

ORDINANCE NO. _____

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA AMENDING ORDINANCE 862 BEING AN ORDINANCE AMENDING ORDINANCE 761, REGARDING ALCOHOLIC BEVERAGES ON BOROUGH PROPERTY

WHEREAS, Ordinance 862 and Ordinance 761 made it unlawful for any person to bring, use or have alcohol in any public building, or upon any land belonging to the Borough of Waynesboro or the Waynesboro Borough Authority; and

WHEREAS, the Waynesboro Borough Council has determined that the Waynesboro Municipal Golf Course shall be specifically excluded from this prohibition during Borough approved tournament events thereby permitting alcohol on said property during this limited use period and that such use shall not include the sale of said alcohol to tournament participants but be available to participants as an amenity.

Be it enacted and ordained by the Borough of Waynesboro, Pennsylvania, that Ordinance No. 862 is hereby amended as follows:

SECTION I: Unlawful to bring, use or possess intoxicating liquor on Borough property.

It shall be unlawful for any person or persons to bring, use, or have in his or her possession in any public building or upon any land belonging to the Borough of Waynesboro or the Waynesboro Borough Authority, any alcohol or liquor or malt or brewed beverage of any kind with the exception of the Waynesboro Municipal Golf Course during Borough approved tournament events.

SECTION II: Borough approved tournament events.

The possession and use of alcohol, liquor or malt or brewed beverage will be permitted at the Waynesboro Municipal Golf Course during Borough approved tournament events. During this limited use period the tournament organizer(s) is not permitted to sell said alcohol to tournament participants without Pennsylvania Liquor Control Board's permission to do so but shall be allowed to make it available to participants as an amenity.

SECTION III: Violations and penalties.

Any person or persons violating any of the provisions of this chapter shall, upon conviction thereof, be sentenced to pay a fine not exceeding \$300 and/or undergo imprisonment for not more than 90 days.

SECTION IV. Public consumption of alcoholic beverages.

A. The following words and phrases, unless the context clearly indicates otherwise, shall have meaning ascribed to them in this section:

- (1) "Liquor" and "malt or brewed beverages" and "container" and "official seal" shall mean the same as those words and phrases are defined in the Liquor Code of the Commonwealth of Pennsylvania.
- (2) "Open" when used in connection with a container shall mean any container which

has been perforated in the case of a can or similar container or a container on which the cap has been loosened or the cork displaced or the official seal torn or mutilated.

B. It shall be unlawful, within the Borough of Waynesboro, for any person to drink liquor or malt or brewed beverages upon any public street, public municipal parking lot, private parking lot open to public use or public park, or in any vehicle being operated or parked thereon with the exception of the Waynesboro Municipal Golf Course as provided herein.

C. It shall be unlawful, within the Borough of Waynesboro, for any person to have in such person's possession or in a vehicle under such person's control any open container containing liquor or malt or brewed beverages upon any public street, public municipal parking lot, private lot open to public use or public park.

D. The provisions of this chapter shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal or otherwise invalid, such decision shall not affect the validity of any of the remaining provisions of this chapter. It is hereby declared as a legislative intent that this chapter would have been adopted has such unconstitutional, illegal or otherwise invalid provision not been included herein.

E. Any person who shall violate the provisions of this chapter shall, upon conviction thereof, be sentenced to pay a fine of \$25 and cost of prosecution, and in default of payment of such fine and costs, to undergo imprisonment for not more than five days.

All other Ordinances and enactments inconsistent herewith are hereby repealed and all other sections and provisions of Ordinance No. 862 are hereby ratified and affirmed. Be it enacted and ordained by the Borough Council of The

This ordinance shall become effective on the ____ day of _____, 2010.

ENACTED AND ORDAINED into an ordinance this ____ day of _____, 2010.

President of Council

ATTEST:

Secretary to Council

Approved this ____ day of _____, 2010.

Mayor