

**AN ORDINANCE OF THE TOWNSHIP OF EXETER,
LUZERNE COUNTY, PENNSYLVANIA, PROHIBITING THE
CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES AND
OPEN CONTAINERS OF ALCOHOLIC BEVERAGES IN
PUBLIC STREETS, SIDEWALKS, AND PUBLIC AREAS AND
PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF**

WHEREAS, the Supervisors of the Township of Exeter have determined that the consumption of alcoholic beverages and/or the possession of open containers of alcoholic beverages by persons on public premises, except under permitted conditions, is detrimental to the health, safety and welfare of the residents of the Township of Exeter; and

WHEREAS, the consumption of alcoholic beverages and/or possession of open containers of alcoholic beverages in public premises contributes to the development of unsightly and unsanitary conditions and creates a nuisance; and

WHEREAS, it is the intention of the Supervisors of the Township of Exeter to promote the general health, safety and welfare of the residents of the Township of Exeter.

BE IT ORDAINED AND ENACTED BY THE AUTHORITY OF THE SUPERVISORS OF THE TOWNSHIP OF EXETER as follows:

SECTION ONE

This Ordinance shall be known and may be cited as the "Alcohol Consumption Ordinance" of the Township of Exeter.

SECTION TWO - AUTHORITY

This Ordinance is enacted pursuant to the authority conferred by "The Second Class Township Code", Act of 1933, May 1, P.L. 103, Art. I,

§ 101, et seq.; 53 P.S. § 65101, et seq., as amended, and any successor provisions.

SECTION THREE - EFFECTIVE DATE

This Ordinance shall become effective five days after the enactment thereof.

SECTION FOUR - DEFINITIONS

The following words when used in this Ordinance shall have the meaning prescribed to them in this Section:

Alcohol-any alcohol or other liquid defined, regulated and/or governed by the "Liquor Code" Act of 1951, April 12, P.L. 90, Art. I, § 101, et seq.; 47 P.S. § 1-101, et seq., as amended, or any successor provisions.

Person-any individual, firm, corporation, partnership, organization and/or other similar entity.

SECTION FIVE - PROHIBITION OF CONSUMPTION

No person shall drink or consume alcohol in or upon any public sidewalk, street, lane, alley, parking lot, park or recreational area or other public property (hereinafter sometimes referred to as "PUBLIC PLACES") within the Township of Exeter and no person shall drink or consume alcohol in any vehicle upon any such areas within the Township of Exeter except as hereinafter provided.

SECTION SIX - PROHIBITION OF POSSESSION

No person shall have, possess, carry or transport alcohol in an open bottle or open container upon any public sidewalk, street, alley, lane, parking lot, park or recreational area or other public property within the

Township of Exeter, or in any vehicle upon such areas within the Township of Exeter, except as hereinafter provided.

SECTION SEVEN - PROHIBITION OF DISCARD

No person shall discard alcoholic or other beverage containers upon any public sidewalk, street, alley, lane, parking lot, park or recreational area or other public property of the Township of Exeter, except in approved receptacles or containers for said purpose.

SECTION EIGHT - PERMIT

If any person desires to possess, distribute or consume alcohol on the PUBLIC PLACES recited above within the Township of Exeter, said person shall apply to the Township Secretary for a permit therefor not less than three days prior to the date of the scheduled event for which the permit is requested. The fee for said permit shall be \$ 1.00. The permit shall only be granted if the following conditions are present:

(a) Such person shall provide the Township Secretary with a statement executed by said such person declaring that said person will adhere to the rules and regulations of the Pennsylvania State Liquor Control Board or any successor organization. Furthermore, if any permit or other authorization is required from the Pennsylvania State Liquor Control Board before such person can possess, distribute or consume alcoholic beverages on the aforesaid PUBLIC PLACES, a copy of said permit or other authorization from the Pennsylvania Liquor Control Board shall be presented to the Township Secretary; and

(b) Such person must agree, in writing, to assume full responsibility for the supervision of the event and the conduct of the group or individuals benefiting from such permit, and to properly clean up and restore the premises, after use, to its prior condition; and

(c) Such person must agree, in writing, to adequately take precautions to insure that minors or intoxicated persons will not be served or not allowed to consume alcoholic beverages at the permitted event; and

(d) No alcoholic beverages shall be distributed or consumed other than on the specified premises described in the permit and only during the time therein stated; and

(e) No permit shall be issued to any person who has failed on a previous occasion to comply with the provisions of this Ordinance or the provisions of a permit issued under this Ordinance.

SECTION NINE - PENALTIES FOR VIOLATION

Any person who shall violate any of the provisions of this Ordinance shall be subject to a fine for each violation, upon conviction before a District Justice, not greater than \$300.00 plus the costs of prosecution; and upon failure to pay said fines and costs, to be imprisoned for a period of time not to exceed 30 days.

SECTION TEN - SEVERABILITY

The provisions of this Ordinance are severable. If any sentence, clause or Section of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality

or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses or Sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of the Township of Exeter that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause or Section not been included herein.

SECTION ELEVEN - REPEAL

All Ordinances or parts of Ordinances inconsistent with the Ordinance are hereby repealed insofar as they may be inconsistent herewith.

ENACTED AND ORDAINED THIS 4th day of JANUARY, 1988.

BOARD OF SUPERVISORS
OF EXETER TOWNSHIP

BY: Donald J. Hoffman
CHAIRMAN

ATTEST:

Mary Frances Martin
SECRETARY