

BOROUGH OF MARIETTA

Lancaster County, Pennsylvania

RESOLUTION NO: 11-2019

A RESOLUTION OF MARIETTA BOROUGH COUNCIL PURSUANT TO SECTION 493.1(B) OF THE LIQUOR CODE REQUESTING EXEMPTION FROM SECTION 493(34) OF THE LIQUOR CODE 47 P.S. §4-493(34)

WHEREAS, Borough Council has enacted the Marietta Borough Noise Control Ordinance, Ordinance No. 65, of the Code of Ordinances; and

WHEREAS, the Borough desires that a specific area of Marietta Borough, being all of the land within the municipal boundaries of the Borough, be exempt from Section 493(34) of the Liquor Code, 47 P.S. §4-493(34) regarding amplified music being heard off licensees property and, instead, desires to enforce the provisions of the Noise Control Ordinance in such area.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by Borough Council of the Borough of Marietta, Lancaster County, Pennsylvania as follows:

Section 1. In accordance with Section 493.1 (b) of the Liquor Code, 47 P.S. §4-493.1 (b), Borough Council of Marietta Borough, Lancaster County, Pennsylvania, hereby certifies that the Marietta Borough Noise Control Ordinance is in effect and is applicable to amplified music.

Section 2. Borough Council of Marietta Borough, Lancaster County, Pennsylvania, hereby approves the filing of a Petition with the Pennsylvania Liquor Control Board to exempt certain specific areas of the Borough, being all of the land within the municipal boundaries of the Borough, as defined on the map attached hereto as Exhibit "A" and incorporated herein, from Section 493(34) of the Liquor Code, 47 P.S. §4-493(34) regarding amplified music being heard off licensees property.

Section 3. Borough Council of Marietta hereby states its intention to enforce the provisions of the Marietta Borough Noise Control Ordinance relative to

amplified music being heard off licensees' property if the Pennsylvania Liquor Control Board grants the Petition.

Section 4. In the event any provision, section, sentence, clause or part of the Resolution shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Resolution, it being the intent of Borough Council that the remainder of the Resolution shall be and shall remain in full force and effect.

Section 5. This Resolution shall take effect and be in force immediately.

DULY ADOPTED this 12th day of March 2019, by Borough Council of the Borough of Marietta, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF MARIETTA
Lancaster County, Pennsylvania

Attest: _____ By: _____
(Assistant) Secretary (Vice) President
Borough Council

(BOROUGH SEAL)