



Text File

Introduced: 4/9/2002

Bill No: 2002-0370, Version: 3

Committee: Committee on Finance & Budget

Status: Passed Finally

Presented by Mr. Udin

AS AMENDED

Resolution amending the Rules of Council to provide procedures for Inter-municipal transfers of Liquor Licenses.
Be it resolved by the Council of the City of Pittsburgh as follows:

Section 1.

That the Council of the City of Pittsburgh does hereby amend the Rules of Council by adding the following:

Rule XIX

**CITY COUNCIL HEARING PROCEDURES
FOR INTERMUNICIPAL TRANSFERS OF LIQUOR LICENSES**

- a. To request a transfer of a liquor license from within Allegheny County pursuant to ~~40~~ 47 PA.C.S.A. §4-461, the applicant shall file a completed application with the City Clerk, which the City Clerk shall immediately distribute to all City Council members. The City Clerk will attempt to verify the accuracy of all information in the application, particularly liquor law violations and misdemeanor or felony convictions of owners.
- b. Within 45 days of submission of the completed application, City Council shall schedule a public hearing and vote to approve or deny the application.
- c. Notice:
 1. Notice of the date, time, and place of the hearing shall promptly be mailed to the applicant.
 2. Notice of the application and date, time, and place of the hearing shall promptly be mailed by the City Clerk to abutting property owners, including property owners across the street from the subject property and to ~~any~~ registered community development organizations serving the subject neighborhood.

3. Public notice of the application and date, time, and place of the hearing shall be posted on weatherproof signs provided by the City Clerk on the property to which the applicant has requested transfer of the license. At least one sign shall be posted for each one hundred (100) feet of street frontage up to a maximum of ten (10) signs. Required signs shall be placed along the perimeter of the subject property in locations that are clearly legible from adjacent public streets. The applicant shall submit a photograph of the sign posted on the property to evidence compliance with the posting requirement. The required sign(s) shall be posted at least seven (7) days before the hearing.
 4. In addition, City Council shall invite to such hearings a Liquor Control Enforcement official and a Liquor control Board Licensing official.
- d. The public hearing shall be conducted as follows:
1. Any Council member who has previously expressed a bias regarding the transfer at issue shall recuse him/herself from the hearing as well as the votes for preliminary and final approval.
 2. The applicant may appear in person or by counsel.
 3. Procedure:
 - i. The applicant or the applicant's counsel shall make an opening statement in support of their request for the transfer.
 - ii. Council members shall have the opportunity to examine the applicant or the applicant's counsel.
 - iii. The applicant may present witnesses to speak in favor of the requested transfer.
 - iv. Council members shall have the opportunity to examine the applicant's witnesses.
 - v. Abutting property owners opposing the transfer shall have the opportunity to present their reasons for opposition.
 - vi. The applicant or the applicant's counsel shall have the opportunity to cross-examine such opposing witnesses.
 - vii. The opposing witnesses shall have the opportunity to rebut testimony from the applicant or the applicant's witnesses and to make a closing statement.
 - viii. The applicant or the applicant's counsel shall then have the opportunity to rebut the opposing witnesses' testimony and to make a closing statement.

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c. Decision:

1. City Council must approve the application unless it finds that doing so would adversely affect the welfare, health, peace and morals of the City of Pittsburgh or its residents.
2. Notice of City Council's approval or denial of the application shall be mailed to the applicant at the address given in the application.