

ORDINANCE NO. 3 of 2011

An Ordinance of Newport Township Prohibiting The Drinking Of "Alcoholic Beverages" Upon Any Public Access Property, Or In Any Vehicle Being Operated Or Parked Thereon, And To Prohibit Any Person To Have In Such Person's Possession Or In Any Vehicle Under Such Person's Control, Any Open Container Containing An "Alcoholic Beverage" Upon Any Public Access Property; And To Provide Penalties For The Violation Thereof

Be it enacted and ordained by the Township of Newport, Luzerne County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Section 1. DEFINITIONS - the following terms shall have the meaning indicated:

- a. Alcoholic Beverages - as defined in the "Liquor Code" of the Commonwealth of Pennsylvania. This shall include, but not be limited to liquor, wine, malt and brewed beverages.
- b. Open Container - any container from which the consumption of an alcoholic beverage is occurring;
- c. Public Access Property - any public street, alley, sidewalk, walkway, park, playground, ball field, recreation area, commons, or parking lots; or any private parking lots open to public use (regardless if the private parking lot establishment is open or closed for business);

Section 2. It shall be unlawful for any person to drink an alcoholic beverage upon any public access property within Newport Township and it shall be unlawful for any person to have in such person's possession, or in a vehicle under such person's control, any open container containing an alcoholic beverage upon any public access property in Newport Township.

Section 3. Any person who violates any provisions of this Ordinance, shall upon conviction thereof be guilty of a summary offense punishable for each offense by fine of not less than \$25.00 nor more than \$300.00 and in default thereof, imprisonment for up to thirty (30) days in addition to all costs of prosecution.

Section 4. Any Police Officer is hereby authorized to act on behalf of Newport Township in enforcing this ordinance..

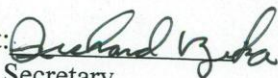
Section 5. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

Section 6. If any provision or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such decision shall not affect or impair the validity of any of the remaining provisions of this Ordinance. It is hereby declared as the intent of Newport Township that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid provision or part not been included herein.

Section 7. This Ordinance shall take effect immediately upon adoption.

Enacted and ordained at a public meeting of the Newport Township Board of Commissioners this 2nd day of May 2011.


Chairperson

Attest: 
Secretary