

**BOROUGH OF EAST GREENVILLE
COUNTY OF MONTGOMERY**

RESOLUTION 2024- 06

A RESOLUTION OF THE BOROUGH OF EAST GREENVILLE, MONTGOMERY COUNTY, PENNSYLVANIA ADOPTING REGULATIONS PURSUANT TO CHAPTER 30 *ALCOHOLIC BEVERAGES* OF THE BOROUGH'S CODE OF ORDINANCES FOR THE CONSUMPTION OF ALCOHOL IN CERTAIN PUBLIC PLACES PURSUANT TO THE REQUIREMENTS SET FORTH HEREIN; REPEALING PRIOR INCONSISTENT RESOLUTIONS OR PARTS OF RESOLUTIONS; AND CONTAINING A SAVINGS CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, Chapter 30 *Alcoholic Beverages* of the Borough's Code of Ordinances, section 30-2 *Possession of open containers or consumption in public prohibited* specifically prohibits the possession of alcohol in open containers or the consumption of alcohol "in or about any public sidewalk, street, alley, walkway, public park or playground or any other public place in the Borough" except where the written permission of Borough Council is obtained "under such regulations as shall be promulgated from time to time by the Borough Council";

WHEREAS, the Borough Council of the Borough of East Greenville wishes to establish regulations for the possession of alcohol in open containers or the consumption of alcohol in public places, in the event that Borough Council grants permission for such possession/consumption upon application; and

WHEREAS, Borough Council reserves the right to prohibit the possession of alcohol in open containers or the consumption of alcohol in public, as provided for in Chapter 30 *Alcoholic Beveearages*, and to deny applications for same, where Borough Council deems such prohibition in the best interest of the Borough.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of East Greenville as follows:

Section 1. Regulations Regarding Possession of Alcohol in Open Containers and Consumption of Alcohol in Public Places.

Borough Council hereby adopts the following regulations pursuant to Chapter 30 *Alcohol Beverages*, section 30-2 *Possession of open containers or consumption in public prohibited* as follows:

1. An applicant seeking permission to permit the possession of alcohol in open containers (hereinafter "Open Containers"), or the consumption of alcohol in public (hereinafter "Consumption" or "Consumed"), as provided for in section 30-2 *Possession of open containers or consumption in public prohibited* of the Borough's Code of Ordinances, shall apply in writing for such permission to Borough Council, and shall demonstrate in that written application compliance with all of the regulations set forth herein, and shall comply, at all times relevant hereto, with the regulations set forth herein.
2. All alcohol possessed in Open Containers or Consumed shall either be:
 - a. Accessory to a use on the property immediately adjacent to the affected public property. This includes requiring all alcoholic beverages to be possessed in Open Containers or Consumed to be served and prepared by the adjacent use (for example, a restaurant or brewery fronting on a public sidewalk).
 - b. Sold by a food truck, beer truck, wine truck, or similar vehicle or trailer designed for the sale of alcoholic beverages (whether alcoholic beverages are sold in addition to food or not) and for which the proper licensure and approvals have been obtained from the Pennsylvania Liquor Control Board ("PLCB").
 - c. Sold by a vendor with the proper licensure and approvals from the PLCB that is "sponsored" by a non-residential property in the Borough. In order to be "sponsored" by a non-residential property in the Borough, both the vendor and the owner/operator of the non-residential property shall jointly make application under these regulations. The vendor shall be permitted

to sell alcohol pursuant to these regulations only in the area immediately in front of the non-residential property that has sponsored the vendor's application. The vendor shall obtain the approval of Borough Council for the manner in which alcohol will be sold—e.g. from a table in front of the non-residential property of the sponsor.

- d. No more than two licenses will be issued for any given day/event pursuant to section 2.b (relating to sale from vehicle/trailer) and/or section 2.c (relating to joint application by vendor/non-residential property). This means that if there is one license for a vehicle/trailer issued and one license for a vendor/non-residential property issued for any given day/event, no additional licenses will be issued for that day/event.
3. Possession of alcohol in Open Containers or Consumption of alcohol shall only occur in connection with an establishment/vendor that has an existing appropriate license from the PLCB.
 4. The applicant shall identify the specific area of public property on which Open Containers/Consumption is requested, which shall include specific dimensional limits, and which area shall be subject to further limitation by Borough Council. The applicant shall submit a plan or diagram, with measurements, identifying the area provided for in this subsection.
 5. The applicant shall identify the specific date and time during which Open Containers/Consumption is requested, which date and time is subject to review and adjustment by Borough Council.
 6. The applicant shall at all times comply with the rules and regulations of the PLCB and such other third-party agencies as may have jurisdiction over applicant's application, and shall demonstrate compliance at the time of application.
 7. If the application involves public sidewalks, the applicant shall at all times ensure that pedestrian traffic can still navigate the

sidewalk, including specifically compliance with ADA clearance requirements.

8. If the application involves a vehicle or truck pursuant to section 2.b above that will be parked on or along a public street, such vehicle or truck shall be parked such that it does not impede the travel lane of the public street on which it is parked on or along or otherwise pose a safety hazard to the travelling public (e.g. by blocking appropriate sight lines).
9. All refuse shall be properly disposed of throughout the event, and all refuse or other materials associated with the event (e.g. tables) shall be removed immediately upon the conclusion of the event.
10. The applicant shall agree to defend and hold the Borough harmless from any and all actions, claims, liabilities, damages, losses, or expenses, at law or in equity, and indemnify and reimburse the Borough for any damage or expenses that it may suffer in connection with applicants use of public property in the manner set forth in these regulations.
11. Applicant shall provide a certificate of insurance acceptable to the Borough demonstrating at least \$500,000.00 of comprehensive general liability extending premises coverage to the public area to be utilized and all activities proposed thereon, and naming the Borough of East Greenville an additional insured.
12. Permission pursuant to these regulations shall be revocable by Borough Council for any reason or no reason at all, in its reasonable discretion. Permission shall be automatically rescinded upon violation of these regulations, without any opportunity to cure on the part of the applicant.
13. Borough Council shall have the right to establish an application/permit fee to cover the costs of the procedures established herein, which may be established by separate resolution of the Borough along with the remainder of the Borough's fee schedule.

14. Applications under these regulations shall be subject to the review of the Chief of Police of the Borough of East Greenville. The Chief of Police may provide such recommendations to Borough Council in the processing of any given application as deemed appropriate by the Chief, including recommendations regarding any conditions to be imposed in approving an application under these regulations. The Chief's review under this section shall specifically include review of applications involving a vehicle or truck pursuant to section 2.b above. A specific proposal of the proposed location of such vehicle or truck, along with traffic safety measures proposed, shall be provided to the Chief of Police for approval before Borough Council's approval of an application or permit under these regulations. The Chief of Police shall have the right to impose conditions, including the requirement for additional traffic safety measures, as part of their review under this section.
15. All permission/permits issued pursuant to these regulations shall include a letter of notification to the Chief of Police immediately upon issuance of the permit. The Chief of Police must be in receipt of the letter of notification required hereby prior to the start of the event.

Section 2. Repealer.

Any and all prior inconsistent Resolutions or parts of Resolutions are hereby repealed by adoption of this Resolution.

Section 3. Severability Clause.

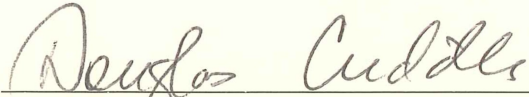
If any portion, part or provision of this Resolution should be declared by a court of competent jurisdiction to be invalid, unconstitutional, illegal or unenforceable, the Borough Council of the Borough of East Greenville hereby declares its intent that this Resolution shall have been adopted without regard to such unconstitutional, illegal, invalid or unenforceable portion thereof.

Section 4. Effective Date.

This resolution shall become effective at the earliest time permitted by law.

ADOPTED and APPROVED, this 4th day of March, 2024 in Council Chambers.

BOROUGH OF EAST GREENVILLE:



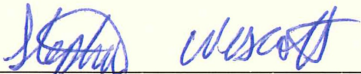
**DOUGLAS CRIDDLE, COUNCIL
PRESIDENT**

ATTEST:



**SHARON KACHMAR,
BOROUGH SECRETARY**

Approved this 4th day of March, 2024



STEPHEN WESCOTT, MAYOR