

## Chapter 76

### ALCOHOLIC BEVERAGES

§ 76-1. Definitions.

§ 76-2. Consumption unlawful in certain places.

§ 76-3. Possession unlawful in certain places.

§ 76-4. Violations and penalties.

**[HISTORY: Adopted by the Borough Council of the Borough of Edgewood 9-15-1980 by Ord. No. 828. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Curfew — See Ch. 110.

Disorderly conduct — See Ch. 114.

Parks and recreation areas — See Ch. 147.

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#### § 76-1. Definitions.

The following words and phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

**CONTAINER** — The same as those words and phrases are defined in the Liquor Code of the Commonwealth of Pennsylvania.<sup>1</sup>

**INTENT TO CONSUME** — Includes any of the following:<sup>2</sup>

- A. Drinking from the container.
- B. Possession with movement of the container to the mouth.
- C. Possession with alcohol on the breath of the possessor.
- D. Any circumstance evidencing an intent to ultimately consume on any public lands without permission.

**LIQUOR** — The same as those words and phrases are defined in the Liquor Code of the Commonwealth of Pennsylvania.

**MALT OR BREWED BEVERAGES** — The same as those words and phrases are defined in the Liquor Code of the Commonwealth of Pennsylvania.

**OFFICIAL SEAL** — The same as those words and phrases are defined in the Liquor Code of the Commonwealth of Pennsylvania.

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1. Editor's Note: See 47 P.S. § 1-101 et seq.

2. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

OPEN (WHEN USED IN CONNECTION WITH A CONTAINER) — Any container which has been perforated in the case of a can or similar container or container on which the cap has been loosened or the cork displaced and the official seal torn or mutilated.

POSSESS — Exercise of dominion over the container or beverage.<sup>3</sup>

**§ 76-2. Consumption unlawful in certain places.**

It shall be unlawful, within the Borough of Edgewood, for any person to drink liquor or malt or brewed beverages upon any public street, public municipal parking lot, private parking lot open to public use or public park, or in any vehicle being operated or parked thereon.

**§ 76-3. Possession unlawful in certain places. <sup>4</sup>**

It shall be unlawful, within the Borough of Edgewood, for any person to have in such person's possession or in a vehicle under such person's control any open container containing liquor or malt or brewed beverage upon any public street, public municipal parking lot, private parking lot open to public use or public park or playground for the purpose of drinking said contents in any of the places prohibited in § 76-2 above, or to possess any such container or beverage with the intent to consume.

**§ 76-4. Violations and penalties. <sup>5</sup>**

Any person who shall violate the provisions of this chapter shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600 and costs of prosecution, and in default of payment of such fines and costs, to undergo imprisonment for not more than 30 days.

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3. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).