

Liquor Referendum Question and Answers

Is East Goshen a “dry” township?

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”).

East Goshen has been “dry” for the purposes of retail brewed/malt beverage sales and liquor sales since 1939. However, in 2001, a referendum was approved to allow private golf clubs to obtain liquor licenses.

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. As noted above, East Goshen is partially dry, permitting private golf clubs to have liquor licenses.

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 vote cast for any office in the Township at the last preceding general election.

The petition is filed with the Chester County Board of Elections and if the petition meets the requirements, the question will be placed on the 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 East Goshen Township of Chester County?”

When is the 2018 Primary Election?

May 15, 2018.

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

The PaLCB will be able to issue liquor licenses for restaurants, bars, taverns, delicatessens and beer distributors in East Goshen Township. Information on the various types of licenses is available at the PaLCB website at www.lcb.pa.gov.

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

The PaLCB cannot issue liquor licenses in East Goshen Township.

How many licenses will the PaLCB issue?

The PaLCB 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 Chester County: 1 per 3,000 residents. The second is a quota for the number of licenses in East Goshen, which is 1 per 3,000 residents.

How many licenses are permitted in Chester County? How many licenses are permitted in East Goshen?

Chester County's population in the last census was 498,886, so 166 licenses should be permitted. There are currently 325 retail liquor licenses in Chester County, so Chester County is over its quota.

East Goshen's population in the last census was 18,026, so up to 6 licenses are permitted.

Since Chester County is over its quota, does that mean that even if East Goshen goes wet that there will be no licenses in East Goshen?

No. If East Goshen goes "wet," the PaLCB will not create six new licenses specific to East Goshen. However, the PaLCB will approve the transfer of an existing license in Chester County to East Goshen. There is no limit on the number of licenses that may be transferred into East Goshen.

The transfers of the first six licenses are "by right" and just have to be approved by the PaLCB. After the first six licenses, additional businesses will have to seek approval from both the Township and the PaLCB 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 six licenses are enough to serve the needs of East Goshen residents and deny any and all other transfers?

No. With limited exceptions, unless the Township finds that approving the transfer would adversely affect the welfare, health, peace, and morals of the Township or its residents, it has to approve the transfer. Under the current case law, the courts generally do not find licensed establishments to be detrimental to a community.

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

Yes. PaLCB 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 PaLCB is not prohibited from issuing licenses in proximity to these uses.

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