

No. 95

AN ACT

HB 1397

Amending the act of April 12, 1951 (P. L. 90), 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," providing for the granting of licenses for restaurant facilities at municipal golf courses.

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

Section 1. Subsection (a) of section 461, act of April 12, 1951 (P. L. 90), known as the "Liquor Code," amended September 15, 1961 (P. L. 1337), is amended to read:

Section 461. Limiting Number of Retail Licenses To Be Issued In Each Municipality.—(a) No licenses shall hereafter be granted by the board for the retail sale of malt or brewed beverages or the retail sale of liquor and malt or brewed beverages in excess of one of such licenses of any class for each one thousand five hundred inhabitants in any municipality, exclusive of licenses granted to airport restaurants, *municipal golf courses* and hotels, as defined in this section, and clubs; but at least one such license may be granted in each municipality and in each part of a municipality where such municipality is split so that each part thereof is separated by another municipality, except in municipalities where the electors have voted against the granting of any retail licenses. Nothing contained in this section shall be construed as denying the right to the board to renew or to transfer existing retail licenses of any class notwithstanding that the number of such licensed places in a municipality shall exceed the limitation hereinbefore prescribed; but where such number exceeds the limitation prescribed by this section, no new license, except for hotels, *municipal golf courses* and airport restaurants as defined in this section, shall be granted so long as said limitation is exceeded.

* * *

Section 2. Section 461 of the act is amended by adding after subsection (d), a new subsection to read:

Section 461. Limiting Number of Retail Licenses To Be Issued In Each Municipality.—* * *

(e) "Municipal golf course" as used in this section shall mean the restaurant facilities at any municipal golf course open for public accommodation, which are owned or operated directly or through lessees by a municipal authority, county or city, severally or jointly with any other municipal authority, county or city, but shall not include any such restaurant facilities at any municipal golf course situate in a municipality where by vote of the electors the retail sale of liquor and malt and brewed beverages is not permitted.

Section 3. This act shall take effect immediately.

APPROVED—The 25th day of September, A. D. 1969.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 95.

A handwritten signature in cursive script, appearing to read "Robert J. Kelley".

Secretary of the Commonwealth.