on the ballots or on the voting machine board and submitted at the primary immediately preceding the municipal election occurring at least sixty days thereafter. Said proceedings shall be in the manner and subject to the provisions of the election laws which relate to the signing, filing and adjudication of nomination petitions, insofar as such provisions are applicable.

When the question is in respect to the granting of liquor licenses, it shall be in the following form:

Do you favor the granting of liquor licenses for the sale of liquor in of _____ ?	Yes	
	No	

When the question is in respect to the granting of licenses to retail dispensers of malt and brewed beverages, it shall be in the following form:

Do you favor the granting of malt and brewed beverage retail dispenser licenses for consumption on premises where sold in the _____ of _____ ?	Yes	
	No	

When the question is in respect to the granting of licenses to distributors of malt or brewed beverages, it shall be in the following form:

Do you favor the granting of malt and brewed beverage distributor's licenses not for consumption on premises where sold in the _____ of _____ ?	Yes	
	No	

When the question is in respect to the establishment, operation and maintenance of Pennsylvania liquor stores, it shall be in the following form:

Do you favor the establishment, operation and maintenance of Pennsylvania liquor stores in the _____ of _____ ?	Yes	
	No	

In case of a tie vote, [or if] *the status quo shall obtain.* If a majority of the voting electors on *any* such question vote "yes," then liquor licenses shall be granted by the board to hotels, restaurants and clubs, or malt and brewed beverage retail dispenser licenses or *distributor's license for the sale of malt or brewed beverages* shall be granted by the board, or the board may establish, operate and maintain Pennsylvania liquor stores, as the case may be, in such municipality, as provided by this act; but if a majority of the electors voting on *any* such question vote "no," then the board shall have no power to grant or to renew upon their expiration any licenses of the class so voted upon in such municipality; or if the negative vote is on the question in respect to the establishment, operation and maintenance of Pennsylvania liquor stores, the board shall not open and operate a Pennsylvania liquor store in such municipality, nor continue to operate a then existing Pennsylvania liquor store in the municipality for more than two years thereafter or after the expiration of the term of the lease on the premises occupied by such store, whichever period is less, unless and until at a later election a majority of the voting electors vote "yes" on such question.

APPROVED—The 19th day of January, A. D. 1952.

JOHN S. FINE