

ORDINANCE NO. 521

BOROUGH OF PARKESBURG
CHESTER COUNTY, PENNSYLVANIA

**AN ORDINANCE AMENDING ORDINANCE NO. 390 GOVERNING RULES
AND REGULATIONS CONCERNING USE AND MANAGEMENT OF
PARKS IN THE BOROUGH OF PARKESBURG**

WHEREAS, the Borough of Parkesburg is a municipality operating under Borough Code exercising control of all public property "including public parks located within the Borough"; and,

WHEREAS, the Borough has adopted Ordinance No. 390 on November 12, 1990 entitled "Ordinance Setting Forth the Rules and Regulations Concerning the Use and Management of and the Conduct of Persons Using Public Park(s) in the Borough of Parkesburg, Pennsylvania; and

WHEREAS, the aforementioned Ordinance at Section 1.(d) prohibits from doing or performing or causing to be done or performed any of the following including: "to bring or cause to be brought within the park areas, any intoxicating liquor, beer, wine or drugs"; and

WHEREAS, it has been recognized that certain activities for the benefit of a community, more particularly the Parkesburg Community Day which provides public service for the Borough and surrounding area and may include the sale or consumption of intoxicating beverages on a single occurrence date approved by the Borough Council in any given year; and

WHEREAS, in order to obtain the benefits of the Community Day, it has been determined that it is necessary to amend Ordinance No. 390 to provide a once a year exception to the prohibition at Section 1.(d) thereof to allow the sale and consumption of intoxicating liquor, beer or wine in the Borough park subject to the following regulations: (a) such use is permitted only one (1) day per year under the specific direction and approval of Borough Council; (b) such use must be in a controlled situation such that only those legally permitted to consume alcohol are permitted access and all juveniles and otherwise unqualified persons are separated from the location where alcohol is sold or consumed; and (c) all laws of the Commonwealth are strictly followed.

NOW THEREFORE, in consideration of the foregoing, it is hereby ordained as follows:

1. Ordinance No. 390 regulating use of public parks in the Borough of Parkesburg at subsection 1.(d) using intoxicating liquor, beer or wine (but not drugs) within the parks is amended as part of section (d) by the following:

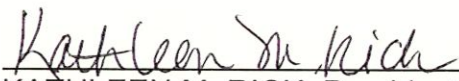
"This prohibition against alcohol is subject to a single one (1) day a year exception authorized by Borough Council (by Resolution adopted beforehand). The exception is subject to further regulations that : (a) such use must be in a controlled situation such that only those legally permitted to consume alcohol are permitted access and all juveniles and otherwise unqualified persons are separated from the location where alcohol is sold or consumed; and, (b) all laws of the Commonwealth are strictly followed."

2. Conflicts with statutory provisions. In all matters that are regulated by the law of the Commonwealth of Pennsylvania by regulations or regulated by departments or an agency of the Commonwealth promulgated by authority of law, such law or regulations as the case may be, shall control where the requirements thereof are the same or in excess of the provisions of this Ordinance. This Ordinance controls in all circumstances where the state requirements or the requirements of other Ordinances of the Borough are not as strict as those contained in this Ordinance.

3. Severability. If any portion of the Ordinance shall be determined to be unconstitutional, illegal or unenforceable, then the portion and only that portion of this Ordinance, which is deemed to be unconstitutional, illegal or unenforceable, shall be severed from the remainder of this Ordinance and all other terms thereof shall remain in full force and effect.

ORDAINED and ENACTED by the Parkesburg Borough Council this 20th day of June, 2016.

PARKESBURG BOROUGH COUNCIL


KATHLEEN M. RICK, President

ATTEST:


WENDY A. KEEGAN, Secretary

Approved this 20th day of June, 2016.


JOHN P. HAGAN, II, Mayor