

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 1995]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding in Chapter 2 of Title 48 a section numbered**
8 **48-17.1 as follows:**9 *§ 48-17.1. Temporary injunctions against alcoholic beverage sales.*

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

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