

ORDINANCE NO. 1996 - 2

AN ORDINANCE OF THE TOWNSHIP OF MARION, BERKS COUNTY, PENNSYLVANIA, DEFINING AND PROHIBITING THE CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES UPON THE STREETS AND PUBLIC PLACES WITHIN THE TOWNSHIP OF MARION, PROVIDING FOR EXCEPTIONS AND PRESCRIBING PENALTIES FOR VIOLATION.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of the Township of Marion, Berks County, Pennsylvania, and it is hereby Enacted and Ordained by the authority of the same as follows:

SECTION 1. DEFINITIONS

Unless the context otherwise requires, the following words or phrases shall be construed according to the definitions set forth below:

ALCOHOLIC BEVERAGES - any spirits, wine, beer, ale or other liquid containing more than one-half of one percent (1/2%) of alcohol by volume which is fit for beverage purposes.

CONTAINER - any bottle, can or other vessel in which alcoholic beverages are contained.

SECTION 2. CONSUMPTION

No person shall consume any alcoholic beverage in any quantity upon any street, avenue, alley, sidewalk, stairway, thoroughfare, or other public property within the Township of Marion, Berks County, Pennsylvania; nor shall any person consume any alcoholic beverage within five feet (5') of any public way or thoroughfare while on a private stairway, doorway or other private property open to public view without the express or

implied permission of the owner, his agent or other party in lawful possession thereof.

SECTION 3. POSSESSION

No person shall possess any container of acholic beverage whether wrapped or unwrapped which has been opened or on which the seal has been broken in any manner on any public street, avenue, alley, thoroughfare or other public property within the Township of Marion, Berks County, Pennsylvania; nor shall any person possess any container of alcoholic beverage within five feet (5') of any public way or thoroughfare while on a private stairway, doorway, or other private property open to public view without the express or implied permission of the owner, his agent, or other person in lawful possession thereof.

SECTION 4. EXCEPTIONS

Provided however, that the provisions of Sections 2 and 3 above shall not apply to the interior portions of any private dwelling, habitat or building, nor to the consumption or possession by persons in the areas herein designated of any duly prescribed and dispensed medication having an alcoholic content as set forth in Section 1 hereof; and provided further that the provisions of said Sections 2 and 3 above shall not apply to a premises which is duly licensed by the Pennsylvania Liquor Control Board and to persons then and there patrons of said licensee.

SECTION 5. PENALTY

Whosoever violates any of the provisions of this ordinance shall, upon being found liable therefor in a civil enforcement proceeding, pay a fine of not less than one hundred dollars (\$100.00) nor more than six hundred dollars (\$600.00), plus all court costs, including reasonable attorney fees, incurred by the Township of Marion in enforcing this ordinance.

SECTION 6. REPEALER

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 7. SEVERABILITY

If any sentence, clause, section, or part 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, sections or parts of this ordinance. It is hereby declared as the intent of the Board of Supervisors that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

SECTION 8. EFFECTIVE DATE

This ordinance shall become effective on June 4, 1996.

Enacted and Ordained as an ordinance of the Township of Marion,
Berks County, Pennsylvania, this 30th day of
MAY, 1996.

BOARD OF SUPERVISORS OF THE
TOWNSHIP OF MARION, BERKS
COUNTY, PENNSYLVANIA

Kenneth J. Keppley
Chairman

Charles W. Cochran Jr.
Supervisor

Harold E. Zedman
Supervisor

Attest:

Doris E. Zuberger
Secretary