

# VIRGINIA ACTS OF ASSEMBLY -- 2007 SESSION

## CHAPTER 456

*An Act to amend the Code of Virginia by adding in Chapter 2 of Title 48 a section numbered 48-17.1, relating to alcoholic beverage sale nuisances.*

[H 1995]

Approved March 19, 2007

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Chapter 2 of Title 48 a section numbered 48-17.1 as follows:**

*§ 48-17.1. Temporary injunctions against alcoholic beverage sales.*

*A. Any locality by or through its mayor, chief executive, or attorney may petition a circuit court to temporarily enjoin the sale of alcohol at any establishment licensed by the Alcoholic Beverage Control Board. The basis for such petition shall be the operator of the establishment has allowed it to become a meeting place for persons committing serious criminal violations of the law on or immediately adjacent to the premises so frequent and serious as to be deemed a continuing threat to public safety, as represented in an affidavit by the chief law-enforcement officer of the locality, supported by records of such criminal acts. The court shall, upon the presentation of evidence at a hearing on the matter, grant a temporary injunction, without bond, enjoining the sale of alcohol at the establishment, if it appears to the satisfaction of the court that the threat to public safety complained of exists and is likely to continue if such injunction is not granted. The court hearing on the petition shall be held within 10 days of service upon the respondent. The respondent shall be served with notice of the time and place of the hearing and copies of all documentary evidence to be relied upon by the complainant at such hearing. Any injunction issued by the court shall be dissolved in the event the court later finds that the threat to public safety that is the basis of the injunction has been abated by reason of a change of ownership, management, or business operations at the establishment, or other change in circumstance.*

*B. The Alcoholic Beverage Control Board shall be given notice of any hearing under this section. In the event an injunction is granted, the Alcoholic Beverage Control Board shall initiate an investigation into the activities at the establishment complained of and conduct an administrative hearing. After the Alcoholic Beverage Control Board hearing and when a final determination has been issued by the Alcoholic Beverage Control Board, regardless of disposition, any injunction issued hereunder shall be null, without further action by the complainant, respondent, or the court.*