

How to Combat Nuisance Bars

*A Step-by-Step Guide on
Protesting the Issuance of an Alcoholic Beverage License*

Appeals may be filed at the court of common pleas in the county in which the proposed establishment is located.

For more information regarding the filing of the protests or petitions to intervene concerning alcoholic beverage license applications, contact:

**PLCB Western Region Information Center
(412) 380-2602**

**or the PLCB Bureau of Licensing
(717) 783-8250 • Fax (717) 772-2165**

P.O. BOX 8940, Harrisburg, PA 17105-8940

COMBATING NUISANCE BARS

OPTION 1: CONTACT LCE/LOCAL POLICE

If you are aware of violations of licensed premises, such as sales to minors, after hour sales, drugs, loud music, etc., contact the Pennsylvania State Police through their 24-hour toll free hotline (1-800-932-0602); or call your regional Liquor Control Enforcement District office. It is vital that residents witnessing nuisance bar activity also call 9-1-1 and the Liquor Control Enforcement office every time a suspected violation is taking place. This data will be accumulated and filed for consideration by the PLCB when the Board reviews the license holder's renewal application. Renewal applications are submitted every two years.

LCE Citations brought against licensees by the Pennsylvania State Police are ruled on by an Administrative Law Judge who sets penalties consisting of fines and/or suspension of operational privileges for a set period of time or termination of license. The PLCB cannot revoke a license but it can refuse to renew a license based on records that include LCE citations, local police report, 9-1-1 calls records, and other related documentation. Therefore it is vital that affected residents call 9-1-1 and the Liquor Control Enforcement every time a suspected violation is taking place. Over time, this data will be consolidated and considered by the PLCB during review of the renewal application.

In the City of Pittsburgh, residents should also contact the Nuisance Bar Task Force at 412-323-7777. The Nuisance Bar Task Force meets monthly at Pittsburgh Police Headquarters to discuss nuisance bars in Pittsburgh. The Nuisance Bar Task Force works closely with other government agencies including the PA Liquor Control Enforcement to ensure nuisance bar activities are eliminated or nuisance establishments are closed as quickly as the law allows.

NOTE: If you live in the City of Pittsburgh and see nuisance activity, 1) Call 9-1-1, 2) Call the PA Liquor Control Enforcement Agency, 3) Contact the Nuisance Bar Task Force

OPTION 2: COURT ORDERS

In more extreme situations, an establishment may be declared a common nuisance and ordered closed by the local courts. The state attorney general, the LCE, district attorneys and municipalities may bring an action to declare such a nuisance. Nuisance actions could result in a court order to padlock an establishment. Additionally, incidents such as loud and boisterous crowds, drug activity and litter problems occurring outside an establishment can also be addressed through this option.

To prevail in a nuisance action the following should be presented in court: 1) complete records of any nuisance activity occurring in and /or around the licensed establishment, 2) testimony from those who have firsthand knowledge of nuisance type activity.

Without the support and commitment of the community, an action against a common nuisance will not be successful.

OPTION 3: NON-RENEWAL BY THE PLCB

The third option involves working with the PLCB to explore the possibility of not renewing the license. All alcoholic beverage licensees are required to submit a renewal application to the PLCB every two years. At renewal time, the PLCB may refuse to renew a license if it determines the licensee has abused its licensing privilege. Although this is commonly referred to as the "Nuisance Bar Program", such refusals rely heavily on a licensee's citation and conviction history. Therefore, it is imperative the community also inform and involve both the Pennsylvania State Police-Bureau of Liquor Control Enforcement and local law enforcement agencies of the improper conduct of a licensed establishment.

Non-renewals are based principally on violations of the liquor laws of the commonwealth or regulations of the PLCB.

Act 77 of 1994 now allows the Bureau of Licensing to examine complaints by neighbors involving loud music entertainment by amplification or noise from entertainment, and lewd, immoral or improper entertainment on the licensed premise. Information furnished will be reviewed to determine if the "Amusement Permit" issued by the PLCB should be renewed.

Remember, this information will be considered and evaluated only at the time of renewal. Any member of the community who provides this information may be asked to testify at a hearing to establish a basis for non-renewal of the license; however, testimony is generally limited to witnesses who have firsthand knowledge of conduct occurring inside the licensed premises.

OPTION 4: LOCAL OPTION

Another option allows residents of a municipality to publicly vote to eliminate certain types of licenses in a municipality using Section 472 of the Liquor Code (local option). This method would eliminate not only the problem establishment, but all other establishments holding that category of license. It is important when choosing this option to comply with all the time limits, filings, petitions, etc., as required by law.

For more information regarding local option elections, contact your local county board of elections or the PLCB. Additionally, municipalities may, through ordinances and resolution or appropriate action in accordance with law and local governments, dictate other guidelines regarding amusement in licensed establishments.

For further information or questions about these options, please write to the following address:

**PLCB, Bureau of Licensing, P.O. Box 8940,
Harrisburg, PA 17105-8940, or call them at
(717) 783-8250; TDD: (717) 772-3725.**

CONTACT INFORMATION

- Liquor Control Enforcement
Pittsburgh District Enforcement Office
313 Mt. Nebo Road, Pittsburgh, PA 15237
Phone: (412) 548-2050 • Fax: (412) 548-2064
District Office Commander, Sgt. John C. Kean
- Liquor Control Enforcement
Punxsutawney District Enforcement Office
(Armstrong/Westmoreland)
305 Sutton St., Punxsutawney, PA 15767
Phone: (814) 938-0565 • Fax: (814) 938-0571
District Office Commander, Sgt. James A. Jones
- Pittsburgh Nuisance Bar Task Force
(412) 323-7777 (City residents only)

Always call 9-1-1 when you witness suspected criminal activity in or around a licensed establishment.



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A Public Service of
STATE SENATOR WAYNE D. FONTANA
42nd District

BROOKLINE DISTRICT OFFICE

930 Brookline Boulevard
Pittsburgh, PA 15226-2106
(412) 344-2551 • Fax: (412) 344-3400

KENNEDY DISTRICT OFFICE

Kenmawr Plaza • 524 Pine Hollow Road
Kennedy Township, PA 15136-1661
(412) 331-1208 • Fax: (412) 331-2079

BEECHVIEW SATELLITE OFFICE

1660 Broadway Avenue
Pittsburgh PA 15216-3247
(412) 343-2080 • Fax: (412) 343-2418

HARRISBURG OFFICE

Senate Box 203042
Harrisburg, PA 17120-3042
(717) 787-5300 • Fax: (717) 772-5484
Senate of Pennsylvania: 1-800-364-1581 (TTY)

E-MAIL: fontana@pasenate.com

WEB SITE: www.senatorfontana.com

This brochure outlines what steps you or a community group can take to protest a liquor or beer license in your neighborhood.

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A Message from
Senator Wayne D. Fontana



In most cases, taverns and restaurants that serve alcoholic beverages positively contribute to the vibrancy of our community's commercial corridors. By providing a pleasurable atmosphere for patrons to socialize and dine, licensed establishments can enhance the quality of life for us all.

Unfortunately, some licensed bars and restaurants are viewed by the community as a nuisance, in large part because of the illicit behavior that they can attract. Local officials, residents, community groups, and others struggle to understand their rights and courses of action available to them in efforts to combat the transfer or renewal of liquor license applications. Eliminating a nuisance bar is a process; one that can take months of working with government agencies to ensure enough information has been gathered to guarantee a license is revoked. Given this challenge, I hope the following information will provide you with enough information to empower you and your fellow citizens to take action in cases where nuisance bars are a problem.

If you have any questions or need additional assistance, please don't hesitate to contact me or my staff.

Sincerely,

Wayne D. Fontana
State Senator, 42nd District

LICENSE PROTESTS / PETITIONS

STEP 1: PUBLIC NOTICE

Applicants for hotel, restaurant, club and beer distributor licenses are required by law to post public notice of their application for these licenses. A sign similar to the one below must be posted on a clearly visible part of the proposed premises. Objections to the approval of a proposed alcoholic beverage license **must be filed within 30 days of the posting of public notice by license applicants.**

STEP 2A: FILING A PROTEST

Protests may be filed when there is:

1. Application for transfer of a license from one place to another place without changing ownership (place to place),
2. Transfer to a new owner from an existing owner at the same location (person to person),
3. Application for a new license at an unlicensed premises (new license), or
4. An application to transfer both ownership and the location of an existing application (double transfer).

Protests may be based on location or the qualifications of the applicant.

STANDING: Those who are permitted to protest when location is at issue include:

1. Restrictive Institution (e.g. school, church, hospital, playground, etc.) located within 300 ft. of proposed premises
2. Resident of the neighborhood within a 500 ft. radius of proposed premises
3. Licensee whose licensed establishment is within 200 ft. of proposed premises

IMPORTANT: A notice in a change of ownership of a licensed premises or a change of controlling interest at an existing licensed location limits protests to challenging only the reputation of the new party(s).

FILING REQUIREMENTS:

Protests must be filed by a party deemed to have standing, as outlined above, and received by the PA Liquor Control Board within 30 days of the date notice written on the orange placard. Protests should be mailed to:

PA Liquor Control Board Bureau of Licensing
P.O. Box 8940, Harrisburg, PA 17105-8940

Protests must be signed by a valid protestant, dated, and must list complete address, zip code and phone number of protestant.

Protests should include factual information (e.g. police reports, Liquor Control Enforcement citations, etc.), but these documents are not necessary to file a protest. Speculative information, such as how an establishment might be operated in the future is not acceptable.

Person to Person transfers are limited to protests that are based on the reputation/qualifications of the proposed person(s) or principal(s).

Protests must contain sufficient information regarding the proposed license (license number, name & address) as written on the public notice placard.

All protests become a matter of public record.

STEP 2B: FILING A PETITION TO INTERVENE

A Petition to Intervene is a statement demonstrating a direct interest in an application. A petition is filed by:

- Persons/Groups that do not have protest "standing" as outlined above, but wish to be part of the proceedings, (e.g. elected officials, community groups, etc.).
- Persons/Groups objecting to a license based on the reputation/qualifications of an applicant (all person to person transfer objections are referred to as Petitions to Intervene).

FILING REQUIREMENTS:

Petitions must be mailed to:

PA Liquor Control Board Bureau of Licensing
P.O. Box 8940, Harrisburg, PA 17105-8940

Petitions must be signed, dated, and must list complete address, zip code and phone number of intervener.

Petitions must contain sufficient information regarding the proposed license (license number, name & address) as written on the public notice placard.

Petitions must be filed within 30 days of the posting notice on the placard.

Petition to intervene may be granted at the discretion of the Liquor Control Board.

Petitions should include a brief description of the direct interest of the petitioner and how the petitioner will be aggrieved in the event the application is approved.

STEP 3: ATTEND A PUBLIC HEARING

A public hearing, conducted by an administrative law judge, will be scheduled to take testimony from protestants, interveners, and applicants when valid objections are filed. Hearings are held in convenient locations across the Commonwealth. All protestors and parties involved will be notified in writing of the date, time, and location of the hearing.

Helpful Hints for the Hearing:

Although not required, protestants often retain an attorney to insure proper representation.

General or speculative testimony is not helpful; only basic substance and actual facts can be considered.

Evidence presented must have a basis in fact and relate to the specific case in hand.

Copies of police reports, PA Liquor Control Enforcement citations, eyewitness testimony and other materials can be submitted into the record. Be sure to bring copies for both the applicant's attorney and the administrative law judge.

Coordinate your testimony with local police and other law enforcement agencies like the district attorney's office.

STEP 4: HEARING RESULTS

After a hearing, a report, summarizing the evidence gathered, is sent to the Pennsylvania Liquor Control Board (PLCB) in Harrisburg. The PLCB reviews the report and decides to approve or refuse each application. All participants are notified in writing of the PLCB's decision. Decisions may be appealed within 20 days from the date of the Board's opinion and order.