

BOROUGH OF STRASBURG

Lancaster County, Pennsylvania

ORDINANCE NO. 2012-1

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE BOROUGH OF STRASBURG, CHAPTER 6, CONDUCT, TO ADD A NEW PART 7, ALCOHOLIC BEVERAGES.

BE AND IT IS HEREBY ORDAINED AND ENACTED by Borough Council of the Borough of Strasburg, Lancaster County, Pennsylvania, as follows:

Section 1. The Code of Ordinances of the Borough of Strasburg, Chapter 6, Conduct, shall be amended by inserting a new Part 7, Alcoholic Beverages, which shall provide as follows:

**Part 7
Alcoholic Beverages**

§701. Short Title.

This Part shall be known and may be cited as the Strasburg Borough Open Container Ordinance.

§702. Definitions and Word Usage.

1. Unless otherwise stated, the following words shall, for the purpose of this Part, have the meanings herein indicated:

ALCOHOLIC BEVERAGE – Any liquor or malt or brewed beverages as those terms are defined in Section 102 of the Liquor Code, 47 P.S. §1-102.

BOROUGH – Strasburg Borough, Lancaster County, Pennsylvania.

ON OR ABOUT THE PERSON – The location of any container, containing an alcoholic beverage, which is nearby, close at hand, convenient of access and within such distance of the person so having it that such person could, without materially changing his position, get

his hand on it or control of it.

OPEN CONTAINER – Any of the following objects and any object similar thereto: a glass, mug or other such drinking utensil; a bottle or jug from which the cap or cork has been removed or loosened or on which the seal has been broken; a can which has been punctured or from which the cap or any snap top or snap tab has been removed; a keg which has been tapped; or a jar, jug or other intermediate container of an alcoholic beverage which did not contain the alcoholic beverage contained therein when such alcoholic beverage was last purchased from the person licensed by the Pennsylvania Liquor Control Board to sell alcoholic beverages. "Open container" shall not include a bag, box or other similar wrapping or packaging of an unopened container of an alcoholic beverage.

PERSON – Any natural person, corporation, unincorporated association, partnership or other legally recognized entity.

POSSESS – The exercising of conscious dominion or control over any container containing an alcoholic beverage, liquor, brewed or malt beverage.

PUBLIC PLACE – Any public street or public real estate or any private parking lot open to public use whether or not the establishment served by the private parking lot is open or closed for business.

PUBLIC REAL ESTATE – All lands or buildings owned or leased by the Borough or by Lampeter-Strasburg School District.

PUBLIC STREET – The entire right-of-way of any public street, road or highway, including the cartways, sidewalks and unpaved portions thereof.

SPECIAL EVENT – An activity regulated under Chapter 13, Part 1, of the Code of Ordinances.

2. In this Part, the singular shall include the plural, and the masculine shall include the feminine and the neuter.

§703. Open containers; general regulations.

1. No person shall have on or about his person, possess, carry or transport any alcoholic beverage in an open container or containers in or about any public place within the Borough or in any vehicle being parked or operated thereon except as expressly permitted in this Part.
2. Possession and consumption of alcoholic beverages may be permitted upon Borough property or other property located in the Borough at a Special Event if a Special Event Permit has been issued by the Borough.

3. Any person desiring to sell, distribute, serve, dispense or otherwise give away alcoholic beverages on Borough property may do so only after obtaining a Special Event Permit.
4. Nothing herein is intended to usurp or restrict control of the sale of alcoholic beverages by those licensed by the Pennsylvania Liquor Control Board, including sales which may be authorized in open containers by the Pennsylvania Liquor Control Board, except as prohibited by this Part and authorized by the Liquor Code.
5. Failure to obtain a Special Event Permit as required by Subsections 2 and 3 above shall constitute a violation of this Part and shall be subject to the penalties provided herein.

§704. Exemptions.

Any facility or establishment licensed to serve or dispense alcoholic beverages by the Pennsylvania Liquor Control Board or any entity successor thereto and persons who are patrons of any such facilities or establishments are exempt from this Part, provided that the patrons remain within the confines of said facilities or establishments with the alcoholic beverages. The confines of said facilities or establishments shall include the sidewalk area between the public way and the front of said facilities or establishments, so long as the facility or establishment has obtained all necessary Borough permits and approvals to offer outdoor seating in such location and Pennsylvania Liquor Control Board approval to serve alcoholic beverages in such location.

§705. Enforcement.

This Part may be enforced by the police officers of the Borough.

§706. Penalties for Violations.

Any person who shall violate the provisions of this Part shall, upon conviction thereof in a summary proceeding, be sentenced to pay a fine of \$50.00 for a first offense, a fine of \$100.00 for a second offense, and a fine of \$300.00 for a third or subsequent offense. Any person found guilty of violating this Part shall be assessed court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings.

Section 2. All other sections, parts and provisions of the Code of Ordinances of the Borough of Strasburg shall remain in full force and effect as previously enacted and amended.

Section 3. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such invalidity, illegality or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses or parts of this Ordinance, it being the intent of Borough Council that the remainder of the Ordinance shall be and shall remain in full force and effect.

Section 4. This Ordinance shall take effect and be in force from and after its enactment as provided by law.

DULY ORDAINED AND ENACTED this 10th day of July, 2012, by Borough Council of the Borough of Strasburg, Lancaster County, Pennsylvania, in lawful session duly assembled.

BOROUGH OF STRASBURG
Lancaster County, Pennsylvania

Attest: *Rosa M. Boyd*
(Assistant) Secretary

By: *F. James Kiscaden*
~~(Vice)~~ President
Borough Council

[BOROUGH SEAL]

Examined and approved as an Ordinance this 10th day of July, 2012.

[Signature]
Mayor