

Introduction

Dry municipalities, or those that don't allow the sale of wine, spirits and/or malt and brewed beverages, have existed in Pennsylvania dating back to the 19th Century. At the end of Prohibition in 1933, state law made alcohol sales a local option: voters in each municipality could retain the ban on the sale of alcohol (stay dry) or allow the sale of such products (go wet). Over the years, some municipalities that were dry have voted to become wet, and some that were wet have voted to become dry.

As of July 2015, [684 Pennsylvania municipalities are at least partially dry](#).

Is wet versus dry an all-or-nothing proposition?

No. A municipality can be totally dry and prohibit the sale of any alcoholic beverages, or it can allow certain alcohol sales while prohibiting others. In fact dozens of municipalities in Pennsylvania are partially dry and partially wet. Some allow retail beer sales (you can buy a six-pack at a pizza parlor, for example) while prohibiting retail liquor sales (you cannot buy a mixed drink or a glass of wine at that same pizza parlor). Some prohibit the sale of retail liquor and beer while allowing beer distributors or Fine Wine & Good Spirits stores to operate. And some are totally dry, but have made an exception for a golf course or a performing arts venue.

How does a municipality change from dry to wet or vice versa?

According to Section 472 of the Pennsylvania Liquor Code, a local option referendum to change what alcohol sales a municipality allows or prohibits may be voted on during any election. The issue may not be voted on more than once in four years.

A referendum can be broad – for example, allowing all forms of alcohol sales in a municipality – or it can be very narrow, for

example, allowing only a specific golf course to sell alcohol.

Before a referendum may be placed on the ballot, a petition with a number of signatures equal to at least 25 percent of the highest vote cast for any office in that municipality in the preceding general election must be filed with the local board of elections.

The PLCB does not maintain statistics regarding the success or failure rate of local option referendums.

What happens to existing licenses when a wet municipality goes dry?

If a majority votes to prohibit the granting of retail liquor and/or retail dispenser licenses in their municipality, the PLCB cannot issue or renew those types of licenses when they expire. An existing license may be transferred to a wet municipality in the same county, or it could be put into safekeeping.

There is one exception to this – the so-called “50-year” or “1950” exception: In order to be eligible, a licensee must be located in a [second-class township](#) in a [third-class county](#), have a license issued prior to 1950 and be licensed for at least 50 years.

What happens when a municipality goes wet?

Once it receives certified election results, the PLCB will accept liquor license applications for establishments in the newly wet municipality. However, residents in affected municipalities can appeal the vote, which might affect the issuing of licenses.

The PLCB cannot issue new retail liquor licenses or malt beverage distributor licenses if the county in which the newly wet municipality is at or in is over its quota. Licenses existing in other municipalities in the county would have to be transferred into the newly wet municipality. Retail liquor and malt beverage distributor licenses cannot be transferred across county lines.