

No. 108

AN ACT

HB 517

Amending the act of April 12, 1951 (P.L.90), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures; providing for local option, and repealing existing laws," authorizing Sunday sales by city-owned stadium licensees and holders of permits in certain stadia or arenas and further limiting the number of retail licenses to be issued in each municipality.

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

Section 1. Subsection (g) of section 408.2, act of April 12, 1951 (P.L.90), known as the "Liquor Code," added November 25, 1970 (P.L.770), is amended to read:

Section 408.2. City-Owned Stadia.—* * *

(g) Sales by the holder of a stadium license may be made except to those persons prohibited under clause (1) of section 493 of this act on city-owned premises customarily used or available for use for competition of professional and amateur athletes and other types of entertainment during the hours in which the entertainment is being held and up to one hour after the scheduled closing, and at functions which are incidental to or part of the stadium activities, but such sales may not be made beyond the hours expressed in the code for the sale of liquor by restaurant licensees: Provided, however, *That such sales may be made on Sunday between the hours of twelve o'clock noon and ten o'clock postmeridian: And provided further*, That during the hours expressed in this act for the sale of liquor by hotel licensees, sales of such liquor or malt or brewed beverages may be made by said licensee at banquets, not incidental to stadium activities, at which more than two thousand persons are scheduled to attend, and at functions irrespective of attendance, which are directly related to stadia purposes.

* * *

Section 2. Subsection (a) of section 433.1 of the act, amended November 17, 1967 (P.L.510), is amended to read:

Section 433.1. Stadium or Arena Permits.—(a) The board is hereby authorized to issue, in cities of the first and second class, special permits allowing the holders thereof to make retail sales of malt or brewed

beverages in shatterproof containers at all events on premises principally utilized for competition of professional and amateur athletes and other types of entertainment having an available seating capacity of twelve thousand or more: Provided, however, That in cities of the second class this section shall be applicable only to premises owned, leased or operated by any authority created under the act of July 29, 1953 (P.L.1034), known as the "Public Auditorium Authorities Law." Such sales may be made only to adults and only on days [**other than Sunday**] when the premises are so used and only during the period from one hour before the start of and ending one-half hour after the close of the event on the premises.

* * *

Section 3. Subsection (a) of section 461 of the act, amended September 25, 1969 (P.L.233), is amended to read:

Section 461. Limiting Number of Retail Licenses To Be Issued In Each Municipality.—(a) No licenses shall hereafter be granted by the board for the retail sale of malt or brewed beverages or the retail sale of liquor and malt or brewed beverages in excess of one of such licenses of any class for each [**one thousand five hundred**] *two thousand* inhabitants in any municipality, exclusive of licenses granted to airport restaurants, municipal golf courses and hotels, as defined in this section, and clubs; but at least one such license may be granted in each municipality and in each part of a municipality where such municipality is split so that each part thereof is separated by another municipality, except in municipalities where the electors have voted against the granting of any retail licenses. Nothing contained in this section shall be construed as denying the right to the board to renew or to transfer existing retail licenses of any class notwithstanding that the number of such licensed places in a municipality shall exceed the limitation hereinbefore prescribed; but where such number exceeds the limitation prescribed by this section, no new license, except for hotels, municipal golf courses and airport restaurants as defined in this section, shall be granted so long as said limitation is exceeded.

* * *

Section 4. The amendments to sections 408.2 and 433.1 shall take effect immediately. The amendments to subsection (a) of section 461 shall take effect January 1, 1973, except that they shall not apply to license applications made prior thereto and pending at that date.

APPROVED—The 9th day of June, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly
No. 108.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a long, sweeping underline.

Secretary of the Commonwealth.