

O F F I C I A L

AVALON BOROUGH

ORDINANCE NO. ~~#32~~ 1146

AN ORDINANCE OF THE BOROUGH OF AVALON PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC, DEFINING THE TERMS THEREOF, AND FORMULATING THE VIOLATIONS AND PENALTIES THEREFORE.

WHEREAS, the Council of the Borough of Avalon deems it to be in the best interest of the health, safety and welfare of the Borough of Avalon that an Ordinance prohibiting the consumption of alcoholic beverages in public be enacted,

Be it ORDAINED and ENACTED by the Borough of Avalon and it is hereby ORDAINED and ENACTED by and with the authority of the same.

Section 1. For the purposes of this Ordinance the following definition shall apply when used in this Ordinance:

A. ALCOHOL - Ethyl alcohol of any degree of proof, originally produced by the distillation of any fermented liquid, whether rectified or diluted with or without water, whatever may be the origin thereof, and shall include synthetic ethyl alcohol but shall not mean or include ethyl alcohol, whether or not diluted, that has been denatured or otherwise rendered unfit for beverage.

B. PERSON - Includes any individual whether a resident or nonresident of the Borough of Avalon and whether male or female.

C. PUBLIC PROPERTY - Includes all property owned by the Borough of Avalon or property owned by another governmental agency within the Borough of Avalon.

D. PUBLIC WAY OR PLACE - Every way or place, in whatever nature, located within the Borough of Avalon and open to the use of the public as a matter of right for the purposes of vehicular or pedestrian travel, or for the purposes of recreation.

SECTION 2. It shall be unlawful for any person to ~~willfully~~
consume ^{AND POSSESS} any beverage containing any percentage of alcohol whatsoever in or
upon the public ways or places; public parks or properties within the Borough
of Avalon.

SECTION 3. The possession of an open container containing a
beverage with any percentage of alcohol whatsoever in and upon the public ways,
or places; public parks or properties of the Borough of Avalon shall be prima
facie evidence of consumption of such beverage in violation of this ordinance.

SECTION 4. Any person found guilty, after a hearing before a
District Magistrate having jurisdiction within the Borough of Avalon, of vio-
lating any of the provisions of this Ordinance shall, upon conviction thereof
be punished by a fine of not less than twenty-five (\$25.00) Dollars nor more
than One Hundred (\$100.00) dollars for the first offense and not less than Fifty
(\$50.00) dollars nor more than three hundred (\$300.00) dollars for the second
offense and each subsequent offense in any three hundred sixty-five day period
and/or by imprisonment in the Allegheny County Jail for a term not to exceed
thirty (30) days for each and every offense, or by both fine and punishment.

SECTION 5. If any section, subsection, sentence, clause, phrase
or portion of this Ordinance is for any reason held invalid or unconstitutional
by any court of competent jurisdiction, such portion shall be deemed a separate,
distinct and independent provision, and such holding shall not affect the validity
of the remaining provision hereof, it being the intent of the Borough of Avalon
that but for any invalid or unconstitutional provision it would have enacted the
remainder of the provisions of this Ordinance.

SECTION 6. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

ORDAINED and ENACTED this 19th day of MAY, 1981.

ATTEST:

BOROUGH OF AVALON

Regis E. Costello
Secretary

By John C. Murphy
President

EXAMINED and APPROVED by me this 20th day of

May, 1981.

Joseph S. Egan
Mayor