

**BOROUGH OF ALBURTIS
LEHIGH COUNTY, PENNSYLVANIA**

Ordinance No. 439

(Duly Adopted December 28, 2005)

AN ORDINANCE AMENDING CHAPTER 76 OF THE ALBURTIS CODIFIED ORDINANCES (RELATING TO PEACE AND GOOD ORDER) TO MAKE IT UNLAWFUL FOR ANY PERSON TO CONSUME ANY ALCOHOLIC BEVERAGE OR CARRY OR POSSESS ANY OPENED VESSEL CONTAINING ANY ALCOHOLIC BEVERAGE IN A PUBLIC PLACE OR IN A VEHICLE PARKED IN A PUBLIC PLACE; INCLUDING DEFINITIONS, EXCEPTIONS, AND PENALTIES (INCLUDING A FINE OF UP TO \$300.00).

BE it **ORDAINED** and **ENACTED** by the Borough Council of the Borough of Alburtis, Lehigh County, Pennsylvania, as follows:

SECTION 1. Codified Ordinances Chapter 76 (relating to Peace and Good Order) is amended by adding a new Article II thereto as follows:

Article II — Alcoholic Beverages in Public Places

§ 76-201 Definitions.

For purposes of this Article, the following terms, words, and phrases shall have the meanings provided in this Section, whether with or without initial capital letters:

(a) **Alcoholic Beverage.** The term “Alcoholic Beverage” shall mean a substance which is included within the definition of either “liquor” or “malt or brewed beverages” under the Pennsylvania Liquor Code, 47 PA. STAT. ANN. § 1-102.

(b) Public Place.

(1) In General. Except as provided in paragraph (2), the term “Public Place” shall mean any place within the Borough to which the public has access (whether by right, express or implied invitation, sufferance, or otherwise) and which is not inside of a completely enclosed building, including, without limitation, any public street, highway, alley, sidewalk, or park, any cemetery, any parking lot accessible to the public, and the outdoor areas accessible to the public on property utilized for a store, restaurant, tavern, and/or other place of business, non-profit, and/or governmental activity.

(2) Exceptions. The term “Public Place” shall not include—

(A) Any property used solely for residential purposes (other than any portions of such property which are within the public right-of-way); or

(B) Any area for which a current license or permit has been duly issued by the Pennsylvania Liquor Control Board for the sale or consumption of any Alcoholic Beverages.

§ 76-202 Prohibitions.

(a) No person shall drink or consume any Alcoholic Beverage in any Public Place, or in any automobile or other vehicle parked upon any Public Place.

(b) No person shall carry or possess any opened vessel containing any Alcoholic Beverage on or about any Public Place, or in any automobile or other vehicle parked upon any Public Place.

§ 76-203 Violations and Penalties.

(a) In General. Any person who violates any provision of this Article shall be guilty of a summary offense, and upon conviction therefor, shall be sentenced to pay a fine as set forth in subsection (b), plus the costs

of prosecution, or, in default of payment, to undergo imprisonment for a period not to exceed thirty (30) days.

(b) **Fines.** The fine for any violation of this Article shall be—

(1) Seventy-five Dollars (\$75.00) for a first offense;

(2) One Hundred Fifty Dollars (\$150.00) for a second offense; and

(3) Three Hundred Dollars (\$300.00) for a third or subsequent offense.

DULY ORDAINED and **ENACTED** by the Borough Council of the Borough of Al-
burtis, this 28th day of December, 2005, in lawful session duly assembled.

**BOROUGH COUNCIL
BOROUGH OF ALBURTIS**

Steven R. Hill, President

Attest:

Melanie Hansen, Executive Secretary

AND NOW, this 28th day of December, 2005, the above Ordinance is hereby
APPROVED.

Russell J. Afflerbach, Mayor