

BOROUGH OF BELLEVUE
COUNTY OF ALLEGHENY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 19 - 09

AN ORDINANCE OF THE BOROUGH OF BELLEVUE, A HOME RULE MUNICIPALITY IN THE COUNTY OF ALLEGHENY, IN THE COMMONWEALTH OF PENNSYLVANIA; ESTABLISHING A PROCEDURE FOR THE ADMINISTRATION OF APPLICATIONS FOR THE TRANSFER OF LIQUOR LICENSES WITHIN THE BOUNDARIES OF THE BOROUGH OF BELLEVUE.

WHEREAS, in order to promote and protect the health, safety and welfare of the residents of the Borough of Bellevue, Allegheny County, Pennsylvania (the "Borough"), the Borough has determined that it is necessary to establish a procedure for the administration of applications for the transfer of liquor licenses within the boundaries of the Borough.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COUNCIL OF THE BOROUGH OF BELLEVUE, ALLEGHENY COUNTY, PENNSYLVANIA, AND IT IS HEREBY ORDAINED AND ENACTED BY AND WITH THE AUTHORITY OF THE SAME THAT:

SECTION ONE: Intent.

The Borough of Bellevue does hereby provide for the administration of applications for transfer of liquor licenses within the boundaries of the Borough and conduct hearings in compliance with Pennsylvania law. The following requirements apply to all proposed liquor license transfers.

SECTION TWO: Application for Approval License Transfer.

The applicant must submit a form application as provided by the Borough.

SECTION THREE: Public Hearing Advertisement and Posting.

Upon receipt of the application and the appropriate filing fees, as required in this Part, the Borough will conspicuously post the property identified as the location of the proposed liquor license in a manner consistent with the requirements for posting a property for rezoning. The Borough will advertise the date, time and place of a public hearing to be conducted by the Council of the Borough of Bellevue.

SECTION FOUR: Borough Action.

1. In deciding whether the proposed transfer application would adversely affect the welfare, health, peace and morals of the Borough or its inhabitants, the Council of the Borough of Bellevue may consider, in addition to the information in the form Application as provided in Section Two, above, any or all of the following:

- A. A report and recommendation from the Borough's Chief of Police.
- B. The population of the Borough; the number of residents under the age of 21.
- C. The total number of existing liquor licenses in the Borough and whether the total number of existing liquor licenses exceeds one license per 3,000 population of the Borough (the quota established by the LCB).
- D. The location of the closest existing licensed establishment.
- E. Concerns expressed by area residents, businesses, public interest organization, and the Northgate School District.
- F. The copy of the completed application required by the Pennsylvania Liquor Control Board, and the applicant's complete criminal history.
- G. The names of and information about other businesses in which the applicant has some interest or ownership.
- H. Any other issue or fact that may adversely affect the welfare, health, peace and morals of the Borough of Bellevue or its inhabitants

SECTION FIVE: Application Fees.

The Borough wishes to provide for the reimbursement of expenses incurred in the administration of the applications and hearings for transfer of liquor licenses into the Borough. In order for any application to be accepted by the Borough, the applicant must submit an application fee to defray the cost of public notices, secretarial costs, and administrative overhead. The initial application fee will defray these costs up to and including a maximum hearing of three hours. Each additional three hours of hearing, or any part thereof, will constitute an additional hearing day with the resulting additional fees set forth below:

- A. Initial application fee: \$1,000.
- B. Initial escrow fee: \$1,000.

C. Fee for additional hearing day: \$1,000.

D. In addition to the application fee and additional hearing fees set forth above, if the applicant requests a stenographic record, all costs for providing a stenographic record, including appearance fees, will be the responsibility of the applicant.

E. All fees must accompany the application and are non-refundable, unless otherwise indicated.

F. A fully executed form Reimbursement Agreement as provided by the Borough must accompany the application.

G. The above-referenced fee schedule may be changed by resolution of the Borough of Bellevue.

SECTION SIX: Hearing.


Council will conduct a hearing to determine whether or not to approve the transfer of the liquor license into the Borough. Any approval will 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 Borough approval. The Borough may also impose additional conditions. Any approval to the transfer of the liquor license must be passed by a vote of two-thirds of the entire number of Council members elected.

SECTION SEVEN: Any ordinance, or part thereof, conflicting with the provisions of this ordinance is hereby repealed insofar as the affects this ordinance.

ORDAINED AND ENACTED BY THE TOWN COUNCIL OF THE BOROUGH OF BELLEVUE THIS 26th DAY OF March, 2019.

ATTEST:


BOROUGH OF BELLEVUE



Borough DAS


By: _____
**President
Bellevue Town Council**

Examined and approved this 26th day of March, 2019.



Mayor

BELLEVUE BOROUGH
INTER-MUNICIPAL TRANSFERS OF LIQUOR
LICENSES APPLICATION

Street Address of Premises To Receive Liquor License:	City and State:	Zip:	
Subdivision:	Lot Number:	Parcel Number:	Zoning District:

Non-Refundable Filing Fee (Required with application) **\$1,000.00** Date Paid: _____

Escrow Fee (Required with application) **\$1,000.00** Date Paid: _____

Fifteen (15) copies of this application, including any plans or other attachments, must be submitted to the Borough DAS together with the application fee and required escrow deposit.

1. Applicant (Proposed Licensee): _____
 Name: _____
 Address: _____
 _____ Phone: _____
 Fax: _____ E-mail: _____

2. Attorney for Applicant: _____
 Name: _____
 Address: _____
 _____ Phone: _____
 Fax: _____ E-mail: _____

3. Type of Liquor License to be transferred: _____

4. Liquor License No. _____ LID No. _____

5. Premises from which License is proposed to be transferred:

Address: _____

Township/Borough: _____

Allegheny County Tax Parcel # _____

Name of Current Owner: _____

Address of Current Owner: _____

6. Premises proposed to be Licensed in Bellevue Borough:

Address: _____

Township/Borough: _____

Allegheny County Tax Parcel # _____

Name of Current Owner: _____

Address of Current Owner: _____

7. Description of the Nature of Applicant’s current and proposed interest in the Premises proposed to be licensed (attach copy of lease or agreement): _____

8. Description of the Premises proposed to be Licensed: (Attach plan of the lot as well as interior and exterior existing and proposed improvements.)

9. Will the Application to the PLCB for transfer of the License be on a “Prior Approval” basis? (If “Yes”, describe) _____

10. Present Zoning Classification of the Premises proposed to be Licensed:

11. Present Zoning Classification of all areas within five hundred feet (500') of the premises proposed to be Licensed:

12. Present Use of the Premises proposed to be Licensed: _____

13. Description of the neighborhood or neighborhoods located within five hundred feet (500') of the Premises proposed to be Licensed:

14. What is the distance between the Premises proposed to be Licensed and the nearest:

a) Residential dwelling unit: _____

b) Church _____

c) Hospital _____

d) Charitable Institution _____

e) Playground _____

f) School _____

g) PLCB licensed premises _____

15. Has the Liquor License proposed to be transferred been the subject of another intermunicipal transfer within the past five (5) years? _____

16. Identify all persons who, upon approval by the PLCB, will be in any way pecuniarily interested in the business which is the subject of the License proposed to be transferred:

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

17. Identify the person who, upon approval by the PLCB, will be the Manager of the Licensed Premises:

Name: _____

Address: _____

Phone: _____ Fax: _____

E-mail: _____

18. Specifically describe the nature and character of the proposed Licensed establishment and business operation to be conducted pursuant to the License proposed to be transferred:

19. Specifically describe the types of food and beverages to be served and the anticipated ratio that the total sales of food and non-alcoholic beverages will bear to the total sales of food and alcoholic beverages and the price range to be charged therefore. (Attach a proposed menu or a comparable menu as an example.)

20. Specifically describe the age level range of patrons you will be trying to primarily attract to the proposed Licensed establishment: _____

21. Specifically describe the intended hours of the various components of the intended business operation of the proposed Licensed establishment:

22. In conjunction with your application to the PLCB for the transfer of the License, is it your intention to also apply for:

- a) Sunday Sales Permit? _____
- b) Extended Hours Food License? _____
- c) Amusement Permit? _____

23. Specifically describe any form or forms of entertainment proposed to be presented at the proposed Licensed establishment:

24. Attached hereto is a complete list of the names, addresses, and tax parcel numbers of the owners of all properties located within three hundred feet (300') of the Premises proposed to be Licensed.

25. Does the Applicant or any officer, director, stockholder, manager, partner or member of the Applicant own or possess any pecuniary interest in any other business which is operated pursuant to a license from the PLCB? If so, explain: _____

26. Has the Applicant or any officer, director, stockholder, manager, partner or member of the Applicant ever owned or possessed any pecuniary interest in any other business which was operated pursuant to a license from the PLCB which license was revoked or suspended by the PLCB? If so, explain: _____

27. Has the Applicant or any officer, director, stockholder, manager, partner or member of the Applicant ever been convicted of a felony or misdemeanor? If so, explain: _____

I swear or affirm, subject to the penalties provided by 18 Pa. C.S. §4904 and 47 P.S. §4-403(h), that the foregoing answers and statements provided herein are true and complete to the best of my knowledge and belief.

WITNESS/ATTEST:

_____(SEAL)
Applicant:

Print:

APPLICATION FEES FOR INTER-MUNICIPAL TRANSFERS OF LIQUOR LICENSES

Payable upon Application:
Non- Refundable Application Fee - \$1,000
Escrow Fee - \$1,000

ESCROW FEE: Escrow Fee is to cover the cost of publishing required notices and all other expenses incurred by the Borough incidental to the Application and hearing, including but not limited to the cost of any legal, engineering or other professional services provided to the Borough. In the event these costs deplete the escrow fund in excess of 80% of its original amount and costs seem to indicate that additional deposits will be required, the Borough reserves the right to require additional escrow deposit up to the original escrow amount. This additional escrow amount shall be paid prior to mailing of final decision. If the expenses do not exceed the escrow deposit or any additional deposit, the balanced will be remitted to the Applicant.