

EXETER TOWNSHIP, BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2023-861

**AN ORDINANCE OF THE TOWNSHIP OF EXETER, BERKS COUNTY,
PENNSYLVANIA, ENACTING CHAPTER 245 – INTERMUNICIPAL LIQUOR
LICENSE TRANSFERS**

WHEREAS, Section 1601 of the Second Class Township Code, 53 P.S. § 66601, authorizes the Exeter Township Board of Supervisors (“Board”) to adopt, amend, repeal or revise existing ordinances;

WHEREAS, the Board desires to enact Part II, Chapter 245 of the Code of the Township of Exeter (“Code”) for the purpose of setting forth procedures for intermunicipal liquor license transfers; and

NOW THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Exeter, Berks County, Pennsylvania, as follows:

SECTION 1. Part II, Chapter 245 of the Code is hereby enacted as follows:

Chapter 245 Intermunicipal Liquor License Transfers

§ 245-1. Township approval procedure.

Any person, corporation or other entity seeking Township approval for an intermunicipal transfer of a liquor license under the Pennsylvania Liquor Code, 47 P.S. §§ 4-461 *et seq.*, as amended, shall comply with the requirements of this chapter.

§ 245-2. Application for approval of license transfer.

A. Any person, corporation or other entity seeking approval for an intermunicipal transfer of a liquor license shall file an application with the Township Manager, in a form approved from time to time by the Township Manager.

B. This application shall, at a minimum, include the following information:

(1) The name, address and telephone number of the applicant.

(2) The names, addresses, and telephone numbers of all parties who have, or propose to have, a financial interest or ownership in the business where the liquor license is proposed to be located.

- (3) The proposed location to which the liquor license is being transferred, including a legal description of the property, street address and telephone number, if any.
- (4) The current location of the liquor license proposed to be transferred, including the street address, telephone number, and business name.
- (5) The name, address and telephone number of the current owner of the liquor license proposed to be transferred.
- (6) The name, address and telephone number of the owner of the property where the liquor license is proposed to be transferred.
- (7) The name of the establishment sought to be licensed.
- (8) The Pennsylvania Liquor Control Board (PLCB) license number for the liquor license proposed to be transferred.
- (9) The date at which the applicant proposes to relocate the liquor license to the Township.
- (10) The type of liquor license proposed to be transferred.
- (11) Other locations owned or operated by the applicant which currently hold and/or utilize liquor licenses, including name, address and license number of these establishments.
- (12) The names, addresses, and telephone numbers of all owners of property fully or partially within 500 feet of the proposed license location.
- (13) A list of all liquor license violations cited against the applicant, and/or any party that will have a financial interest in the business where the liquor license is proposed to be located. This list shall include the dates, locations and specific grounds for each such violation.
- (14) A list of all crimes committed by the applicant, and/or any party that will have a financial interest in the business where the liquor license is proposed to be located. This list shall include the dates, locations and specific grounds for each such violation.
- (15) A copy of the completed application form required by the PLCB for the transfer of a liquor license.
- (16) Name, address and distance from the proposed licensed premises of:
 - (a) Nearest licensed establishment.
 - (b) Nearest school.
 - (c) Nearest park.

- (d) Nearest church.
- (e) Nearest private recreation or amusement facility.

(17) Detailed information regarding the following operating details for the business where the license is proposed to be transferred:

- (a) Amusement permit.
- (b) Extended hours food permit.
- (c) Sunday sales permit.
- (d) Days of operation.
- (e) Hours of operation.
- (f) Seating capacity.
- (g) A detailed and scaled plan of the configuration of the premises where the liquor license is proposed to be transferred, including all entrances, exits, emergency exits, rest rooms, offices, rooms, private areas, fixtures, pay telephones, seating areas, dance floors, dining or snack areas, amusement devices, bar and any other items or areas which the Township deems important.
- (h) Characteristic of neighborhood.
- (i) Type of menu (breakfast, lunch, dinner).
- (j) General food and drink price range.

(18) A list of existing licenses in the Township which are inactive, in safekeeping and/or for sale, including name, address and telephone number of contact person for each.

(19) The number of existing liquor licenses of all types within the Township.

(20) The population of the Township taken from the latest federal census.

(21) A signed verification by the applicant, property owner, establishment owner and operator/manager that the facts set forth in the application are true and correct to the applicant's, property owner's, establishment owner's and operator/manager's personal knowledge, information and belief, and that any false statements made therein are subject to the penalties of 18 Pa.C.S.A. § 4904, as amended, relating to unsworn falsifications to authorities.

(22) Any other information deemed appropriate by the Township Manager.

C. All distances under this section shall be measured from the proposed license area to the zoning lot boundaries of the other use or property in question.

D. The Township Manager or his or her designee shall review the application for completeness in accordance with the requirements of this section. If all required materials and information have not been submitted, the Township Manager shall reject the application as being administratively

incomplete and shall notify the applicant, in writing, citing the specific deficiencies and the specific requirements of this section which have not been met.

§ 245-3. Application fee.

In order for any application to be accepted by the Township as administratively complete, the applicant must submit an application fee to defray the Township's expenses related to the public notices, public hearing requirements, secretarial and administrative functions, and investigative costs. The required application fee shall be established from time to time by resolution of Township Board of Supervisors.

§ 245-4. Public hearing and advertisement.

Upon receipt of an administratively complete application, including the appropriate filing fee required by this chapter, the Township shall schedule a public hearing. The Township shall provide public notice for the public hearing as is defined by Section 1-102 of the Pennsylvania Liquor Code, 47 P.S. § 1-102, which states that public notice "shall mean notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and the place of the hearing and the particular matter to be considered at the hearing. The first publication shall not be more than 30 days, and the second publication shall not be less than seven days, from the date of the hearing."

§ 245-5. Board action.

In deciding whether the proposed transfer application would adversely affect the welfare, health, peace, and morals of the Township or its inhabitants, the Board of Supervisors may consider, in addition to the information required by § 245-2 hereof, any or all of the following:

- A. Testimony, reports and recommendation from the Township Manager (or his or her designee) and the Township Police Chief (or his or her designee).
- B. The population of the Township, and the number of residents under the age of 21.
- C. The proximity of the proposed licensed establishment to existing licensed establishments (all types of licenses), schools, churches, adult businesses, and other relevant uses.
- D. The concerns expressed by area residents, businesses, public interest organizations, and the Exeter Township School District.
- E. A copy of the completed application required by the PLCB, and the applicant's complete criminal history.

F. The names of and information regarding other businesses in which the applicant has an ownership interest.

G. Any other issue or fact that may adversely affect the welfare, health, peace, and morals of the Township or its inhabitants and which the Board deems appropriate and relevant to the proceedings.

§ 245-6. Hearing.

The Board shall conduct a public hearing to determine whether or not to approve the transfer of the liquor license into the Township. Proceedings before the Board shall be in accordance with Sections 551 to 555 of the Local Agency Law, 2 Pa.C.S. §§ 551-555.

§ 245-7. Board decision.

The Board shall render a written decision either approving or denying the transfer of the liquor license within 45 days of the filing of an administratively complete application, except where the Township has elected to extend its time to issue a decision as provided under 47 P.S. § 4-461(b.3). The Board may: approve an application; approve an application subject to certain specified conditions; or deny an application. A denial of an application shall be based on a finding that the proposed transfer would adversely affect the welfare, health, peace and morals of the Township or its residents. Any approval of an application under this chapter shall be limited to the individual applicant, the proposed transfer location, and the type of establishment proposed. Any proposed change in ownership, location, or type of establishment will require a new application and Township approval.

SECTION 2. REPEAL OF ORDINANCES

Any ordinance or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed in so far as they are inconsistent with this Ordinance's provisions.

SECTION 3. SEVERABILITY

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Ordinance, is, for any reason declared to be illegal, unconstitutional or invalid, by any Court of competent jurisdiction, this decision shall not affect or impair the validity of the Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase, word or remaining portion of the within Ordinance. The Board of Supervisors of the Township of Exeter, Pennsylvania hereby declares that it would have adopted the within Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof, irrespective of the limitations, restrictions, sentences, clauses, phrases, or word that may be declared illegal, unconstitutional or invalid.

SECTION 4. EFFECTIVE DATE

This Ordinance shall become effective on January 1, 2024.

SECTION 5. CODE OF ORDINANCES

The Code of Ordinances of Exeter Township shall be and remain unchanged and in full force and effect except as amended, supplemented, and modified by this Ordinance. This Ordinance shall become a part of the Code of Ordinances of Exeter Township upon enactment.

DULY ORDAINED and ENACTED as an Ordinance this 23rd day of October, 2023.

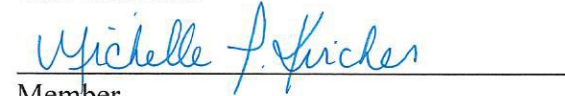
BOARD OF SUPERVISORS OF
EXETER TOWNSHIP, BERKS COUNTY, PENNSYLVANIA



Chairman



Vice Chairman



Member



Member

Member

ATTEST:



Interim Township Manager

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing is a true and accurate copy of Ordinance No. 2023-851 adopted by the Board of Supervisors of Exeter Township, Berks County, Pennsylvania at a regular meeting held on October 23, 2023, pursuant to notice as required by law.

Dated: 10/24/23

Michelle F. Kircher
Exeter Township Secretary

