

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 63

Session of  
2007

INTRODUCED BY WOZNIAK, TARTAGLIONE, FONTANA, BRUBAKER, EARLL AND  
STACK, FEBRUARY 8, 2007

REFERRED TO LAW AND JUSTICE, FEBRUARY 8, 2007

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as  
2 reenacted, "An act relating to alcoholic liquors, alcohol and  
3 malt and brewed beverages; amending, revising, consolidating  
4 and changing the laws relating thereto; regulating and  
5 restricting the manufacture, purchase, sale, possession,  
6 consumption, importation, transportation, furnishing, holding  
7 in bond, holding in storage, traffic in and use of alcoholic  
8 liquors, alcohol and malt and brewed beverages and the  
9 persons engaged or employed therein; defining the powers and  
10 duties of the Pennsylvania Liquor Control Board; providing  
11 for the establishment and operation of State liquor stores,  
12 for the payment of certain license fees to the respective  
13 municipalities and townships, for the abatement of certain  
14 nuisances and, in certain cases, for search and seizure  
15 without warrant; prescribing penalties and forfeitures;  
16 providing for local option, and repealing existing laws,"  
17 further providing for rights of municipalities preserved.

18 The General Assembly of the Commonwealth of Pennsylvania  
19 hereby enacts as follows:

20 Section 1. Section 493.1(b) and (c) of the act of April 12,  
21 1951 (P.L.90, No.21), known as the Liquor Code, reenacted and  
22 amended June 29, 1987 (P.L.32, No.14), and amended or added July  
23 17, 2003 (P.L.63, No.15), are amended to read:

24 Section 493.1. Rights of Municipalities Preserved.--\* \* \*

25 (b) [A municipality may file a petition with the board for

1 an exemption from the board's regulations regarding amplified  
2 music being heard off the licensed premises for all the  
3 licensees within an identifiable area in the municipality. Prior  
4 to submitting a petition, the municipality shall adopt a local  
5 noise ordinance and a resolution adopted by its governing body  
6 confirming support of the petition, citing the noise ordinance  
7 and its intention to enforce the ordinance in place of the  
8 board's regulations. Upon receipt of a petition, including a  
9 copy of the noise ordinance, a map of the area to be exempted  
10 and resolution, the board shall hold at least one (1) public  
11 hearing on the petition. The hearing may be held before a  
12 hearing examiner. The hearing shall take place within the  
13 identified area and must comply with the notice, recording and  
14 public participation requirements of 65 Pa.C.S. Ch. 7 (relating  
15 to open meetings). Within sixty (60) days after receipt of the  
16 petition, the board shall disapprove the petition for an  
17 exemption in its entirety or may approve an area more limited  
18 for which the exemption will be granted if the board finds that  
19 granting the petition shall have an adverse effect on the  
20 welfare, health, peace and morals of the residents living in the  
21 vicinity of the identified area; otherwise, the board shall  
22 approve the petition. The board may place additional conditions  
23 on its approval such as limiting the duration of the approval  
24 and any other condition the board deems appropriate. There shall  
25 be a right to appeal to the court of common pleas in the same  
26 manner as provided by this act for appeals from refusals to  
27 grant licenses.] A municipality may be exempt from the board's  
28 regulations pertaining to amplified music being heard outside of  
29 the licensed premises by notifying the board that it intends to  
30 impose the requirements of its own local noise ordinance in lieu

1 of the board's regulations on the licensed premises within its  
2 boundaries. Upon such notification, the provisions of the  
3 board's regulations pertaining to amplified music being outside  
4 of the licensed premises shall not apply to licensed premises  
5 located in that municipality.

6 (c) A municipality may rescind any existing exemption from  
7 the board's regulations regarding amplified music by notifying  
8 the board of its intent to do so in writing, fifteen (15) days  
9 prior to the rescission date. Such notice must be accompanied by  
10 an ordinance or resolution authorizing the rescission. [A  
11 rescission of an existing exemption which does not rescind the  
12 entire exempted area shall be treated as a new petition for  
13 exemption with the board and shall follow the procedures set  
14 forth in subsection (b).]

15 \* \* \*

16 Section 2. This act shall take effect in 60 days.