

ORDINANCE NO. 83-1

AN ORDINANCE OF THE BOROUGH OF ROCKWOOD, SOMERSET COUNTY, PENNSYLVANIA, PROHIBITING THE CONSUMPTION OF AND/OR THE POSSESSION OF UNCAPPED CONTAINERS OF LIQUOR, MALT OR BREWED BEVERAGES, POTABLE DISTILLED SPIRITS OR WHISKEY ON THE STREETS OF SAID BOROUGH AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF.

1. SHORT TITLE: The short title of this Ordinance shall be "Rockwood Borough Public Drinking Ordinance".
2. DEFINITIONS: The following words and terms, as used in this Ordinance, shall be construed as follows:

A. "Person" shall mean and include a natural person, association, firm, corporation or political subdivision.

B. "Street" shall mean and include any street, road, land, court, cul-de-sac, alley, public way or public square, either for or intended for public use, and shall include the cartway, sidewalk, gutter, and/or the right-of-way area, whether or not such street, or any part thereof, is owned in fee by others than the Borough.

C. "Liquor" shall mean and include any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor, a part of which is spirituous, vinous, fermented or otherwise alcoholic.

D. "Malt or Brewed Beverages" means any beer, lager beer, ale, porter or similar fermented malt beverage containing one-half of one percentum or more of alcohol by volume, by whatever name such beverage may be called.

E. "Potable Distilled Spirits" shall mean and include any distillate from grains, wine, fruits, vegetables or molasses, capable of being used for alcoholic beverage purposes.

F. "Whiskey" shall mean and include any alcoholic distillate from a fermented mash of grain, capable of being used for alcoholic purposes.

3. From and after the passage of this Ordinance, it shall be unlawful for any person to consume any liquor, malt or brewed beverage, potable distilled spirit or whiskey while said person is on the streets of the Borough of Rockwood.

4. From and after the passage of this Ordinance, it shall be unlawful for any person to have in his or her possession, in any uncapped container, any liquor, malt or brewed beverage, potable distilled spirit or whiskey while said person is on the streets of the Borough of Rockwood.

5. Notwithstanding the provisions of paragraphs 3 and 4 hereof this Ordinance shall not apply to the possession of uncapped containers or consumption of any liquor, malt or brewed beverage, potable distilled spirits or whiskey by any person on the streets of the Borough of Rockwood.

if said person is attending a social function being held on the streets of the Borough of Rockwood by an organization to which a temporary license to disburse and serve liquor, malt or brewed beverages, potable distilled spirits or whiskey has been issued by the Pennsylvania Liquor Control Board.

6. Any person violating the terms of this Ordinance shall be charged with a summary offense, and, upon conviction by a district magistrate having jurisdiction, shall be sentenced to pay a fine not in excess of Three Hundred (\$300.00) Dollars, plus costs and, in lieu of payment of said fine, shall be sentenced to confinement in the Somerset County Jail for a period not to exceed ninety (90) days.

7. Any part or parts of any present Ordinance in conflict with the terms of this Ordinance are hereby repealed.

ORDAINED AND ENACTED this 4th day of May, 1983.

ATTEST:

BOROUGH OF ROCKWOOD

Nelda R. Yawman
Secretary

By

John W. Stone
President