



BOROUGH OF BRENTWOOD

ORDINANCE NO. 2014-1223

ALCOHOLIC BEVERAGES ORDINANCE AMENDMENTS

AN ORDINANCE OF THE BOROUGH OF BRENTWOOD AMENDING, IN LIMITED PART, CHAPTER 70 OF THE BRENTWOOD BOROUGH CODE, AS AMENDED, ENTITLED "ALCOHOLIC BEVERAGES."

WHEREAS, the Borough of Brentwood is a municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, including but not limited to, the Borough Code and the Pennsylvania Liquor Code; and

WHEREAS, the Legislature of the Commonwealth of Pennsylvania vests the Borough of Brentwood with the power and authority to make and adopt all such ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as is expedient or necessary for the proper management, care and control of, *inter alia*, the Borough's finances, the maintenance of peace, good government, health, safety and welfare of the Borough, its trade, commerce and manufacturers; and;

WHEREAS, the Borough of Brentwood desires to amend Chapter 70 of the Brentwood Borough Code, which pertains to alcoholic beverages, to permit in limited circumstances, which will be set forth more fully at length herein, the use, possession and consumption of alcoholic beverages in the Brentwood Civic Center; and

NOW THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Borough of Brentwood and it is hereby ordained and enacted by the authority of the same as follows:

PART I – Chapter 70 of the Brentwood Borough Code shall be amended, in limited part, as follows:

Section 70-1: Definitions

Alcoholic beverage: Any liquor, wine, spirit, or malt or brewed beverage as defined by the Liquor Code of the Commonwealth of Pennsylvania, 47 P.S. § 1-102, as amended.

Open container: An unsealed receptacle or vessel containing any amount of alcoholic liquid, regardless of whether or not said receptacle or vessel has been placed in any wrapping, bag, or other device so as to be concealed from view.

Public facilities: Any real property, right-of-way, or other entity owned by the Borough of Brentwood, including, but not limited to, buildings, lands, parks, swimming pools, playgrounds, stadiums, streets, alleys, parking lots, or vehicles.

Section 70-2: Prohibited Acts

A. It shall be unlawful for any person, while intoxicated or under the influence of alcoholic beverages, to be in or utilize any public facilities.

B. Except as provided for in Section 3 herein, it shall be unlawful for any person to use, consume, carry, or possess an open container of any alcoholic beverage in any public facilities.

Sec 70-3: Alcoholic Beverage Permits

A. The use, possession, and consumption of alcoholic beverages shall be permissible by a lessee holding a valid alcoholic beverage permit from the Borough for the use of the Brentwood Civic Center. Said permit may be issued at the discretion of Brentwood Borough Council in conjunction with application for rental of the Brentwood Civic Center for an approved event and the payment of all commensurate rental fees.

B. Any applicant for an alcoholic beverage permit shall present a government-issued photo identity document showing that he or she is 21 years of age or older.

C. At the time of application for lease of the Brentwood Civic Center, the lessee shall be required to pay a separate fee and security deposit for the alcoholic beverage permit. Said fee shall be set from time to time by resolution of Brentwood Borough Council. The lessee shall be required to pay the fee and security deposit for the alcoholic beverage permit regardless of whether or not the lessee was exempt from payment of the rental fee.

D. Any lessee in receipt of an alcoholic beverage permit shall be required to contract with the Brentwood Public Works Department for the utilization of a laborer to open the Brentwood Civic Center prior to the start of the event and close the Brentwood Civic Center at the end of the event.

E. Any lessee in receipt of an alcoholic beverage permit for the Brentwood Civic Center shall abide by the following regulations:

1. No alcoholic beverages may be offered for sale, whether for a by-the-drink fee or for a flat fee. No alcoholic beverages may be bartered or traded.
2. There shall be no fee, commonly referred to as a cover charge, assessed to enter any event operated in conjunction with the lease of the Brentwood Civic Center. This provision shall not be construed so as to prohibit the lessee from sharing the cost of food and refreshments with family and friends.
3. The use, carrying, possession and consumption of alcoholic beverages shall be strictly limited to the interior of the structure.
4. It is expressly prohibited to serve alcoholic beverages in glass containers.
5. The use, carrying, possession and consumption of alcoholic beverages shall be limited to those individuals 21 years of age or older. The lessee shall be responsible for enforcing this provision.
6. The lessee shall be required to remain on premises for the duration of any event for which an alcoholic beverage permit has been issued.
7. The alcoholic beverage permit shall be displayed in a highly visible location throughout the duration of the event for which said permit has been issued.
8. The alcoholic beverage permit shall expire at 10:30 PM, prevailing time.

Sec 70-4: Revocation of Alcoholic Beverage Permits

In the event that any type of disturbance requiring the attention of the Brentwood Police Department is caused at an event for which an alcoholic beverage permit issued, the permit may be revoked by the police officer thereof and costs associated with the Brentwood Police Department shall go against the Lessee's security deposit.

Sec 70-5: Alcohol Permit Fee and Security Deposit

The fee for the Alcohol Permit Fee and Security Deposit shall be established via Borough Fee Resolution.

Sect 70-6: Violations and Penalties

Any person who shall violate any provision of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and costs of prosecution or, in default of payment of such fine and costs, to undergo imprisonment for not more than 30 days.

PART II – The Borough Manager, Police Department, Borough Solicitor, and all others employed or appointed by the Borough of Brentwood, are authorized to take any and all action necessary to ensure implementation of this Ordinance and to effectuate the purpose hereof.

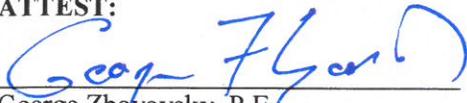
PART III – Any and all Ordinances and/or Resolutions, or parts thereof, conflicting herewith are repealed insofar as the matters here in affected.

PART IV – The provisions of this Ordinance are servable, and if any clause, sentence, section or subsection hereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgment or decision shall not affect, impair, or invalidate the remainder, but shall be confined in its operation and application to the clause, sentence, or subsection rendered. It is hereby declared that the intent of the Borough of Brentwood Council that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional clause, sentence, section, or subsection had not been included therein.

PART V- This Ordinance is effective immediately upon enactment according to law, and shall remain in effect hereafter until revised, amended, or revoked by action of the Council of the Borough of Brentwood.

ORDAINED AND ENACTED THIS 27 DAY OF MAY, 2014 BY THE BOROUGH COUNCIL OF THE BOROUGH OF BRENTWOOD.

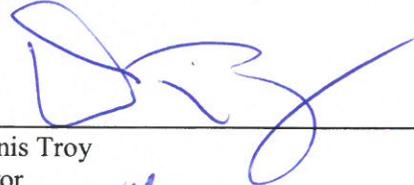
ATTEST:


George Zboyovsky, P.E.
Borough Manager

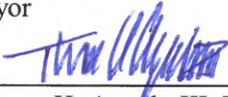
BOROUGH OF BRENTWOOD


Martin Vickless
President of Council

EXAMINED AND APPROVED BY ME THIS 27th DAY OF MAY, 2014


Dennis Troy
Mayor

APPROVED AS TO FORM


Thomas H. Ayobb, III, Esquire
Borough Solicitor