

BOROUGH OF WEST NEWTON
WESTMORELAND COUNTY, PENNSYLVANIA

ORDINANCE NUMBER - 1989 - 4

AN ORDINANCE OF THE BOROUGH OF WEST NEWTON PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES AND THE POSSESSION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES IN PUBLIC STREETS, SIDEWALKS, HIGHWAYS, BUILDINGS, LANES, PARKING LOTS, RECREATION OR PARK AREAS, OR OTHER PUBLIC PROPERTY WITHIN THE BOROUGH OF WEST NEWTON WITHOUT A PERMIT; PROVIDING REQUIREMENTS FOR THE ISSUANCE OF PERMITS; PROHIBITING THE DISCARDING OF CONTAINERS AND PROVIDING PENALTIES FOR THE VIOLATION OF ANY OF THE PROVISIONS OF THIS ORDINANCE.

BE IT ORDAINED AND ENACTED by the Town Council of the Borough of West Newton, Westmoreland County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1: For purposes of this Ordinance the word "person" shall mean any individual, firm, partnership, corporation, organization, or other similar entity.

SECTION 2: No person shall drink or consume liquor, wine, beer, or other alcoholic beverages in or upon any public sidewalk, street, lane, parking lot, park or recreation area, or other public property within the Borough of West Newton or in any vehicle upon such area within the Borough of West Newton except as hereinafter provided.

SECTION 3: No person shall have, possess, carry or transport liquor, wine, beer or other alcoholic beverage in an open bottle or other

open container upon any public sidewalk, street, lane, parking lot, park or recreation area, or other public property within the Borough of West Newton or in any vehicle upon such area within the Borough of West Newton except as hereinafter provided.

SECTION 4: No person shall discard alcoholic or other beverage containers upon any public sidewalk, street, lane, parking lot, park or recreation area, or other public property within the Borough of West Newton except in approved receptacles or containers for the said purpose.

SECTION 5: If any person desires to possess, distribute or consume alcoholic beverages on public property in the Borough of West Newton, said person must apply to the Chief of Police of the Borough of West Newton or his duly authorized representative for a permit therefor not less than three (3) days prior to the date of the scheduled event for which the permit is requested. No fee shall be charged for the said permit granted; however, a permit shall be issued only upon the following conditions:

- A. If such person intends to sell alcoholic beverages, then such person must provide the Chief of Police with a copy of a State Liquor Control Board permit declaring they will adhere to the rules and regulations of the State Liquor Control Board.
- B. Such person must agree, in writing, to assume full responsibility for supervision of the event and the conduct of the group or individuals benefitting from such permit, and to properly clean up

and restore the premises, after use, to its prior condition.

- C. Such person must agree, in writing, that adequate precautions shall be taken to insure that minors or intoxicated persons will not be served or allowed to consume alcoholic beverages at the permitted event.
- D. No alcoholic beverage shall be distributed or consumed other than on the specific premises described in the permit and only during the time therein stated.
- E. No permit shall be issued to any person who has failed on a previous occasion to comply with the provisions for the granting of a permit.

SECTION 6: Any person, firm, partnership, corporation, organization, or other similar entity who or which shall violate or fail to comply with any of the provisions of this Ordinance shall be guilty of a summary offense, and upon conviction thereof before the appropriate District Justice, shall be sentenced to pay a fine of not less than FIVE AND NO/CENTS (\$5.00) DOLLARS and not more than THREE HUNDRED AND NO/CENTS (\$300.00) DOLLARS for each offense, plus costs of prosecution. In default of payment of the fine and costs as assessed, such person, the members of such firm or partnership, or the officers of such corporation, organization or other similar entity, shall be liable to imprisonment in the appropriate jail or detention center for a period not to exceed thirty (30) days. Each

day any violation shall continue shall constitute a separate violation.

SECTION 7: If any one or more sections, subsections, sentences, clauses or phrases of this ordinance is for any reason held to be unconstitutional, unlawful or invalid, such decision shall not effect the constitutionality, legality or validity of the remaining portions of this ordinance. The Council of the Borough of West Newton declares that it would have passed this ordinance or any one or more remaining sections, subsections, sentences, clauses and phrases thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, unlawful or invalid.

SECTION 8: All Ordinances, or parts of Ordinances, inconsistent herewith, are hereby repealed.

SECTION 9: This Ordinance shall take effect immediately.

ORDAINED AND ENACTED THIS 12th day of JUNE, 1989.

ATTEST:

BY Robert P. Kuchar
Robert P. Kuchar, President

Mary K. Willis
Mary K. Willis, Secretary

EXAMINED AND APPROVED by me this 12th day of JUNE, 1989.

George J. Thuransky
George J. Thuransky, Mayor