

UPPER MORELAND TOWNSHIP

MONTGOMERY COUNTY, PA

RESOLUTION NO. 2011-24

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF UPPER MORELAND, COMMONWEALTH OF PENNSYLVANIA, SETTING FORTH PROCEDURES FOR INTER-MUNICIPAL LIQUOR LICENSE TRANSFERS INTO UPPER MORELAND TOWNSHIP AND FOR APPLICATIONS FOR ECONOMIC DEVELOPMENT LIQUOR LICENSES WITHIN THE TOWNSHIP.

WHEREAS, Act 141 of 2000 of the General Assembly of the Commonwealth of Pennsylvania (Act 141) amended the Pennsylvania Liquor Code, 47 P.S. 1-101 et seq, to, among other things, require that a hearing take place before the governing body of a municipality prior to the approval of either an inter-municipal transfer of a liquor license or the issuance of an economic development liquor license by the Commonwealth; and

WHEREAS, the Township of Upper Moreland, Montgomery County, Pennsylvania, desires to establish procedures for the uniform processing and review of all applications for either an inter-municipal transfer of an existing liquor license, and/or for the issuance of an economic development liquor license (hereinafter collectively "License"); and

WHEREAS, the Township of Upper Moreland wishes to obtain from an applicant, through such procedures, information that will assist the Township in determining and assuring that the health, welfare, peace and harmony of the community and the residents thereof will not be adversely affected by the issuance of the License.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Upper Moreland, Montgomery Pennsylvania, as follows:

I. Any individual, partnership, corporation, and/or business entity who applies for either an inter-municipal transfer of a liquor license or for the issuance of an economic development liquor license (hereinafter "Applicant") shall be subject to, and shall adhere to, the following procedures:

1. Applicant shall prepare and submit to the Township Manager an original and fifteen (15) copies of an application, in a form that shall be provided by the Township, and which shall contain the following information:

A. The name, address, telephone number, fax number, and e-mail address of the Applicant.

B. The type of License sought.

C. The street address and tax parcel number(s) of the property for which License is sought.

D. The name, address, telephone number, fax number, and e-mail address of the owner of the property for which License is sought.

E. The street address, municipality, and tax parcel number(s) of the property from which License is sought to be transferred.

F. The name, address, telephone number, fax number, and e-mail address of any attorney representing Applicant and any attorney representing the subject property owner.

G. Where Applicant is a corporation, partnership, and/or any entity other than an individual, the name, address, telephone number, fax number, and e-mail address of the principal offices of Applicant, the state of incorporation and/or registration of Applicant, and the name, address, telephone number, fax number, and e-mail address of each and every owner, director, officer and/or equity owner of Applicant.

H. A statement of Applicant's ownership interest in the subject property, together with proof of same in the form of a deed, agreement of sale, or lease.

I. A statement of all other properties and/or businesses owned and/or operated by Applicant and/or the owners, equity owners, directors and/or officers of Applicant that have, at any time, been issued or held liquor licenses. Such statement shall include the name, address, telephone number, fax number, e-mail address and tax parcel number of each such property or business, together with the liquor license number of each and every license issued to each such property, business owner, equity owner, director, officer, and/or Applicant.

J. A statement that Applicant and/or the owners, equity owners, directors, and/or officers of Applicant have never been convicted of, and/or received citations for, any violations of the Pennsylvania Liquor Code, the Pennsylvania Controlled Substance, Drug, Device and Cosmetic Act, and/or any provisions of the Pennsylvania Criminal Code. If Applicant and/or the owners, equity owners, directors and/or officers of Applicant have ever been convicted of, and/or cited for, any such violations, then Applicant shall, for each such conviction and/or citation, provide the date and location at which the violation occurred, the nature of the violation, the statute, ordinance or regulation violated, the court or agency before which the violation was adjudicated, and the fine and/or punishment imposed for the violation.

K. A description of the nature of proposed operations to take place at the property and/or facility including:

- (1) A sketch plan of the property identifying the existing and proposed improvements thereon;

(2) A plan of the interior of the building/facility identifying the location and dimensions of the bar area, restaurant area, kitchen, bathrooms, outdoor patron areas, and storage areas, as applicable, together with a floor plan identifying the proposed layout of the bar, restaurant, and/or outdoor patron areas including, but not limited to, the location of the bar(s), tables, chairs, stools, dance floor(s), stage(s), and/or any other areas to which the public will have access, as applicable.

(3) A statement of and/or description of the intended use of the property/facility. The statement and/or description must identify the proposed hours of operation, must indicate if live music and/or entertainment are to be made available to patrons, must indicate if dancing will be permitted on the premises, must indicate if billiards, darts, video and/or arcade games will be available for patrons, and must identify if any bar, restaurant, athletic and/or entertainment services are to be provided outdoors, and, if so, a description of all such services.

L. The name, address, and tax parcel number of every school, daycare facility, place of religious worship, park, recreation, and/or amusement facility, and/or establishment with a liquor license within 1,000 feet of the property.

M. A certification by Applicant that the information contained in the application is true and correct; an acknowledgement that the presentation of false information shall subject Applicant to possible arrest, fines, and imprisonment; and an acknowledgement that submission of false or inaccurate information may constitute grounds for revocation of the liquor license by the Commonwealth and rejection of the application by the Township.

2. The Township shall hold a public hearing on the said application within forty-five (45) days of receipt of the fully completed application, at which hearing a Court Reporter shall be present to make a transcript of the hearing. At the conclusion of the hearing(s) on the application, the Board of Commissioners shall render a decision, in the form of a Resolution to either approve or deny the application. The decision shall be rendered within 45 days of the receipt of the fully completed application, unless the Township has notified the applicant in writing that it elects an extension of time not to exceed an additional 60 days to render the decision. Public comment on Applicant's request for the transfer and/or issuance of License shall also be allowed during the hearing(s) on the application.

3. At the hearing, Applicant shall provide proof that written notice of the scheduled hearing was mailed by first class mail to all property owners whose properties share a common boundary line with the proposed location in Upper Moreland of the liquor license to be transferred into Upper Moreland no less than ten days prior to the hearing, and shall provide proof that the property itself was posted with a notice approved by Upper Moreland Township for a period of no less than ten days immediately prior to the hearing date.

4. Applicant shall submit with the application, at the time of filing, a fee of Fifteen Hundred Dollars (\$1500.00) or as set from time to time by resolution of the Board of Commissioners to defray the costs associated with the review and hearing of the application.

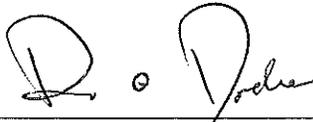
5. Once the Resolution approving or disapproving the application becomes effective, the Secretary of the Board of Commissioners shall, in writing, advise the Commonwealth Liquor Control Board of the decision. If the application is not approved by the Township, the Board of Commissioners may, upon the Resolution becoming adopted, direct the Secretary and/or the Township Solicitor to file a formal protest against the transfer and/or issuance of the License with the Commonwealth Liquor Control Board, and to participate in any and all proceedings before the Commonwealth Liquor Control Board in regard to the desired License. Further, once the Resolution becomes effective, the Borough Council may similarly direct the Township Solicitor to participate in any appeal, to any court, of or from the decision of the Township in regard to the application.

6. This Resolution shall become effective on the day following the date it is adopted by the Board of Commissioners of the Township of Upper Moreland.

DULY ADOPTED THIS 1st day of August, 2011, at a meeting of the Board of Commissioners of the Township of Upper Moreland, Montgomery County, Pennsylvania.

BOARD OF COMMISSIONERS
UPPER MORELAND TOWNSHIP

Attest:



David A. Dodies, Secretary

By: 
R. Samuel Valenza, President