

ORDINANCE 10-5
[Formerly Ordinance 235]
[Amended by Ordinance 242]

AN ORDINANCE PROHIBITING, WITHIN THE BOROUGH OF MERCERSBURG, THE DRINKING OF "LIQUOR" OR "MALT OR BREWED BEVERAGES" UPON ANY PUBLIC STREET, SIDEWALK, PUBLIC MUNICIPAL PARKING LOT, PRIVATE PARKING LOT OPEN TO PUBLIC USE, OR PUBLIC PARK, OR IN ANY VEHICLE BEING OPERATED OR PARKED THEREON, AND PROHIBITING, WITHIN THE BOROUGH OF MERCERSBURG, 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 BEVERAGES" UPON ANY PUBLIC STREET, SIDEWALK,, PUBLIC MUNICIPAL PARKING LOT, PRIVATE PARKING LOT OPEN TO PUBLIC USE OR PUBLIC PARK, AND FIXING PENALTIES FOR THE VIOLATION THEREOF.

Be it enacted and ordained by The Mayor and the Borough Council of the Borough of Mercersburg and it is hereby enacted and ordained by the authority of the same: --

SECTION 1. The following words or phrases, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section:

"Liquor" and "Malt or Brewed Beverages" and "Container" and "Official Seal" shall mean the same as those words and phrases as defined in the "Liquor Code" of the Commonwealth of Pennsylvania.

"Open" when used in connection with a container shall mean any container which has been perforated in the case of a can or similar container or a container on which the cap has been loosened or the cork displaced and the official seal torn or mutilated.

SECTION 2. It shall be unlawful, within the Borough of Mercersburg, for any person to drink "liquor" or "malt or brewed beverages" upon any public street, sidewalk, public municipal parking lot, private parking lot open to public use or public park, or in any vehicle being operated or parked thereon.

SECTION 3. It shall be unlawful, within the Borough of Mercersburg, for any person to have in such person's possession or in any vehicle under such person's control any open container containing "liquor" or "malt or brewed beverages" upon any public street, sidewalk, public municipal parking lot, private parking lot open to public use or public park.

SECTION 4. Section 3 shall not apply to any person transporting open containers containing "liquor" or "malt or brewed beverages" within a closed box directly and without delay

from one residence to another residence or from one residence to appoint outside the Borough.

SECTION 5. The provisions of this ordinance shall be severable, and if any of its provisions shall be held to be unconstitutional, illegal, or otherwise invalid, such decision shall not affect the validity of any of the remaining provisions of this ordinance. It is hereby declared as a legislative intent that this ordinance would have been adopted had such unconstitutional, illegal or otherwise invalid provision not been included herein.

SECTION 6. Any person who shall violate the provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of **not less than Twenty-five (\$25.00) Dollars and not more than One Hundred (\$100.00) Dollars** and costs of prosecution, and in default of payment of such fine and costs, to undergo imprisonment for not more than five (5) days.

[AMENDED BY ORDINANCE 242]

SECTION 7. This Ordinance shall become effective upon its enactment.

ADOPTED the 3d day of August, 1982.