

**COUNTY OF ARGES
MUNICIPALITY OF PITEȘTI
LOCAL COUNCIL**

DECISION

on certain measures relating to preventing and fighting against underage drinking

The Local Council of the Municipality of Pitești, gathered in extraordinary meeting;

Considering:

- the Explanatory Statement of the Mayor of the Municipality of Pitești;
- the Report no. 24322/04.05.2010 of the Local Public Administration Directorate;
- the Approvals of the Specialty Commissions of the Local Council contained in the Reports no. 31642/2010, no. 31645/2010, no. 31646/2010, no. 31647/2010 and no. 31649/2010;

Considering the provisions of the Government Ordinance no. 2/20001 on legal regime of the petty offences, as subsequently amended and supplemented;

On the grounds of the provisions of article 45, paragraph 1, of the Law on local public administration no. 215/2001, republished, as subsequently amended and supplemented;

DECIDES:

Art. 1 – To approve the By-law on certain measures relating to preventing and fighting against underage drinking, according to the appendix being an integral part to this document.

Art. 2 – The Local Public Administration Directorate, the Urbanism and Technical Directorate, the Department for Control and Licensing of the Economic Activities, the Community Police of the Municipality of Pitești, will perform the provisions of this decision which shall be communicated to them, as well as to the Police of the Municipality of Pitești and to the Gendarmes Inspectorate, by the Secretary of the Municipality of Pitești.

MEETING CHAIRMAN,

Gheorghe Oprea

Contersignature:

SECRETARY,

Iosiv Cerbureanu

Pitești

No. 201 of 17.06.2010

BY-LAW

on certain measures relating to preventing and fighting against underage drinking

Art. 1.(1) This By-law on certain measures relating to preventing and fighting against underage drinking, herein referred to as the By-law, shall apply to the traders relating to public food and market services whose scope of activity is represented by the selling and the purchasing of alcoholic drinks.

(2) For the purpose of this By-law, the following wordings shall be defined as follows:

(a) underage person – any person under 18 years old.

(b) trader – any physical or juridical person, authorized to develop activities relating to market products and services.

(c) consumer - any physical person or group of persons, forming different associations, who/which buys, acquires, uses or consumes products or services out of his/her/its professional activity.

(d) public food service – activity relating to preparing, treating, displaying and serving products and drinks, for the purpose of their consumption, within specialized units or at the home/ workplace of the consumers.

(f) market service – any activity or service being the subject of selling or purchasing on the market, whose consequence is not the transfer of ownership of a tangible asset, which is developed or delivered for the purpose of satisfying the consumers' needs.

(g) trade in public areas – activity of marketing of products and services, developed on a permanent basis or on a seasonal basis, in markets, fairs, arcades, harbours, airports, railway stations, bus stations, public roads and streets, or any other area of any kind which is intended for the public use.

(h) public space – spaces intended to public use: parks, streets, auditoriums, stadiums, cultural institutions or economic units, or any other space which is intended for the public use.

(i) public unit - any selling structure within which public food activities and/or market services, which are subject to the activity of selling or purchasing alcohol, are developed or delivered.

(j) selling structure – the space used for developing one or several commercial exercises.

(k) commercial exercise – one or several activities relating to wholesale trade, retail trade, cash and carry, public food services, as well as the services delivered by any trader.

Art. 2. The obligations of the traders being the object of this by-law are:

(a) to display, visibly and imperatively, at the entrance of the unit, next to the working hours notice, the notice: “it is forbidden to serve alcoholic drinks to underage persons!”.

(b) to request the approval of the City Hall of the Municipality of Pitești for the placing of the selling structures whose object of activity is the provision of public food services or of market services concerning the selling – the purchase of alcoholic drinks;

(c) to observe the distance of minimum 200 m, measured on public road, between the selling structures whose object of activity is that provided in art. 1) and pre-university educational units, halls of residence for schoolchildren and boarding schools, medical care units.

(d) the traders whose object of activity is that provided in art. 1), operating on the date of entering into force of this by-law in structures situated within a distance of less than 200 m, measured on public road, of pre-university educational units shall not sell alcoholic drinks during the period of the classes of the pupils and/or of other activities organized by the management of the education unit;

(e) to inform, in writing, on a quarterly basis, concerning the hours of the classes of the pupils, as well as of other activities organized by the management of the education unit.

Art. 3.(1) Failure to observe the provisions of art. 2 above represents a petty offence and it shall be punished by fine, as follows:

(a) the offences provided in letter a), by a civil fine between 200 and 1.000 lei.

(b) the offences provided in letters b) and c), by a civil fine between 800 and 1.200 lei.

(2) The Mayor and the persons authorized by the Mayor, the agents belonging to the Community Police of the Municipality of Pitești, the police officers or the policemen, as well as the gendarmerie officers and the under-officers shall notice, shall report and shall apply fines for such petty offences.

(3) The provisions of art. 2 above shall also apply to the juridical persons, but in this case the minimal or the maximal limits of the fines shall be double.

(4) The provisions of art. 16, paragraph 1) of the Government Ordinance no. 2/2001 on legal regime of the petty offences, as subsequently amended and supplemented, shall also apply.

Art. 4. Under the notification received from the control bodies authorized to check the compliance with the norms of public order and public peace by underage persons, the Mayor of the Municipality of Pitești may inform, in writing, the guardian or the legal representative of the underage person in question, the managers of the educational unit where he/she attends classes or the School Inspectorate of the County of Argeș, as the case may be, and such institutions will have to take the necessary measures, within the limits of their legal competence.

Art. 5. The traders being the object of this by-law are also forbidden:

(a) to serve to the consumers alcoholic drinks, inside or outside public houses when, according to the provisions of the law, they are closed, or to sell alcoholic drinks after the working program, set under the operating permit.

(b) to serve to the consumers alcoholic drinks, inside or outside public houses, during public meetings, strikes, sports events or other such public assemblies, when they are carried out in the immediate neighborhood of the public house; the consumption of alcoholic drinks by the participants to such activities is also forbidden.

(c) to sell or to market alcoholic drinks within, at the entrance of and within the yards of public places, such as: hospitals and other medical care units, foster care centers for minors, educational units and institutions, on the pavements or lanes giving access to them, as well as in the units within such public places or within production units.

(d) to serve to the underage persons alcoholic drinks, within public houses.

(e) to drink alcoholic drinks on public roads, in parks, auditoriums, stadiums or in public places.

(f) within the education units of pre-university education, within students' and schoolchildren's halls of residence, in the yards of such facilities, as well as on the pavements or on the lanes giving access to such facilities, the marketing or displaying for the purpose of selling, alcohol drinks, or publications, or audio and video recordings having an obscene content is forbidden.

(g) advertising of alcoholic drinks and tobacco products within educational units and medical care units or within a distance lower than 200 meters, calculated from their entrance, measured on public road, is forbidden.

Art. 6. Failure to observe the provisions of art. 5 above represents a petty offence and it shall be punished by fine, as follows:

a) the offences provided in letters a) – e), according to the provisions of Law no. 61/1991 on punishing offences relating to violation against the norms of social cohabitation, public order and public peace, by The Mayor and the persons authorized by the Mayor, the agents belonging to the Community Police of the Municipality of Pitești, as well as by the police officers or the policemen, or by the gendarmerie officers and the under-officers;

b) the offences provided in letter f), according to the provisions of the Romanian Government Decision no. 128/1994 on certain measures for assuring the physical and moral development conditions for schoolchildren and students, by The Mayor and the persons authorized by the Mayor, by the commissioners of the Fraud Squad, as well as by the police officers or policemen;

c) the offences provided in letter g), according to the provisions of the Law no. 148/2000 on advertising, by the authorized representatives of the local public administration.

Art. 7. According to the provisions of the Law no. 61/1991 on punishing offences relating to violation against the norms of social cohabitation, public order and public peace, republished, as subsequently amended, corroborated with the provisions of the Romanian Government Ordinance no. 2/2001 on legal regime of the petty offences, the underage persons shall be charged with petty offences such as: drinking alcohol drinks in public places, at the entrance of and within such public places, for instance: educational units and institutions, foster care centers for minors, hospitals and other medical care units, churches and religious institutions relating to cults , on the pavements or lanes giving access to them.

Art. 8. In case the petty offences provided in art. 6, letters a) – e) are *repeated*, the provisions of the Law no. 61/1991 on punishing offences relating to violation against the norms of social cohabitation, public order and public peace shall apply.

Art. 9. In case the petty offences provided in art. 6, letters f) and g), as well as the petty offences provided in art. 2 herein, are *repeated*, the body which has delivered the license, under the proposal of the body which has notified the petty offence, may order the suspension of the activity of the unit in question for a period of 10 to 30 days.

Art. 10. In case the unit in question fails to observe the measure relating to the suspension of the activity, the Mayor of the Municipality of Pitești may withdraw the license for the development of public food services or may notify the competent structures in order for them to close the unit in question, for a period of 1 to 3 months.