

May 2, 2016

Tina Greider
VIA E-MAIL

RE: Patio Speakers

Dear Ms. Greider:

ISSUE: This office is in receipt of your e-mail of April 19, 2016, wherein you inquire if it is permissible to have a speaker on an outside area. You further inquire if there is a decibel level restriction.

Pennsylvania Liquor Control Board (“PLCB”) records indicate that Shank’s Tavern, Inc. holds Restaurant Liquor License No. R-15844 (LID 46679) for use by it at premises located at 36 South Waterford Avenue, Marietta, Pennsylvania.

OPINION: Please be advised that Section 493(34) of the Liquor Code provides that a licensee may not use or permit to be used inside or outside of the premises a loudspeaker or similar device whereby the sound of music or other entertainment, or the advertisement thereof, can be heard beyond the licensee's property line. 47 P.S. § 4-493(34). You should be aware that some municipalities have “opted out” of this law as authorized by section 493.1 of the Liquor Code, and instead choose to enforce their own noise ordinances. However, PLCB records do not indicate that the Borough of Marietta, Lancaster County, Pennsylvania, has applied for or been given an exemption from the noise prohibition found in the Liquor Code.

Additionally, please be advised that licensees are strictly liable for violations of the Liquor Code. As the Liquor Code does not provide for a decibel level, you must ensure that no amplified sound can be heard beyond your property line or you risk being cited by the Pennsylvania State Police, Bureau of Liquor Control Enforcement.

THIS OPINION APPLIES ONLY TO THE FACTUAL SITUATION DESCRIBED HEREIN AND DOES NOT INSULATE THE LICENSEE OR OTHERS FROM CONSEQUENCES OF CONDUCT OCCURRING PRIOR TO ITS ISSUANCE. THE PROPRIETY OF THE PROPOSED CONDUCT HAS BEEN

ADDRESSED ONLY UNDER THE LIQUOR CODE AND REGULATIONS. THE LAWS AND POLICIES ON WHICH THIS OPINION IS BASED ARE SUBJECT TO CHANGE BY THE LEGISLATURE OR THE PENNSYLVANIA LIQUOR CONTROL BOARD

Sincerely,

A handwritten signature in cursive script, appearing to read "Rodrigo J. Diaz".

RODRIGO J. DIAZ
CHIEF COUNSEL

cc: Pennsylvania State Police, Bureau of Liquor Control Enforcement
Jerry W. Waters, Director of Office of Regulatory Affairs
Tisha Albert, Director, Bureau of Licensing
Jeffrey Lawrence, Assistant Director, Bureau of Licensing

LCB Advisory Opinion No. 16-151