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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 2166** Session of  
1976

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INTRODUCED BY GREENFIELD, GIAMMARCO AND PIEVSKY,  
FEBRUARY 25, 1976

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REFERRED TO COMMITTEE ON LIQUOR CONTROL, FEBRUARY 25, 1976

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AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled "An  
2 act relating to alcoholic liquors, alcohol and malt and  
3 brewed beverages; amending, revising, consolidating and  
4 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 providing temporarily for the sale of liquor and malt or  
18 brewed beverages by the glass, open bottle or other container  
19 at outdoor facilities in cities of the first class.

20 The General Assembly of the Commonwealth of Pennsylvania  
21 hereby enacts as follows:

22 Section 1. Section 102, act of April 12, 1951 (P.L.90,  
23 No.21), known as the "Liquor Code," is amended by adding a  
24 definition to read:

25 Section 102. Definitions.--The following words or phrases,  
26 unless the context clearly indicates otherwise, shall have the

1 meanings ascribed to them in this section:

2 \* \* \*

3 "Outdoor facility" shall mean a temporary facility under a  
4 roof made of any fireproof material, the site of which facility  
5 shall be clearly delineated and enclosed, except at entrance and  
6 exits, by a barrier at least thirty-six (36) inches high, and  
7 which is situate on property owned by a city of the first class.

8 \* \* \*

9 Section 2. The act is amended by adding a section to read:

10 Section 408.6. Temporary Outdoor Facilities in Cities of the  
11 First Class.--(a) The board is authorized to issue not more than  
12 seven temporary licenses in any city of the first class for the  
13 retail sale of liquor and malt or brewed beverages by the glass,  
14 open bottle or other container or in any mixture for consumption  
15 in an outdoor facility.

16 (b) The application for an outdoor facility license may be  
17 filed at any time by any hotel, restaurant or club licensed to  
18 sell liquor and malt or brewed beverages by the glass, open  
19 bottle or other container or in any mixture, if such hotel,  
20 restaurant or club has been selected on the basis of open  
21 competitive bidding, to operate an outdoor facility, by the  
22 agency designated by the governing body of a city of the first  
23 class as the official bicentennial agency of such city. The  
24 application shall contain a description of the area intended to  
25 be used as an outdoor facility and shall specify the proposed  
26 seating capacity of said facility and shall contain such other  
27 information as the board may require. Application shall be in  
28 writing on forms prescribed by the board and shall be signed and  
29 submitted to the board by the applicant. The filing fee which  
30 shall accompany the license application shall be ten dollars

1    (\$10).

2       (c) All provisions of this act not inconsistent herewith  
3   shall apply to an outdoor facility license except that (1) an  
4   outdoor facility license shall be considered to be a temporary  
5   supplemental license to a license previously granted under this  
6   act (2) in granting any outdoor facility license the board shall  
7   require that the outdoor facility and the premises for which the  
8   original license was granted shall separately, in and of  
9   themselves, satisfy the minimum area and seating capacity  
10   requirements of this act, and (3) entertainment may be provided  
11   within an outdoor facility by the licensee thereof or by the  
12   agency designated by the governing body of a city of the first  
13   class as the official bicentennial agency of such city, which  
14   entertainment may be visible to persons inside and outside of  
15   such outdoor facility.

16       (d) No license for the operation of an outdoor facility  
17   shall be issued by the board if the operation of such facility  
18   would violate any ordinance, rule, or regulation of a city of  
19   the first class.

20       (e) Outdoor licenses issued pursuant to the provisions of  
21   this section shall be operative only from April 1, 1976 through  
22   November 30, 1976.

23       Section 3. This act shall take effect immediately.