



CITY OF PHILADELPHIA

DEPARTMENT OF LICENSES & INSPECTIONS

ROBERT D. SOLVIBILE, SR., *Commissioner*
FRAN BURNS, *Deputy Commissioner*
EILEEN EVANS, *Deputy Commissioner*
DOMINIC J. VERDI, *Deputy Commissioner*

To Whom It May Concern:

On behalf of the Philadelphia Malt and Brewed Beverage Hearing Board (Board), the Department of Licenses and Inspections (L&I) will be accepting applications for a permit to sell malt or brewed beverages for consumption off the premises beginning July 9, 2007.

According to Pennsylvania law (Act 39 of 2005 as amended by Act 155 of 2006), a retail dispenser or restaurant licensee of the Pennsylvania Liquor Control Board (LCB) located in Philadelphia who is otherwise permitted to sell malt or brewed beverages for consumption off the premises may not do so after October 31, 2007, unless it first acquires a "take-out" permit from the LCB. The LCB will issue such a permit only with approval by the City of Philadelphia.

Enclosed is an Application for the permit along with a question and answer guide. Applications **must be submitted on this form** and made in person at L&I offices, 990 Spring Garden Street, 3rd Floor, Philadelphia, PA 19123. Applications will be accepted Monday through Friday, 8:00 a.m. to 4:00 p.m., beginning July 9, 2007.

Applications and instructions are also available online at L&I's website, linked from www.phila.gov. If you use an online application, please bring three (3) copies of the completed application to L&I when filing.

I highly recommend that you read the enclosed guide for instruction.

Sincerely,

A handwritten signature in cursive script that reads "Robert D. Solvibile Sr.".

Robert D. Solvibile, Sr., Commissioner
Department of Licenses and Inspections



THE CITY OF PHILADELPHIA

FREQUENTLY ASKED QUESTIONS FOR PERMIT TO SELL MALT OR BREWED BEVERAGES FOR CONSUMPTION OFF-PREMISES

What is Act 39 AND Act 155?

Under Act 39 of 2005 and Act 155 of 2006, any restaurant, tavern or take-out deli with an ("R") or ("E") liquor license in Philadelphia that wishes to sell take-out beer after October 31, 2007 must obtain a new permit.

How does a licensed establishment apply for the new take-out beer permit?

First, an applicant must apply to the Department of Licenses and Inspections (L&I). Applications are available at 3rd Floor, 990 Spring Garden, Philadelphia, PA 19123 or online at L&I's website at <http://www.phila.gov> or <http://webapps.phila.gov/li/>. If using a web application, the applicant must bring three (3) copies of the application to L&I. The applicant will obtain approval if the application is complete and no protest is filed within 21 days of the application marked "filed" by L&I. If a protest is filed, approval of the application is pending a hearing by the "Malt and Brewed Beverage Hearing Board" as established by Act 39 of 2005 and Act 155 of 2006. Once approved, the applicant must file an application with the Pennsylvania Liquor Control Board ("LCB"). Consult the LCB for information concerning the application to the LCB.

Where do I get an application form?

If you have not received an application in the mail, applications are available at 3rd Floor, 990 Spring Garden Street, Philadelphia, PA 19123 or online at L&I's website at <http://www.phila.gov> or <http://webapps.phila.gov/li/>. If using a web application, the applicant must bring three (3) copies of the application to L&I.

Where do I file the application form?

Completed application forms must be filed in person with the L&I Board Administration Unit at 3rd Floor, 990 Spring Garden Street, Philadelphia, PA 19123.

How does a licensed establishment obtain approval for the new permit?

To obtain approval of the new permit for the take-out sale of beer, an establishment must file a completed application form with the Department of Licenses and Inspections (L&I). Applications are available for review by the public between the hours of 8:00am and 4:00pm at 3rd Floor, 990 Spring Garden Street, Philadelphia, PA 19123.

What happens after an application is filed?

Once an application has been accepted, the applicant will be given posters for each street premise that must be prominently displayed. **The poster must be displayed for a 14 day period beginning the day after an application is marked filed by L&I.**

What does the poster say?

The poster explains how to file a protest and who can file a protest. The poster also lists the name of the applicant, the location of the establishment, the Beer Permit Application number, the establishment's Liquor license number, the date the application was marked filed by L&I and the last date to file a protest to the application.

What happens if the establishment doesn't properly display the poster for the full 14 day period?

If you believe that an establishment is not properly displaying the poster, you can contact the Department of Licenses and Inspections at 215-686-2463. If an inspection reveals that an establishment has failed to post the poster during the entire 14 day period, the applicant will need to pay \$50.00 to refile an application and repost the premises, and a new 90 day period for Board action will begin when the refiled application is accepted.

Who can file a protest to the permit application?

1. Any combination of ten (10) individuals or businesses who reside or which are located within 500 feet of the Premises;
2. A house of worship, school, daycare center, senior citizen center, charitable institution or other non-profit organization located within 500 feet of the Premises;
3. An elected official of any level of government (including a member of Council) who represents a district that includes the Premises. An at-large member of Council shall be considered to represent all districts of the City for purposes of filing a protest;
4. The City and County of Philadelphia, acting through any of its agencies, departments, boards or commissions;

5. The Commonwealth of Pennsylvania, acting through any of its agencies, departments, boards or commissions;
6. A community or neighborhood group or other organization that includes any combination of ten (10) individuals or businesses who reside or which are located within 500 feet of the Premises;
7. A community development corporation or nonprofit civic association whose mission is to promote the general welfare of a defined geographical area, which includes the subject premises of the applicant.

What is the deadline for filing protests?

Written protests must be filed against the application by 4:30 PM on the 21st day after an application is marked as filed by L&I. The last date to file a protest is listed on the poster.

Where are protests filed?

Written protests may be filed in person to 990 Spring Garden Street, 3rd Floor, Philadelphia, PA, 19123.

Protests may also be filed by mail to Board Administration Unit, Department of Licenses and Inspections, 1401 JFK Boulevard, Philadelphia, PA 19102. Mailed protests must be received by the deadline for filing protests and must be made on the form provided by the Department of Licenses and Inspections (L&I). Protest forms are available at the Municipal Services Building (MSB), 1401 JFK Boulevard, Philadelphia, PA, 19102, or 990 Spring Garden Street, 3rd Floor, Philadelphia, PA, 19123 or on L&I's website at <http://www.phila.gov>.

Do I have to use the official protest form?

Yes.

What if I don't know where to find the information I need to completely fill out the protest form?

You should find all the information you need on the poster on display at the establishment.

What do I need to provide at the hearing in order to convince the Board to recommend against the granting of a take-out beer permit to the applicant?

The Board will be judging whether granting of an application for permit for take-out consumption off the premises would adversely affect the welfare, health, peace and morals of the City or its residents.

How can a protestant demonstrate that allowing the take-out sale of beer will adversely affect the welfare, health, peace and morals of the City or its residents?

While there may be other issues that arise at the hearing, these are the factors that the Board will consider when arriving at a decision:

1. The history of state and local law enforcement actions brought against the Premises, its owner(s), its staff and its patrons;
2. The number and nature of calls to the Police Department's 911 emergency response system or to the State Police Bureau of Liquor Control Enforcement relating to the incidents occurring within and immediately outside the Premises;
3. The character of the surrounding neighborhood, including the presence of vulnerable populations and the nature and extent of community opposition to the take-out sale of beer at the Premises;
4. The proximity of houses of worship, schools, daycare centers, senior citizen centers, charitable institutions or other non-profit organizations to the Premises;
5. The impact on the surrounding community of other establishments engaged in the take-out sale of beer located in close proximity to the Premises;
6. The failure of the applicant to remain current in the payment of any City or School District taxes, charges, fees, rents or claims;
7. The failure of the applicant to obtain all other permits and approvals required by law for the operation of a take-out beer establishment at the Premises;
8. Whether the applicant has made any material false statements in any written application for Council approval of a take-out beer permit.

What if no one files a protest to an application?

If no protest is filed within 21 days after an application is filed, the application will be approved, and both the applicant and the LCB will be so notified. The applicant will then be free to file its application with the LCB for the actual permit.

What happens when a protest is filed against an application?

Once a protest is received, a hearing will be scheduled. The applicant and the designated representatives of all protestants will be advised of the date, time and place of a hearing at which you, the person(s) filing the protest, and any other person may testify or submit evidence that is relevant to the issue of whether approving the application would adversely affect the welfare, health, peace and morals of the City or its residents. There will be NO continuances of hearings. If the applicant or protestant does not appear, the Board will evaluate the case on the information at hand.

Do I need an attorney to represent me at the hearing?

No, unless you are filing the protest on behalf of a for-profit corporation. Any person has the right to be represented by an attorney at the hearing, but having an attorney represent you is not a requirement.

What happens if the Board turns down my application for approval?

Under Act 39 and Act 155, once the Board has refused to approve your application, the LCB will not accept your application for a permit to sell malt or brewed beverages for consumption off the premises.

Does a protestant have the right to appeal the Board's decision to approve an application to the courts?

Under Act 39, an applicant aggrieved by an adverse decision of the Board can file an appeal with the Court of Common Pleas of Philadelphia County. Act 39 is silent as to the rights of protestants to appeal. You should consult with a lawyer to determine what rights a protestant may have, if any, to appeal.

To be completed by Clerk only:

CITY OF PHILADELPHIA
DEPARTMENT OF LICENSES AND INSPECTIONS
990 SPRING GARDEN STREET, 3RD FLOOR
PHILADELPHIA, PA 19123

APPLICATION NO.:

COUNCIL DISTRICT:

POLICE DISTRICT:

To be completed by Clerk only:

DATE OF APPLICATION:

LAST DAY TO FILE PROTEST:

90TH DAY:

Application For Approval of Permit to Sell Malt or Brewed Beverages for Consumption Off the Premises

APPLICATION FEE: \$300
MUST BE PAID BY CERTIFIED OR CASHIER'S CHECK OR
MONEY ORDER ONLY - MADE PAYABLE TO
"CITY OF PHILADELPHIA"

PLEASE TYPE OR PRINT CLEARLY

I, _____ AS INDIVIDUAL OWNER PARTNER OFFICER
FOR AND ON BEHALF OF _____ (SELF, NAME OF PARTNERSHIP, OR CORPORATION)
HEREBY APPLY FOR APPROVAL OF A PERMIT TO SELL MALT OR BREWED BEVERAGES FOR CONSUMPTION OFF THE PREMISES TO BE LOCATED
AT _____
PHILADELPHIA, PENNSYLVANIA ZIP CODE _____ IN ACCORDANCE WITH THE PROVISIONS OF ACT 39 OF 2005 AND ACT 155 OF 2006.

TRADE NAME OF ESTABLISHMENT:

BUSINESS TELEPHONE NUMBER:

PROVIDE PHILADELPHIA BUSINESS PRIVILEGE LICENSE NUMBER:

PROVIDE PENNSYLVANIA LIQUOR CONTROL BOARD LICENSE NUMBER:

IF A CORPORATION, LIST NAME, TITLE, OFFICE OR POSITION, AND THE SHARES OF STOCK FOR ALL OFFICERS AND DIRECTORS AND LIST ALL OTHER SHAREHOLDERS WITH OWNERSHIP INTEREST OF 5% OR MORE. IF A PARTNERSHIP, LIST NAME, TITLE, OFFICE OR POSITION AND PERCENT OF OWNERSHIP FOR ALL PARTNERS

NAME	TITLE, OFFICE, OR POSITION	SHARES HELD OR PERCENT OWNERSHIP

LIST NAME, HOME ADDRESS AND TELEPHONE NUMBER FOR MANAGER OF PREMISES

MANAGER'S NAME

TELEPHONE NUMBER

MANAGER'S HOME ADDRESS

OWNER OF BUILDING OR LAND WHERE THE ESTABLISHMENT IS LOCATED

NAME:

TELEPHONE NUMBER:

ADDRESS:

ON WHAT FLOOR IS THE ESTABLISHMENT LOCATED?

ARE ALL CITY BUSINESS AND WAGE TAXES FOR THIS ESTABLISHMENT PAID IN FULL OR HAS APPLICANT ENTERED INTO A PAYMENT AGREEMENT? YES NO

DOES THE PREMISES HAVE A VALID ZONING PERMIT OR ZONING BOARD OF ADJUSTMENT CERTIFICATE FOR THE USE OF TAKE-OUT RESTAURANT? YES NO

IF YES, PLEASE ATTACH A COPY OF THE PERMIT OR CERTIFICATE - IF NO, PLEASE CITE THE LEGAL BASIS FOR THE LACK OF A CERTIFICATE:

DOES THE PROPERTY MEET ALL HEALTH CODES AND FOOD LICENSE REQUIREMENTS? YES NO

ARE THE SALES TAXES FOR THIS ESTABLISHMENT PAID IN FULL? YES NO

ARE THE REAL ESTATE TAXES FOR THE PREMISES PAID IN FULL? YES NO

IF NO, DO YOU HAVE A CURRENT AGREEMENT WITH THE CITY? YES NO

ARE THE USE AND OCCUPANCY TAXES FOR THIS PREMISES PAID IN FULL? YES NO

DO YOU AGREE TO GIVE THE HEARING EXAMINER OR BOARD A COPY OF THE LEASE, IF ANY, FOR THE PREMISES DESCRIBED IN THIS APPLICATION, AS WELL AS ANY OTHER PERTINENT FINANCIAL INFORMATION UPON REQUEST? YES NO

I hereby certify that I will comply with all the laws of the Commonwealth of Pennsylvania and the City of Philadelphia governing the taxation and sale of malt or brewed beverages for consumption off the premises. I further affirm that if an inspection determines that I have failed to properly post the premises with the poster provided by the Clerk, for the entire duration of the posting period, my application will be rejected, the 90 day period for action shall cease to run, I will be required to refile my application, with a \$50.00 additional fee and a new 90 day period will commence. I further certify that I have read and understood every question in this application, and that the answer to every question is true to the best of my own knowledge, information and belief. I further certify that I understand that this statement is made subject to the penalties of 18 PA.C.S.A. §4904 relating to unsworn falsification to authorities.

SIGNATURE OF APPLICANT _____

FOR AND ON BEHALF OF _____ DATE: _____