

PART 4

ALCOHOLIC BEVERAGES

A. Use of Alcoholic Beverages on Public Property

§401. Possession, Consumption And Use Prohibited.

1. The possession, consumption and use of malt and alcoholic beverages in or on the premises owned, leased or occupied by the Borough of Elizabethtown is hereby prohibited.
2. The consumption, use or the possession of an open bottle, can, flask or other container containing malt or alcoholic beverages or a glass, cup, paper or plastic cup or other open drinking device containing malt or alcoholic beverages in or on a sidewalk located within the legal right-of-way of any street, or in or on any street, alley or any public parking lot adjacent to any said street or alley is hereby prohibited.

(Ord. 591, 8/17/1976, §1; as amended by Ord. 640, 8/19/1982, §1)

§402. Violations and Penalties.

All persons violating the provisions of this Part shall, upon conviction thereof, be sentenced to pay a fine of not less than \$25 nor more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

(Ord. 591, 8/17/1976, §2; as amended by Ord. 829, 11/15/2001)

B. Prohibiting Alcohol in Systems of Persons Under 21 Years of Age

§411. Alcohol Unlawful.

It shall be unlawful for any individual under the age of 21 to have any alcohol, liquor, malt or brewed beverage in their system within the Borough of Elizabethtown.

(Ord. 769, 5/16/1996, §1)

§412. Police Authority.

The police officers of the Elizabethtown Police Department have the authority to use either PBT (preliminary breath test) or a breath test unit or any other unit that has been approved by the Pennsylvania Department of Health for use within this Common-

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wealth, or may be approved by that agency in the future, to determine if any individual under 21 years of age has alcohol within their system in violation of this Part.

(Ord. 769, 5/16/1996, §2)

§413. Tests.

A police officer who smells or detects the odor of an alcoholic beverage on an individual's breath, under 21 years of age, shall offer either breath test unit to check that person's BAC (blood alcohol content). In the event that an individual under the age of 21 refuses an offer to take a breath test, the police shall still have the authority to file a citation for a violation of this Part.

(Ord. 769, 5/16/1996, §3)

§414. Violation.

The presence of an alcoholic beverage in the system of an individual under 21 years of age shall constitute a violation of this Part.

(Ord. 769, 5/16/1996, §4)

§415. Penalties.

Any person who violates any provision of this Part shall be, upon conviction thereof, sentenced to pay a fine of not less than \$25 nor more than \$600 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

(Ord. 769, 5/16/1996, §5; as amended by Ord. 829, 11/15/2001)