ORDINANCE NO. 455

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF EAST NORRITON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, BY ADDING A NEW CHAPTER 211, LIQUOR LICENSES, ESTABLISHING PROCEDURES FOR THE APPLICATION FOR AN INTER-MUNICIPAL LIQUOR LICENSE TRANSFER AND THE APPLICATION FOR AN ECONOMIC DEVELOPMENT LIQUOR LICENSE IN EAST NORRITON TOWNSHIP; AND, AUTHORIZING AN ADMINISTRATIVE FEE THEREFOR.

WHEREAS, East Norriton Township is required under Act 141 of 2000 to hold a public hearing and render a decision following a request for an inter-municipal transfer of a liquor license and for an economic development liquor license within the Township under the Pennsylvania Liquor Code, Act of April 12, 1951, P.L. 90 ("Liquor Code");

WHEREAS, East Norriton Township desires to provide uniform procedures for inter-municipal transfers and economic development liquor license requests; and,

WHEREAS, East Norriton Township wishes to allow each applicant the opportunity to prepare to address those issues which would enable the Board of Supervisors to render an appropriate decision in accordance with Act 141 of the Liquor Code.

NOW, THEREFORE, East Norriton Township, Montgomery County, Pennsylvania does hereby enact and ordain the following:

Section 1. The Code of the Township of East Norriton, Pennsylvania shall be amended to add the following Chapter 211, *Liquor Licenses,* as follows:

Chapter 211

LIQUOR LICENSES

ARTICLE I. IN GENERAL

Sec. A. Applications.

(a) Any applicant seeking an inter-municipal transfer of a license or economic development liquor license under Act 141 of the Liquor Code shall complete the Township's application form which shall be available from the Township.

(b) The Township application may be amended from time to time by resolution of the Board of Supervisors.

(c) The Township's application shall contain, but is not limited to, a request for the following information:

(1) Applicant name; address; telephone; fax number.

(2) Applicant's representative or attorney name, address, telephone number, fax number.

(3) Location and name of the establishment of the liquor license proposed to be transferred or issued.

(4) License No./LID No. Of the liquor license proposed to be transferred.

(5) Proposed location of the liquor license t be transferred or issued, including street address, parcel number and block and unit number.

(6) The name of the establishment sought to be licensed and proposed use.

(7) Type of liquor license proposed to be transferred or issued.

(8) Present zoning classification of proposed location of the liquor license to be transferred or issued.

(9) Anticipated date of liquor license transfer or issuance and commencement of operations.

(10) Other locations owned or operated by the applicant which currently hold liquor licenses, including name, address and liquor license number of these establishments.

(11) Whether applicant or anyone associated with locations owned or operated by the applicant which currently holds liquor licenses has ever been cited with liquor law violations.

(12) Whether applicant has had a liquor license transfer or application denied.

(13) Whether applicant, or if a corporation, any officer or director of the corporation, or if a partnership or association, any member or partner of the partnership or association, has been convicted or found guilty of a felony within the past five years.

(14) Name, address and distance from proposed licensed premises of:

A. Nearest licensed establishments
B. Nearest schools
C. Nearest public playgrounds
D. Nearest churches
E. Nearest charitable institutions
F. Nearest hospital

(15) List of existing liquor licenses in East Norriton Township which are inactive, in safekeeping and/or for sale, including name, address and telephone number of contact person for each.

(16) Verification by the applicant that the information contained in the application is true and correct; that the presentation of false information shall subject the applicant to possible arrest, fines, and imprisonment; and, acknowledgment that submission of false information may constitute grounds for denial of a liquor license transfer or issuance.

Sec. B. Public hearing.

(a) The Township shall hold a public hearing in conformity with Act 141 of the Liquor Code and at the public hearing a court reporter shall be present to make a transcript of the hearing.

(b) The Township shall have the right to post the property upon which the liquor license is sought but shall not be required to do so.

(c) The Township shall publish a public notice of its intention to hold a public hearing once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall no be more than thirty (30) days and the second publication shall not be less than seven (7) days from the date of the hearing.

(d) The Township shall mail or deliver a notice of the hearing to the owner or to the occupier of every lot on the same street within five hundred (500) feet of the location of the lot upon which the liquor license would be transferred or issued, and to the owner or occupier of every lot not on the same street within one hundred fifty (150) feet of the location of the lot upon which the liquor license would be transferred or issued, provided that failure to give such notice shall not invalidate any action take by the Township.

Sec. C. Fees.

(a) There shall be a fee accompanying the application to be set by resolution, from time to time, by the Board of Supervisors.

Sec. D. Written decision.

(a) The Township shall render a written decision by resolution to approve or disapprove the applicant's request for an inter-municipal transfer of a liquor license or for the issuance of an economic development licenses within forty-five (45) days of the last public hearing.

(b) The Township shall approve the request unless it finds that doing so would adversely affect the welfare, health, peace and morals of the Township or its residents.

(c) A decision by the Board of Supervisors to deny the request may be appealed to the Court of Common Pleas of Montgomery County, Pennsylvania within the time periods otherwise provided by law.

Section 2. Except as is specifically amended hereby, the Code of the Township of East Norriton is hereby and confirmed in its entirety.

Section 3. If any provision or part of the Ordinance is held invalid, the remaining provisions and parts of this Ordinance shall not be affected thereby. If the application of this Ordinance or any of its provisions or parts to any persons, property, or circumstances is held invalid, the application of this Ordinance to other persons, property or circumstances shall not be affected thereby.

ENACTED AND ORDAINED by the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania this 24th day of June, 2003.

By: Lewis R. McIlvains
Chairman

Attest:

Secretary

TOWNSHIP OF EAST NORRITON MONTGOMERY COUNTY, PA.
INCORPORATED
MARCH 9, 1909