



CITY OF ALLENTOWN

No. 29940

RESOLUTION

R115 - 2019

Introduced by City Council and the Administration on December 4, 2019

Authorizes 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.

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 and 40 Pa. Code § 5.32 place restrictions on the sound level of music or other entertainment inside or outside of licensed liquor establishments; and

WHEREAS, 47 P.S. § 4-493.1(b) and 40 Pa. Code § 5.32(g) grant local municipalities the right to file a petition with the Pennsylvania Liquor Control Board ("PLCB") for exemption from the PLCB's regulations regarding amplified music being heard off the licensed premises for all licenses within an identifiable area in the municipality.

WHEREAS, the LCB requires a resolution from the City confirming support of the filing of a petition to enforce the City's 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 generally described as bounded by "**ATTACHMENT B**" and more specifically described thusly:

Liberty Street from North 17th Street to North 19th Street, and 19th Street from Liberty Street to Tilghman Street, inclusive of the area bounded by:

The line of Tilghman Street from the intersection with 19th 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. 17th Street.

The line of N. 17th 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. 17th 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.

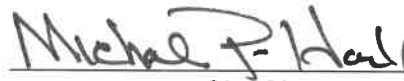
NOW, THEREFORE, BE IT RESOLVED BY THE Council of the City of Allentown that the City Solicitor's Office is authorized to file a petition with the Pennsylvania Liquor Control Board to exempt a specific area of the City of Allentown, described herein, from the Pennsylvania Liquor Control Board's regulations 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 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, two (2) years following the approval of this petition.

AMENDMENT TO RELINQUISH JURISDICTION BACK TO THE PENNSYLVANIA LIQUOR CONTROL BOARD, AND THEIR ENFORCEMENT AGENCY, THE PENNSYLVANIA STATE POLICE TO TWO (2) YEARS INSTEAD OF FIVE (5) YEARS FOLLOWING THE APPROVAL OF THIS PETITION, PASSED 7-0

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

THIS IS TO CERTIFY, That the above copy of Resolution No. 29940 was adopted by the City Council of Allentown on the 19th day of February, 2020, and is on file in the City Clerk's Office.



City Clerk