

ORDINANCE NO. 3-2021

**AN ORDINANCE OF THE TOWNSHIP OF COLEBROOKDALE,
BERKS COUNTY, PENNSYLVANIA, PROHIBITING THE CONSUMPTION
OF ALCHOLIC BEVERAGES IN PUBLIC PLACES WITHIN THE
TOWNSHIP; REGULATING THE TIMES WITHIN WHICH PERSONS
MAY USE THE PUBLIC PLACES; AND PRESCRIBING PENALTIES
FOR THE VIOLATION OF THIS ORDINANCE AND
REPEALING CONFLICTING ORDINANCES**

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the
Colebrookdale Township Board of Commissioners, Berks County, Pennsylvania,
and it is hereby ENACTED and ORDAINED by the authority of same as follows:

SECTION 1. DEFINITIONS.

ALCOHOLIC BEVERAGES – any sprits, wine, beer, ale or other liquid
containing more than one-half of one percent (0.5%) alcohol by volume which is
intended for beverage purposes.

CONTAINER – any bottle, can or other vessel in which alcoholic
beverages are contained.

PUBLIC PLACE – any park, playground, public building or vacant lot
owned or controlled by the Township.

REMAIN – to stay behind, to tarry and stay unnecessarily either
individually or in a group of persons in the public places within the Township.

TOWNSHIP – the Township of Colebrookdale, Berks County,
Pennsylvania.

SECTION 2. PURPOSE. The Board of Commissioners finds that persons
are consuming alcoholic beverages in the public places within the Township and
are remaining in the public places beyond daylight hours and are causing concerns
for the safety of other members of the public, particularly those residents who live
adjacent to or nearby public places.

SECTION 3. PROHIBITIONS.

A. No person shall consume any alcoholic beverage in any quantity in any public places within the Township.

B. No person shall possess any container of alcoholic beverage whether wrapped or unwrapped which have been opened or on which the seal has been broken in any manner in any public place.

C. No person shall enter upon or remain within any public place within the Township between the hours of sunset each day and sunrise the following morning.

D. In addition, the Township may, from time-to-time adopt by Resolution any rules deemed appropriate to control the use of particular Public Places. The rules may be specific to a particular Public Place and may differ from place to place. The rules shall be posted, and any violation of the posted rules shall be a violation of this Ordinance.

SECTION 4. EXCEPTIONS.

A. Persons or organizations planning an organized gathering or other event in a Public Place may make a written request to the Township to permit the event to extend beyond the time of sunset. Any such request to the Township shall specifically state the time by which the applicant will have all persons removed from the Public Place. If the Township agrees to allow an event to extend beyond sunset, the permission shall include a specific time by which all persons will need to have vacated the Public Place.

B. Persons organizing or planning a family or other organized gathering in a public place, may make a written request to the Township to permit the persons over the age of 21 years who are attending the gathering in a public place to consume alcoholic beverages in the public place.

C. If the Township upon application approves such a request, the persons attending the gathering in a public place shall be exempt from the application of this Ordinance while in attendance at the gathering.

D. Any person making such a request shall agree in writing to prevent the consumption of alcoholic beverages by persons under the age of 21 years who may be in attendance at the event, and to prevent the consumption of any further alcoholic beverages by anyone at the event who appears to be under the influence of alcohol.

SECTION 5. ENFORCEMENT. This Ordinance shall be enforced by the municipal or regional Police Department serving the Township.

SECTION 6. VIOLATIONS AND PENALTIES.

A. Any person who shall violate any provision of this Ordinance, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this chapter continues or each section of this chapter which shall be found to have been violated shall constitute a separate offense.

B. Notwithstanding section 6.A., above, a member of the Police Department asked to enforce this Ordinance, may in his/her discretion issue a written warning to a person who is, for the first time in the case of that individual, found to be in violation of the terms of this Ordinance.

C. A person who after warning by any member of the municipal police department serving the Township directing him to vacate or to remain away from any public place shall, in addition to any penalties authorized by this Ordinance, be subject to criminal charge brought pursuant to the Pennsylvania Crimes Code. All rights and remedies of the Township as prescribed by this Ordinance or otherwise by law with respect to consumption of alcoholic beverages or entry upon or remaining upon public places after hours shall be cumulative, and the pursuit of one shall in no way preclude simultaneous or subsequent pursuit of another.

SECTION 7. SEVERABILITY. The provisions of this ordinance shall be severable and if any of its provisions shall be held to be unconstitutional or illegal, the validity of any of the remaining provisions of the Ordinance shall not be affected thereby. It is hereby expressly declared as the intent of the Township that this Ordinance would have been adopted had such unconstitutional or illegal provision or provisions not been included herein.

SECTION 8. REPEALER. All other ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

SECTION 9. Effective Date. This ordinance shall become effective immediately upon enactment.

ENACTED AND ORDAINED this 6th day of July, 2021.

COLEBROOKDALE TOWNSHIP
BOARD OF COMMISSIONERS

Todd M. [Signature]
President

Daniel [Signature]

William [Signature]

[Signature]



