

ORDINANCE

BOROUGH OF JERMYN

AN ORDINANCE PROHIBITING THE POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC STREETS, SIDEWALKS, HIGHWAYS, BUILDINGS, LANES, PARKING LOTS, RECREATION OR PARK AREAS, OR OTHER PUBLIC PROPERTY WITHIN THE BOROUGH OF JERMYN, LACKAWANNA COUNTY, PENNSYLVANIA; PROHIBITING THE DISCARDING OR CONTAINERS; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED by the Council of the Borough of Jermyn, Lackawanna County, Pennsylvania, and it is hereby ordained by and with the Authority of the same as follows:

SECTION 1: That it is the intent of the Council of the Borough of Jermyn, to promote the general health, safety and welfare of the residents of the Borough of Jermyn, to enact this Ordinance, since it is the finding of said Council that the consumption of alcoholic beverages and/or possession of open containers of alcoholic beverages by persons on public premises, except under controlled conditions, is detrimental to the health, safety and welfare of the residents of the Borough of Jermyn and contributes to the development of unsanitary conditions and the creation of nuisances. It is further the intent of the Council of the Borough of Jermyn that this Ordinance shall not be considered as a traffic regulation insofar as it relates to motor vehicles or the operation thereof.

SECTION 2: No person shall have, possess, carry or transport liquor, wine, beer or other alcoholic beverage in an open bottle or other open container in or upon any public sidewalk, street, lane, highway, building, parking lot,

park or recreation area, or other public property, or in any vehicle upon such area within the Borough of Jermyrn; no person shall drink or consume liquor, wine, beer or other alcoholic beverage in or upon any of the aforesaid public areas or property within the Borough of Jermyrn, except as hereinafter provided.

SECTION 3: If any individual or organization desires to have, distribute, or consume alcoholic beverages on public property in the Borough of Jermyrn, said individual or organization must apply to the Mayor of the Borough of Jermyrn, or his duly authorized representatives, for a permit therefor, at least three (3) days prior to the date scheduled for using said beverage; no fee shall be charged for the granting of said permit, however, a permit shall be issued only upon the following conditions:

(a) Such individual or organization, by its duly authorized representative, must agree, in writing, to assume full responsibility for supervising the conduct of the group or individuals benefiting from such permit, and to properly clean up and restore the premises after use to their prior condition.

(b) Such individuals or organization must further agree, in writing, adequate precautions shall be taken to ensure that minors will not be served or allowed to consume alcoholic beverages at the permitted event or gathering.

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

(d) No permit shall be issued to any individual or organization which has previously been issued a permit and has failed to comply with the provisions thereof.

SECTION 4: No person shall discard alcoholic or other beverage containers upon any public sidewalk, street, lane, highway, parking lot, park or recreation area, or other public property within the Borough of Jermyn, Pennsylvania.

SECTION 5: Any person or organization found guilty of violating the provisions of this Ordinance shall be subject to a fine of Two Hundred Fifty (\$250.00) Dollars, or by imprisonment for fifteen (15) days, or by both such fine and imprisonment. Each day any violation shall continue shall constitute a separate violation.

SECTION 6: Should any section or provision of this Ordinance be declared by the Courts to be unconstitutional or invalid, such decision shall not affect or impair the validity of this Ordinance as a whole or any part thereof other than the particular provision so declared to be unconstitutional or invalid.

SECTION 7: All Ordinances or parts of Ordinances inconsistent herewith, or any part hereof, be and the same are hereby repealed.

IT IS HEREBY ORDAINED this 9<sup>th</sup> day of December, 1982.

BOROUGH OF JERMYN

BY

Chris R. Edwards  
President

ATTEST:

John R. Dogarth  
Secretary

Mayor Edward M. Callahan  
MAYOR