



# CITY OF ALLENTOWN

No. 30259

## RESOLUTION

R122 - 2021

*Introduced by the City Council and the Administration on August 4, 2021*

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**Requests the Council of the City of Allentown to authorize the City Solicitor's Office to file a petition with the Pennsylvania Liquor Control Board to exempt a specific area of the City of Allentown, described herein, from the Pennsylvania Liquor Control Boards regulations regarding amplified music being heard off the licensed premises in favor of enforcing the City's own previously adopted Noise Ordinance, Article 710, of the City of Allentown's Codified Ordinances for five years following the date of approval of this petition.**

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*Resolved by the Council of the City of Allentown, That*

**WHEREAS**, the City of Allentown ("City") has a previously adopted Noise Ordinance Codified as Article 710 and entitled "Noise Control". A true and correct copy of the Ordinance is attached hereto as "**ATTACHMENT A**" and incorporated herein as is fully set forth; and

**WHEREAS**, 47 P.S. § 4-493(34) – Unlawful acts relative to liquor, malt and brewed beverages and licenses, places restrictions on the sound level of music or other entertainment inside or outside of licensed liquor establishments; and

**WHEREAS**, 47 P.S. § 4-494 establishes penalties for violations of the restrictions identified in 47 P.S. § 4-493(34); and

**WHEREAS**, 47 P.S. § 4-493.1(b) grants local municipalities the right to file a petition with the Pennsylvania Liquor Control Board ("PLCB") for exemption from the requirements of 47 P.S. §4-493(34) regarding amplified music being heard off the licensed premises for all licenses within an identifiable area in the municipality.

**WHEREAS**, the PLCB requires a resolution from the City confirming support of the filing of a petition to enforce the City's own Noise Ordinance in place of the PLCB's current regulations; and

**WHEREAS**, the area which will be affected by this decision is specifically described as bounded in "**ATTACHMENT B**" and more generally described thusly:

**Liberty Street from North 17<sup>th</sup> Street to North 19<sup>th</sup> Street, and 19<sup>th</sup> Street from Liberty Street to Tilghman Street, inclusive of the area bounded by:**

**The line of Tilghman Street from the intersection with 19<sup>th</sup> Street to the intersection with N. St. George Street.**

**The line of N. St. George Street from the intersection with Tilghman St. to the intersection with Early Street.**

**The line of Early Street from the intersection with N. St. George Street continued to N. 17<sup>th</sup> Street.**

**The line of N. 17<sup>th</sup> Street from the connection with the continuation of the line of Early Street to the North Eastern edge of Lehigh Valley Hospital.**

**The line of the North Eastern edge of Lehigh Valley Hospital from N. 17<sup>th</sup> Street to N. St. Cloud Street.**

**The line of N. St. Cloud Street to the intersection with Liberty Street.**

**WHEREAS**, by enforcing its own Ordinance in lieu of the regulations promulgated by the Board, the City will be better able to address noise violations in a more timely and effective manner.

**NOW, THEREFORE, BE IT RESOLVED BY THE** Council of the City of Allentown that the City Solicitor's Office is authorized to file a petition with the Pennsylvania Liquor Control Board to exempt a specific area of the City of Allentown, described herein, from the Pennsylvania Liquor Control Board's regulation 47 P.S. § 4-493(34) regarding amplified music being heard off the licensed premises in favor of enforcing the City's own previously adopted Noise Ordinance, Article 710, of the City of Allentown's Codified Ordinances and confirming the same.

**BE IT FURTHER RESOLVED** by the Council of the City of Allentown that the City will relinquish jurisdiction back to the Pennsylvania Liquor Control Board, and their enforcement agency, the Pennsylvania State Police, give (5) years following the approval of this petition.

	Yea	Nay
Candida Affa	X	
Ce-Ce Gerlach	X	
Daryl Hendricks	X	
Cynthia Mota	X	
Joshua Siegel	X	
Ed Zucal	X	
Julio A. Guridy, President	X	
TOTAL	7	0

***THIS IS TO CERTIFY, That the above copy of Resolution No. 30259 was adopted by the City Council of Allentown on the 4<sup>th</sup> day of August 2021 and is on file in the City Clerk's Office.***

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**City Clerk**