

ORDINANCE NO. 189

AN ORDINANCE PROHIBITING THE CONSUMPTION OF ALCOHOLIC BEVERAGES ON PUBLIC THOROFARES, OTHER PUBLIC PROPERTY AND ON PRIVATE PROPERTY WITHIN 5 FEET OF ANY PUBLIC THOROFARE OPEN TO PUBLIC VIEW: PROHIBITING THE POSSESSION OF ALCOHOLIC BEVERAGES IN OPEN CONTAINERS; PROHIBITING THE DISCARDING OF ALCOHOLIC BEVERAGES, THEIR CONTAINERS AND WRAPPERS AND PROVIDING FOR FINES AND PENALTIES FOR VIOLATION THEREOF

Be it enacted and ordained by the Council and Mayor of the Borough of Sandy Lake, Mercer County, Pennsylvania, as follows:

SECTION 1. DEFINITIONS. Unless the context otherwise requires, the following words or phrases shall be construed according to the definitions set forth below:

A. Alcoholic beverages - any spirits, wine, beer, ale or other liquid containing more than 1/2 of 1 per cent of alcohol by volume which is fit for beverage purposes.

B. Container - any bottle, can or other vessel in which alcoholic beverages are contained.

C. Wrapper - any box, carton, paper or other material enclosing a container.

SECTION 2. CONSUMPTION. No person shall consume any alcoholic beverage in any quantity upon any street, avenue, alley, sidewalk, stairway, thorofare, or other public property within the Borough of Sandy Lake, nor shall any person consume any alcoholic beverage within 5 feet of any public way or thorofare while on a private stairway, doorway or other private property open to public view without the express or implied permission of the owner, his agent or other party in lawful possession thereof.

SECTION 3. POSSESSION. No person shall possess any container of alcoholic beverage whether wrapped or unwrapped which has been opened or on which the seal has been broken in any manner on any public street, avenue, alley, thorofare or other public property within the Borough of Sandy Lake, nor shall any person possess any container of alcoholic beverage within 5 feet of any public way or thorofare while on a private stairway, doorway, or other private property open to public view without the express or implied permission of the owner, his agent, or other person in lawful possession thereof.

SECTION 4. DISCARDING OF ALCOHOLIC BEVERAGES, CONTAINERS AND WRAPPERS. No person shall discard any alcoholic beverages, containers or wrappers upon or on any public street, avenue, alley, thorofare or other public property within the Borough of Sandy Lake, nor shall any person discard any alcoholic beverage containers or wrappers within 5 feet of any public way or thorofare while on a private stairway, doorway, or other private property open to public view without the express or implied permission of the owner, his agent, or other person in lawful possession thereof.

SECTION 5. PROVIDED HOWEVER, that the provisions of Sections 2, 3 and 4 above shall not apply to interior portions of any private dwelling, habitat or building, nor to the consumption, possession or discarding by persons in the areas herein designated of any duly prescribed and dispensed medication having alcoholic content as set forth in Section 1(a) hereof; and PROVIDED FURTHER that the provisions of said Sections 2, 3, and 4 above shall not apply to premises duly licensed by the Pennsylvania Liquor Control Board and to persons then and there patrons of said licensee.

SECTION 6. PENALTIES. Whosoever violates any of the provisions of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars, nor more than Three Hundred (\$300.00) Dollars, together with costs, and in default of payment of fine and costs shall be imprisoned for a period not to exceed ninety (90) days.

ENACTED AND ORDAINED BY COUNCIL OF THE BOROUGH OF SANDY LAKE, this 4th day of January, 1982.

BOROUGH OF SANDY LAKE, PENNSYLVANIA

Bert Montgomery
President of Council

Approved by me this 4 day of January, 1982.

William E. Walker
Mayor

Beverly Voorhees
Secretary