

ORDINANCE 93-2

AN ORDINANCE PROHIBITING CERTAIN NUISANCES AND THE DISTURBING OF THE PEACE AND DISORDERLY CONDUCT AND PROTECTION TO PUBLIC PROPERTY.

Whereas, the Borough Council of the Borough of Hop Bottom, Susquehanna County, Pennsylvania, (the "Council") has, pursuant to the Borough Code, as amended, the power to prohibit and remove any obstruction or nuisance and penalize the same; (acts of May 4, 1927, P.L. 519 Sec. 1202 as amended, 1943, and last amended 1979, 53 P.S. 46202) and;

Whereas, said Council has the power to ordain for the proper maintenance of peace, good government, and welfare of the Borough, as delegated to them by the Code, as amended, (1979, Nov. 1, P.L. 453 #90 Sec. 1) and;

Whereas, said Code further authorizes the imposition of fines and penalties for offenses or violations of prohibited acts, not exceeding Three Hundred Dollars-----\$300.00-----and costs or, in default of payment thereof, imprisonment for not more than ten (10) days. (1966, Feb. 1, P.L. (1965) #581, Sec. 3308 as affected 1978, April 28, P.L. 202 #53, Sec. 2 (a) (1399) effective June 27, 1980) and;

Now, therefore, the Council of Hop Bottom Borough, Susquehanna County, Pennsylvania, does hereby ordain and enact the following ordinance:

PART I - LITTERING

A. Littering Prohibited.

It shall be unlawful for any person, firm or corporation or any agent thereof to place, throw, store, accumulate or maintain or cause to be placed, thrown, stored, accumulated or maintained any used cans, papers, paper boxes, used lumber, rubbish, debris, animal matter, garbage, empty bottles or other containers upon any property within the Borough of Hop Bottom or on or near any alley, highway or stream located in said Borough, except if the same is placed in a container used as part of a bona fide recycling program, that is actively maintained.

B. Penalties.

Any person, firm or corporation who shall violate any provision of this Part I shall, upon conviction thereof, be sentenced to pay a fine of Twenty-five Dollars (\$25.00) for the first offense; Fifty Dollars (\$50.00) for the second offense; and One Hundred Dollars (\$100.00) for the third offense and all subsequent offenses.

PART II - ALCOHOLIC BEVERAGES

Alcoholic beverage shall mean any beverage which falls within the definition of "alcohol", "liquor" or "malt or brewed beverage" as defined by the Pennsylvania Liquor Code.

Open container shall mean any container designed or used to hold or carry alcoholic beverages which is either open or which is sealed with a cap or other seal, which cap or seal has been removed or broken.

B. Public Consumption of Alcoholic Beverages.

No person shall consume alcohol, liquor, or malt or brewed beverages in any public alley, highway, playground, park, sidewalk, street or in or on any other Borough property within the Borough of Hop Bottom or upon the parking areas of private shopping centers (traffic ways) under the jurisdiction of the Police Department of the Borough of Hop Bottom. The Borough Park shall be considered a public place under immediate direction of Borough Council subject to change for consideration in the other parts and sections of this Ordinance.

C. Possession of Open Container.

No person shall possess an open container having alcohol, liquor, malt or brewed beverage upon one's person or in a motor vehicle, whether licensed or unlicensed, while in or on any of the public places enumerated in Section "B" herein.

D. Fine and Penalty.

Any person convicted of violating any provision of this Part II shall, upon conviction thereof, be fined Twenty-five Dollars (\$25.00) for the first offense; Fifty Dollars (\$50.00) for the second offense; One Hundred Dollars (\$100.00) for the third offense and all subsequent offenses; together with costs of prosecution for each offense.

E. Legislative Intent.

It is the intent of the Borough Council in enacting this Part II that it be read with the Pennsylvania Liquor Code and any conduct permitted by the said Code or any permit issued under the Code by the Pennsylvania Liquor Control Board shall be deemed legal or valid under this Part II.

ENACTED AND ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HOP
BOTTOM THIS 7th DAY OF September, 1993.

BOROUGH OF HOP BOTTOM

Lance M. Benedict
Mayor

ATTEST

Albert M. Zolletsky
Council President

Lerna Ogan
Borough Secretary