

LIQUOR REFERENDUM BALLOT QUESTION MAY 21, 2019

QUESTION AND ANSWERS

At the upcoming Primary Election to be held on Tuesday, May 21, 2019, the following referendum question will appear on the ballot in Marple Township:

“Do you favor the granting of liquor licenses for the sale of liquor in Marple Township of Delaware County?”

Marple Township voters will have the opportunity to vote either “Yes” or “No” on the question. Below are some commonly asked questions with answers and information which may be helpful to Marple Township voters in considering this referendum.

Is Marple a “dry” township?

Yes with limited exception. At the end of Prohibition, state law made alcohol sales a local choice. Voters in each municipality could retain the ban on the sale of alcohol (“stay dry”) or allow the sale of such products (“go wet”).

Marple became “dry” for the purposes of retail liquor sales and retail beer sales in 1935 and 1939. The question was submitted to voters again at the 1971 Primary Election and was defeated. As Marple Township specifically prohibited any retail and beer licenses (which include hotel, restaurant, eating place and club licenses), any such licensed establishment has not been permitted in the Township.

In 1973, Pennsylvania Courts held that Section 461(e) of the PA Liquor Code allows for the issuance of a “municipal golf course” (GR) restaurant license open for public accommodation, which are owned or operated directly or through lessees by a county, municipality or a municipal authority, including 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.

Accordingly, there is one active GR license in the Township, for the restaurant operated by Township’s lessee at the Township owned Paxon Hollow Country Club.

Because Marple Township has never specifically prohibited state stores (Pennsylvania wine and spirits stores) and beer distributors (beer, malt and brewed beverage distributors), those establishments are also permitted in the Township.

Does a municipality have to be totally dry?

No. A municipality can be totally dry or it can permit certain alcohol sales while prohibiting others. Marple Township is “dry” for retail sales of liquor, prohibiting the issuance of any hotel, restaurant or club license. However, as noted above, Marple is “wet” for municipal golf course license, state stores and beer distributors

How does a municipality change from “wet” to “dry”?

Under the Liquor Code, a referendum (a question on the ballot) must be held, allowing registered voters to decide on the change.

How does the question get on the ballot?

An interested party has to circulate a petition that sets forth the question it is looking to place on the ballot. The petition must be signed by registered voters and the total number of valid signatures must be at least 25% of the highest number of votes cast for any office in the Township at the last preceding general election.

The petition is filed with the Delaware County Board of Elections and if the petition meets the requirements, the question will be placed on the ballot. As indicated above, Marple Township has been advised that such a petition was filed and that the question “Do you favor the granting of liquor licenses for the sale of liquor in Marple Township of Delaware County?” will appear on the next Primary Election ballot.

How will the question on the ballot be worded?

State law sets forth the wording of the question as follows:

**“Do you favor the granting of liquor licenses for the sale of liquor in
Marple Township of Delaware County?”**

When is the 2019 Primary Election?

May 21, 2019.

What happens if the majority of residents vote “yes”?

The Pennsylvania Liquor Control Board (“PLCB”) will be able to issue liquor licenses for restaurants, bars, taverns and delicatessens in Marple Township. Information on the various types of licenses is available at the PLCB website at www.lcb.pa.gov. These include hotel, restaurant and club licenses.

What happens if the majority of residents vote “no”?

The PLCB cannot issue such liquor licenses in Marple Township.

How many licenses will the PLCB issue?

The PLCB sets two quotas for licenses related to retail sales of liquor, wine, and malt and brewed beverages. The first is a quota for the number of licenses in Delaware County, which is 1 per 3,000 residents. The second is a quota for the number of licenses in Marple Township, which is 1 per 3,000 residents.

How many licenses are permitted in Delaware County? How many licenses are permitted in Marple Township?

Delaware County’s population at the last census was 558,979, so 186 licenses should be permitted. There are currently (as of 12/31/2018) 447 retail liquor licenses in Delaware County, so Delaware County is over its quota.

Marple Township’s population in the last census was 23,737, so up to 7 licenses are permitted “by right”.

Since Delaware County is over its quota, does that mean that even if Marple Township goes wet that there will be no licenses in Marple Township:

No. If Marple Township goes “wet,” the PLCB will not create seven new licenses specific to Marple Township. However, the PLCB will approve the transfer of an existing license in Delaware County to Marple Township. There is no limit on the number of licenses that may be transferred into Marple Township.

The Transfers of the first seven (7) licenses are “by right” and just have to be approved by the PLCB. After the first seven (7) licenses, additional businesses will have to seek approval from both the Township and the PLCB for the license transfer.

How would an establishment obtain a retail license for transfer:

The business would have to purchase the license from a current license holder.

Can the Township decide that seven (7) licenses are enough to serve the needs of Marple Township residents and deny any and all other transfers?

No. In order to deny the transfer, the Township must find that approving the transfer would adversely affect the welfare, health, peace, and morals of the Township or its residents.

Are there limitations on where a business with a retail license could be located?

Yes, PLCB may, at its discretion, refuse to issue or transfer retail liquor, malt or brewed beverages licenses if:

- The proposed location is within 300 feet of a church, hospital, charitable institution, school or public playground.
- The proposed location is within 200 feet of another licensed establishment.
- It would be detrimental to the welfare, health, peace, and morals of the inhabitants of the neighborhood within a 500-foot radius of the proposed location.

However, the PLCB is not prohibited from issuing licenses in proximity to these uses.

The Township's Zoning Code continues to apply. The underlying use requirements (restaurants, grocery store, etc.) still must be met.

Hopefully you will find this information to be helpful. If you have any questions or require additional information, please email Tony Hamaday, Township Manager at ahamaday@marpletwp.com