

Rec. 12/28/95  
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ORDINANCE 23

AN ORDINANCE OF THE TOWNSHIP OF APOLACON,  
SUSQUEHANNA COUNTY, PENNSYLVANIA, PROHIBITING THE  
CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES AND  
OPEN CONTAINERS OF ALCOHOLIC BEVERAGES IN  
PUBLIC STREETS, SIDEWALKS, AND PUBLIC AREAS AND  
PRESCRIBING PENALTIES FOR VIOLATIONS THEREOF

WHEREAS, the Supervisors of the Township of Apolacon have determined that the consumption of alcoholic beverages and/or the possession of open containers of alcoholic beverages by persons on public premises is detrimental to the health, safety and welfare of the residents of the Township of Apolacon; AND

WHEREAS, the consumption of alcoholic beverages and/or possession of open containers of alcoholic beverages in public premises contributes to the development of unsightly and unsanitary conditions and creates a nuisance; and

WHEREAS, it is the intention of the Supervisors of Apolacon to promote the general health, safety and welfare of the residents of the Township of Apolacon.

BE IT ORDAINED AND ENACTED BY THE AUTHORITY OF THE SUPERVISORS OF THE TOWNSHIP OF APOLACON as follows:

SECTION ONE

This Ordinance shall be known and may be cited as the "Alcohol Consumption Ordinance" of the Township of Apolacon.

SECTION TWO-AUTHORITY

This Ordinance is enacted pursuant to the authority conferred by "The Second Class Township Code", Act of 1933, May 1, P. L. 103, Art. 1, \*101, et seq.; 53 P.S. \*65101, et seq., as amended, and any successor provisions.

### SECTION THREE-EFFECTIVE DATE

This Ordinance shall become effective five days after the enactment thereof.

### SECTION FOUR-DEFINITIONS

The following words when used in this Ordinance shall have the meaning prescribed to them in this Section:

Alcohol-any alcohol or other liquid defined, regulated and/or governed by the "Liquor Code" Act of 1951, April 12, P. L. 90, Art. 1, \* 101, et seq.; 47 P.S. \* 1-101, et seq., as amended, or any successor provisions.

Person-any individual, firm corporation, partnership, organization and/or other similar entity.

### SECTION FIVE-PROHIBITION OF CONSUMPTION

No person shall drink or consume alcohol in or upon any public sidewalk, street, lane, alley, parking lot, or recreational area or other public property (hereinafter sometimes referred to as "PUBLIC PLACES" within the Township of Apolacon and no person shall drink or consume alcohol in any vehicle upon any such areas within the Township of Apolacon.

### SECTION SIX-PROHIBITION OF POSSESSION

No person shall have, possess, carry or transport alcohol in an open bottle or open container upon any public sidewalk, street, alley, lane, parking lot, park or recreational area or other public property within the Township of Apolacon, or in any vehicle upon areas within the Township of Apolacon.

### SECTION SEVEN-PROHIBITION OF DISCARD

No person shall discard alcoholic or other beverage containers upon any public sidewalk, street, alley, lane, parking lot, park or recreational area or other public property of the Township of Apolacon , except in approved receptacles or containers for said purpose.

#### SECTION EIGHT-PENALTIES FOR VIOLATION

Any person who shall violate any of the provisions of this Ordinance shall be subject to a fine for each violation, upon conviction before a District Justice, not less than \$150.00 nor greater than \$300.00 plus the costs of prosecution; and upon failure to pay said fines and costs, to be imprisoned for a period of time not to exceed 30 days.

#### SECTION NINE-SEVERABILITY

The provisions of this Ordinance are severable. If any sentence, clause or Section 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 or Sections of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of the Township of Apolacon that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause or Section not been included herein.

#### SECTION ELEVEN-REPEAL

All Ordinances or parts of Ordinances inconsistent with the Ordinance are hereby repealed insofar as they may be

inconsistent herewith.

ENACTED AND ORDAINED THIS 18th DAY OF October, 1995.

BOARD OF SUPERVISORS  
OF APOLACON TOWNSHIP

BY: *John C. Morrison*  
SUPERVISOR-CHAIRMAN

*Donald Hamerby*  
SUPERVISOR

*Robert H. A.*  
SUPERVISOR

ATTEST:

*Barbara J. Seckris*  
SECRETARY