

AN ORDINANCE OF THE BOROUGH OF CLYMER, COUNTY OF INDIANA AND COMMONWEALTH OF PENNSYLVANIA, TO PROHIBIT THE POSSESSION OF AN OPEN CONTAINER CONTAINING ALCOHOLIC BEVERAGE IN THE BOROUGH OF CLYMER

BE IT ORDAINED AND ENACTED, and is hereby ordained and enacted by the Borough Council of the Borough of Clymer, County of Indiana and Commonwealth of 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:  
ALCOHOLIC BEVERAGES - any spirits, wine, beer, ale or other liquid containing more than one-half of a percent ( $\frac{1}{2}\%$ ) of alcohol by volume which is fit for beverage purposes.  
CONTAINER - any bottle, can or other vessel in which alcoholic beverages are contained.

Section 2. Consumption. No person shall consume any alcoholic beverage in any quantity upon any street, avenue, alley sidewalk, stairway, thoroughfare, or other public property within the Borough of Clymer, nor shall any person consume any alcoholic beverage within five feet (5') of any public way or thoroughfare while on a private stairway, doorway or other private property 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, thoroughfare or other public property within the Borough of Clymer, nor shall any person possess any container or alcoholic beverage within five feet (5') of any public way or thoroughfare while on a private stairway, doorway, or other private property without the express or implied permission of the owner, his agent, or other person in lawful possession thereof.

Section 4. Provided however, that the provisions of Sections 2 and 3 above shall not apply to interior portions of any private dwelling, habitat or building, nor to the consumption or possession and dispensed medication having alcoholic content as set forth in Section 1 hereof; and provided further that the provisions of said Sections 2 and 3 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 5. Penalty. Whoever violates any of the provisions of this ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than three hundred dollars (\$300.00) and/or to be imprisoned for a period not to exceed ninety (90) days.

Section 6. Repealer. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 7. Severability. If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Borough of Clymer that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 8. Effective Date. This ordinance shall become effective on the First day of April, 1991.

BOROUGH OF CLYMER

Mayor

*Joseph E. Krolick*

Attest:

Secretary

*Cynthia L. Carter*

President

*Dennis Lindner*

APPROVED this First day of April, 1991