

ORDINANCE NO. 1195

AN ORDINANCE OF THE BOROUGH OF WAYNESBORO, FRANKLIN COUNTY, PENNSYLVANIA AMENDING CHAPTER 91 OF THE CODE OF THE BOROUGH OF WAYNESBORO, RELATING TO ALCOHOLIC BEVERAGES

WHEREAS, Section 1202(5) of the Borough Code, 8 Pa.C.S.A. §1202(5), allows Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania to make regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and beauty, convenience, comfort, and safety of the Borough; and

WHEREAS, Borough Council currently, through Chapter 91 of the Code of the Borough of Waynesboro (the "Code"), prohibits, with limited exceptions, the use, consumption and possession of alcoholic beverages in private parking lots open to public use, public buildings, and land belonging to the Borough of Waynesboro or the Waynesboro Borough Authority; and

WHEREAS, Borough Council desires to amend Chapter 91 of the Code (i) to remove an exception that permitted the use, consumption, and possession of alcoholic beverages at the Waynesboro Municipal Golf Course and (ii) to remove the prohibition against the use, consumption and possession of alcoholic beverages in privately owned parking lots, which are open to public use; and

WHEREAS, Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania, deems it to be in the best interest and general welfare of the citizens and residents of the Borough to amend Chapter 91 of the Code (i) to remove an exception that permitted the use, consumption, and possession of alcoholic beverages at the Waynesboro Municipal Golf Course, and (ii) to remove the prohibition against the use, consumption and possession of alcoholic beverages in privately owned parking lots, which are open to public use, and to provide for the enforcement of the Ordinance and penalties for the violation thereof.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, by the Borough Council of the Borough of Waynesboro, Franklin County, Pennsylvania, and it is hereby enacted and ordained as follows:

SECTION I: Section 91-1 of Chapter 91 of the Code, entitled "Unlawful to bring, use, or possess intoxicating liquor on Borough property; exception" is hereby amended by replacing Section 91-1 in its entirety with the following:

§91-1. Unlawful to bring, use or possess intoxicating liquor on Borough property.

It shall be unlawful for any person or persons to bring, use, or have in his or her possession in any public building or upon any land belonging to the Borough of Waynesboro or the Waynesboro Borough Authority, any alcohol or liquor or malt or brewed beverage of any kind.

SECTION II: Section 91-2 of Chapter 91 of the Code is hereby amended by repealing Section §91-2 in its entirety and marking Section 91-2 as “Reserved”.

SECTION III: Section 91-4 (B) of Chapter 91 of the Code is hereby amended by replacing Section 91-4 (B) with the following:

- B. It shall be unlawful within the Borough of Waynesboro for any person to drink liquor or malt or brewed beverages upon any public street, public municipal parking lot, public park, or in any vehicle being operated or parked thereon.

SECTION IV: Section 91-4 (C) of Chapter 91 of the Code is hereby amended by replacing Section 91-4 (C) in its entirety with the following:

- C. It shall be unlawful within the Borough of Waynesboro for any person to have in such person's possession or in a vehicle under such person's control any open container containing liquor or malt or brewed beverages upon any public street, public municipal parking lot, or public park.

SECTION V: Section 91-4 (E) of Chapter 91 of the Code is hereby repealed and deleted in its entirety.

SECTION VI: Repealer. All provisions of previous ordinances of the Code of the Borough of Waynesboro, which are contrary to this Ordinance, are expressly repealed.

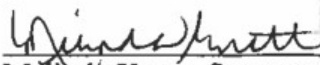
SECTION VII: Savings Clause. In all other respects, the Code of the Borough of Waynesboro shall remain as previously enacted and ordained.

SECTION VIII: Severability. If any word, phrase, sentence, part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed application thereof, shall be severable and the remaining provisions of this ordinance and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

SECTION IX: Effective Date. This Ordinance shall take effect immediately.

ENACTED, ORDAINED, and APPROVED this 19th day of January, 2022.

ATTEST:



Melinda Knott, Secretary

Waynesboro Borough Council



C. Harold Mumma, President