AN ACT

The act of April 25, 1933 (P.L.74, No.49), entitled "An act relating to baseball and football on Sunday; prohibiting baseball and football on Sunday during certain hours, and also during certain other hours unless the electors of a municipality are in favor of the same and, in certain cases, a license has first been secured from the municipal authorities; providing for referendums to ascertain the will of the electors, and for the enactment and repeal of licensing ordinances and resolutions in accordance therewith; providing penalties; and repealing inconsistent laws."

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

Section 1. The act of April 25, 1933 (P.L.74, No.49), referred to as the Sunday Baseball and Football Law, is repealed:

[AN ACT Relating to baseball and football on Sunday; prohibiting baseball and football on Sunday during certain hours, and also during certain other hours unless the electors of a municipality are in favor of the same and, in certain cases, a license has first been secured from the municipal authorities; providing for referendums to ascertain the will]
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Section 1. Be it enacted, etc., That--Municipality
Defined.--The word "municipality," as used in this act, shall be
construed to mean and include any city, borough, town, and
township of this Commonwealth.

Section 2. Penalty for Unlawful Baseball and Football on
Sunday.--It shall be unlawful for any person, copartnership,
association or corporation to conduct, stage or engage in any
baseball or football game, regardless whether a charge or
admission thereto is made or whether labor or business is
necessary to conduct, manage, stage or operate the same, on the
first day of the week, commonly called Sunday, before the hour
of two o'clock post meridian or after the hour of six o'clock
post meridian.

It shall be unlawful for any person, copartnership,
association or corporation to conduct, stage or engage in any
baseball or football game, regardless whether a charge or an
admission thereto or incidental thereto is made or whether labor
or business is necessary to conduct, manage, stage or operate
the same, on the first day of the week, commonly called Sunday,
between the hours of two o'clock post meridian and six o'clock
post meridian, unless the voters in the municipality have first
voted in favor of baseball and football on Sunday as hereinafter
provided, and unless the person, copartnership, association or
corporation, proposing to conduct or stage any such baseball or
football game to which an admission charge is made or is
incidental, shall first have secured from the proper municipal
authority of the municipality a license authorizing him, her, or
it to conduct or stage such baseball or football game between
said hours on Sunday.

Any person, copartnership, association or corporation
violating any of the provisions of this section shall, upon
conviction thereof in a summary proceeding, be sentenced to pay
a fine not exceeding ten dollars ($10), and, in default of the
payment of such fine and costs of prosecution, such person, or
any member or agent of any copartnership or association, or any
officer or agent of any corporation, responsible for such
violation, shall be imprisoned for a period of not more than
five days.

Section 3. Ordinances and Resolutions; License Fees.--If at
the election in the year one thousand nine hundred and thirty-
three, as hereinafter provided, a majority of the electors in
any municipality, voting at said election, vote in favor of
baseball and football on Sunday between the hours of two o'clock
post meridian and six o'clock post meridian, then each
municipality, other than a township of the second class, shall, by ordinance, and each township of the second class shall, by resolution of the township supervisors, provide for the licensing of baseball and football games to which an admission fee is charged or is incidental on Sunday between the hours of two o'clock post meridian and six o'clock post meridian. If the vote of the electors in the municipality was not in favor of baseball and football, then no ordinance or resolution providing for the licensing of baseball and football games shall be enacted or adopted.

The license fees to be charged, under any such ordinance or resolution, for any baseball or football game to which an admission is charged or is incidental shall not exceed the following amounts: In cities of the first and second class, fifty dollars ($50); in cities of the second class A and third class, twenty-five dollars ($25); in boroughs, five dollars ($5); and in townships, one dollar ($1).

All license fees collected under the provisions of any such ordinance or resolution shall be paid into the treasury of the municipality.

Section 4. Referendum; Statement of Question on Ballots.—At the municipal election in the year one thousand nine hundred and thirty-three, there shall be submitted, in the manner provided by the election laws of the Commonwealth, a question to determine the will of the electors of each municipality in this Commonwealth with respect to baseball and football games on Sunday. Such question shall be in the following form—

Do you favor the conduct, staging and playing of baseball and football games, regardless of whether an admission charge is made or incidental thereto

Yes
or whether labor or business is necessary to conduct, stage or operate the same, between the hours of two and six, post meridian, on Sunday?

The said question shall be printed on separate official ballots, in bound form, by the county commissioners of each county, and sufficient number of ballots shall be furnished to the election officers in each election district of the county so that one ballot may be supplied to each voter at such election. In districts where voting machines are used, such question shall appear on the face of the machine where the machine is properly equipped for such purposes.

Section 5. Returns and Computation of Votes.--The votes cast on such question shall be counted by the election officers and returns thereof made by them, and by election officers where voting machines are used, to the prothonotary of the county, who shall lay the same before the return board for computation at the same time and in the same manner as other returns. The return board shall compute the said returns by municipalities and certify the results of the vote cast on the question to the legislative body of each municipality within the county.

Such election shall be governed by the election laws of the Commonwealth, and all penalties provided by said laws shall apply to such elections.

Section 6. Future Referendums.--In any municipality the will of the electors with respect to baseball and football on Sunday may, after the year one thousand nine hundred and thirty-three, but not oftener than once in three years, be ascertained, and the question, as provided in this act, shall be submitted to the electors of any municipality upon demand, in writing, of petitioners equal to at least five per centum of the highest
vote cast for any office in the municipality at the last
preceding general or municipal election. Such petition shall be
filed with the corporate authorities at least sixty days before
the day of any general or municipal election at which the
question is to be submitted, and, if the petition is
sufficiently signed, shall thereupon be certified to the county
commissioners, who shall cause such question to be submitted in
the same manner as is provided in this act for the election in
the year one thousand nine hundred and thirty-three.

If a majority of the electors, voting in any municipality
which licenses baseball and football games to which an admission
charge is made or is incidental, are not in favor of such
licensing, then the ordinance or resolution licensing such
baseball and football games shall be repealed; but if a majority
of the electors in any such municipality which does not license
baseball and football games are in favor of such licensing, then
an ordinance or resolution shall be enacted or adopted licensing
baseball and football games to which an admission charge is made
or is incidental, as provided in this act.

Section 7. Intent of Act.--It is the intent of this act to
provide a method whereby the will of the electors of each
municipality with respect to baseball and football games on
Sunday between the hours of two o'clock post meridian and six
o'clock post meridian may be ascertained, and it shall be the
duty of the legislative body of each municipality to enact,
adopt or repeal any ordinance or resolution in accordance with
the will of the electors as ascertained at said elections. In
case of a failure so to do, the duty herein imposed upon the
legislative body of any municipality may be enforced by
mandamus.
Section 8. Repeal.--Section one of the act, approved the twenty-second day of April, one thousand seven hundred and ninety-four (3 Sm. L. 177), entitled "An act for the prevention of vice and immorality and of unlawful gaming, and to restrain disorderly sports and dissipation," be, and the same is hereby, repealed in so far as it prohibits baseball and football games on Sunday.

Section 9. Constitutionality.--The provisions of this act are severable, and if any of the provisions hereof are held to be unconstitutional, the decision shall not be construed to impair any other provision of this act. It is hereby declared as the legislative intent that this act would have been adopted had such unconstitutional provision not been included herein.

Section 10. Hunting and Fishing.--Nothing contained in this act shall relate to Sunday hunting and fishing or be construed as repealing any law relating thereto.

Section 11. Effective Date.--This act shall be effective immediately upon final enactment.

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