

BOROUGH OF SMITHTON
WESTMORELAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 222 of 2019

AN ORDINANCE PROHIBITING THE DRINKING OF "ALCOHOLIC BEVERAGES" UPON ANY PUBLIC ACCESS PROPERTY, OR IN ANY VEHICLE BEING OPERATED OR PARKED THEREON, AND TO PROHIBIT ANY PERSON TO HAVE IN SUCH PERSON'S POSSESSION OR IN ANY VEHICLE UNDER SUCH PERSON'S CONTROL, ANY OPEN CONTAINER CONTAINING AN "ALCOHOLIC BEVERAGE" UPON ANY PUBLIC ACCESS PROPERTY; AND TO PROVIDE PENALTIES FOR THE VIOLATION THEREOF

BE IT ORDAINED AND ENACTED by the Smithton Borough Council, as is hereby ordained and enacted by the Authority of the same as follows:

Section 1. Definitions – the following terms shall have the meaning indicated:

a. Alcoholic Beverages – as defined in the "Liquor Code" of the Commonwealth of Pennsylvania) i.e. liquor, wine, malt, and brewed beverages);

b. Open Container – any container from which consumption of an alcoholic beverage is occurring;

c. Public Access Property – any public street, alley, sidewalk, park, playground, ball field, recreation areas, commons, or parking lots; or any private parking lots open to public use (regardless if the private parking lot establishment is open or closed for business);

Section 2. It shall be unlawful for any person to drink an alcoholic beverage upon any public access property within the Borough and it shall be unlawful for any person to have in such person's possession, or in a vehicle under such person's control, any open container containing an alcoholic beverage upon any public access property in the Borough.

Section 3. Any person who shall violate the provisions of this Ordinance, shall upon conviction thereof, be sentenced to pay a fine of fifty (\$50.00) dollars plus the costs of prosecution, or in default of payment of same, to undergo imprisonment for five (5) days for the first offense; one hundred (\$100.00) dollars plus the costs of prosecution, or in default of payment, imprisonment for ten (10) days for the second offense; and three hundred (\$300.00) dollars plus the costs of prosecution, or in default of payment, imprisonment for ninety (90) days for the third offense and any offense thereafter.

Section 4. Any police officer is hereby authorized to act on behalf of the Borough.

Section 5. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

Section 6. If any provision or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such decision shall not affect or impair the validity of any of the remaining provisions or parts of this Ordinance. It is hereby declared as the intent of Smithton Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid provision or part not included herein.

Section 7. This Ordinance shall take effect immediately upon its enactment.

ORDAINED AND ENACTED THIS 14TH DAY OF OCTOBER, 2019

BOROUGH OF SMITHTON

By  ^{pres.}
Fred Foster, President of Council

ATTEST:


Jennifer Perry, Secretary

EXAMINED AND APPROVED BY ME THIS 14TH DAY OF OCTOBER, 2019


Christine Tutena, Mayor