

AN ORDINANCE AMENDING ORDINANCE 82-4

AN ORDINANCE OF THE BOROUGH OF FRACKVILLE AMENDING ORDINANCE 82-4  
BY APPROVING THE USE AND PRESENCE OF ALCOHOLIC BEVERAGES ON  
CERTAIN BOROUGH PROPERTIES.

WHEREAS, the Council of the Borough of Frackville has ordained in the past to ban alcoholic beverages from all Borough-owned property; and

WHEREAS, certain Borough owned properties have been used in the past and/or could be used for social gatherings, were the presence of alcohol is customary; and

WHEREAS, these gatherings are beneficial to the welfare of the community because they encourage neighbors and citizens to meet, support and help each other and the community's civic, charitable, emergency and athletic groups; and

WHEREAS, the responsible use of alcohol does not endanger the health, safety or welfare of the community,

**NOW THEREFORE**, be it ordained and enacted by the Council of the Borough of Frackville, Schuylkill County, Pennsylvania, as follows:

Ordinance 82-4 shall be amended to allow alcoholic beverages to be consumed on Borough properties under the following places and circumstances:

1. At the Whippoorwill, in the clubhouse as supervised by the South End Field and Stream;
2. At the Whippoorwill, in connection with an event or rental of the pavilion or grounds as approved by the South End Field and Stream, provided that no alcoholic beverages shall ever be allowed in the area of the firing or archery range or the shores of the pond.
3. Inside the Goodwill Fire Company kitchen and social room areas under the supervision of the Goodwill Fire Company members or in connection to a rental of the social room.
4. Outside the Goodwill Fire Company and upon the grounds of the Arch Street Park, during a fundraising "block party" run by the Goodwill Fire Company, provided that no alcoholic beverages shall ever be present inside the fenced off area used for children's swings and playground equipment.
5. Inside the Borough Hall Basket Ball Court/Gymnasium and Kitchen for activities sponsored by the Borough or its Boards or in connection with an event or rental of the Gymnasium and Kitchen, when the presence and consumption of alcohol is approved by the Borough Council.
6. Other places and circumstances approved by the Borough Council at a duly advertised meeting upon special request and consideration.

When either the Borough, South End Field and Stream or Goodwill Fire Company is renting the designated area to another party, that party will be required to indicate in a "use" form whether alcohol will be provided or sold. If alcohol is to be sold or included in the price of admission, the party will be required to show proof of liquor liability insurance in an amount established by Council as well as any required PLCB licenses or permits. A copy of the "use" form shall be submitted to the Borough Council.

If the South End Field and Stream or Goodwill Fire Company shall sponsor an event on Borough property where alcohol will be sold, the South End Field and Stream or Goodwill Fire Company, as the case may be shall be required to obtain and show proof of liquor liability insurance in an amount established by Council as well as any required PLCB licenses or permits.

The Borough of Frackville, will in no event sell alcohol.

SEVERABILITY

In the event that any Court of competent jurisdiction determines that any section, ordinance, paragraph or sentence or part thereof to be unenforceable, or invalid, then such a decision shall apply only to that section, ordinance, paragraph, sentence or part thereof and the remainder of this ordinance shall remain in full force and effect as if the unenforceable language had been deleted.

FORM

The Secretary of the Borough is authorized to develop a "use" form to be used herewith.

LIABILITY

No part of the Ordinance nor shall the grant of a permit relieve any person of any liability to third persons nor shall the Borough of Frackville be held liable for any damage or injury resulting to any person from any consumption of alcohol on Borough properties when the alcohol is provided by a party other than the Borough.

EFFECTIVE DATE

This ordinance shall become effective at the earliest date provided by law.

ADOPTED AND ORDAINED this 21 day of March 2013.

ATTEST:

Brenda Seeter  
Secretary

**BOROUGH OF FRACKVILLE**

By: [Signature]  
President, Borough Council

APPROVED:

[Signature]  
Mayor