

ORDINANCE NO: 1052
TOWN OF BLOOMSBURG
COLUMBIA COUNTY, PENNSYLVANIA

**AN ORDINANCE REPEALING SECTIONS OF EXISTING ORDINANCE
CONCERNING OPEN ALCOHOL CONTAINERS WITHIN THE TOWN OF
BLOOMSBURG, SPECIFICALLY THE CODE OF THE TOWN OF BLOOMSBURG,
AS AMENDED, PART V: CONSUMPTION OF ALCOHOL AND OPEN CONTAINERS,**

WHEREAS, the Town hereby desires to repeal and replace Part 5 “Consumption of Alcohol and Open Containers” to allow the Town to better police open containers, as it may be amended from time to time; and

WHEREAS, “Consumption of Alcohol and Open Containers” shall hereinafter be replaced, as amended; and

NOW THEREFORE, this ___ day of May, 2024, it is hereby Enacted and Ordained by the Town Council for the Town of Bloomsburg, Columbia County, Pennsylvania, as follows:

Section 1.

Sections 6-501 “Trafficway”, 6-502 “Purpose”, 6-503 “Consumption or Possession of an Alcoholic Beverage”, 6-504 “Possession of an Open Container”, 6-505 “Definition”, 6-506 “Exception”, and 6-507 “Penalty” of the Town of Bloomsburg Code of Ordinances are hereby repealed in their entirety.

Section 2.

Accordingly, the Code of Ordinances of the Town of Bloomsburg, Section 6-501 through 6-507 shall hereinafter read:

§ 6-501. Short Title

This chapter shall be known and may be cited as "Alcoholic Beverages: Open Containers."

§ 6-502. Purpose

The purpose of the Open Container Ordinance is to establish limited circumstances in which public consumption of alcohol may be permitted within the Town in order to promote community involvement, economic development in the community, and practicable policing practices during events.

§ 6-503 Definitions

For the purpose of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. The word "shall" is mandatory. The word "may" is permissive.

ALCOHOL — Ethyl alcohol of any degree of proof originally produced by the distillation of any fermented liquid, whether rectified or diluted with or without water, whatever may be the origin thereof, and shall include powdered alcohol and synthetic ethyl alcohol, but shall not mean or include ethyl alcohol, whether or not diluted, that has been denatured or otherwise rendered unfit for beverage purposes.

CONTAINER — Includes any receptacle, vessel, or form of package, tank, vat, cask, barrel, drum, keg, can, bottle, or conduit used or capable of use for holding, storing, transferring, or shipment of alcohol, liquor, or malt or brewed beverages.

LIQUOR — Includes any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, powdered alcohol, or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented, or otherwise alcoholic, including all drinks or drinkable liquids, preparations or mixtures, and reused, recovered, or redistilled denatured alcohol usable or taxable for beverage purposes which contain more than 1/2 of 1% of alcohol by volume, except pure ethyl alcohol and malt or brewed beverages.

MALT OR BREWED BEVERAGES — Any beer, lager beer, ale, porter, or similar fermented malt beverage containing 1/2 of 1% or more of alcohol by volume, by whatever name such beverage may be called, and shall mean alcoholic cider and mead.

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, or a container that has no cap, lid, or seal.

ORIGINAL CONTAINER — All bottles, casks, kegs, or other suitable containers that have been securely capped, sealed, or corked by the manufacturer of malt or brewed beverages at the place of manufacture, with the name and address of the manufacturer of the malt or brewed beverages contained or to be contained therein permanently affixed to the bottle, cask, keg, or other container or in the case of a bottle or can, to the cap or cork used in sealing the same or to a label securely affixed to bottle or can.

RAMP-CERTIFIED INDIVIDUAL — A person who is properly certified under the responsible alcohol management provisions of the liquor code, 47 P.S. §§ 1-10110-1001.

TRAFFICWAY — The entire width between property lines or other boundary lines of every way or place of which any part is open to the public for purposes of vehicular

travel as a matter of right or custom including, but not limited to, parking lots or areas, roads or driveways.

WINE — Liquor which is fermented from grapes, fruits, florals, or grains, and having alcoholic content of 24% or less.

§ 6-504 Consumption in public places.

A. It shall be unlawful within the Town of Bloomsburg for any person to drink liquor, wine, 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, except in accordance with the provisions of this chapter.

B. Exceptions.

(1) The provisions of this chapter shall not apply to any facility or establishment licensed to serve or to dispense alcoholic beverages by the Pennsylvania Liquor Control Board or other body pursuant to the laws of the Commonwealth of Pennsylvania and persons who are patrons of any such facilities or establishments, provided that the patrons remain within the confines of said facilities or establishments with alcoholic beverages.

(2) Designated dates and locations. The provisions of this chapter shall not apply to designated dates and locations provided all the following conditions are met:

(a) The designated dates and location have been authorized by the Town Council by resolution. Town Council shall retain the right to amend the designated dates and location of an exception by resolution; provided, however, the Town Council may only be able to designate any of the following locations by resolution:

- I. Main Street (Iron Street to Railroad Street, and including Market Street from West Ridge Avenue to West 5th Street);
- II. Market Street (West Main Street to West 5th Street);
- III. Market Street (West 12th Street to Fort McClure Blvd);
- IV. Center Street/East 7th Street;
- V. North Market Street; and

(b) Each Resolution enacted by Town Council pursuant to § 6-504(B)(2)(a) to designate a date and location must be enacted at

least sixty (60) days prior to the event date included in the resolution; and

(c) Public consumption of alcoholic beverages and possession of open containers are only permitted between the hours of 3:00 p.m. and 9:00 p.m., unless otherwise approved by Town Council by resolution. After 9:00 p.m. the general prohibition of open containers, set forth in § 6-504(A) of this chapter, shall be fully enforced; and

(d) Only beverages that are 24% or less alcohol by volume (ABV) may be publicly consumed or served in an open container; and

(e) Each person publicly consuming alcohol or possessing an open container must be of legal drinking age pursuant to Pennsylvania law; and

(f) No person may be intoxicated in public or otherwise create a public disturbance; and

(g) Open containers are limited to 16 oz. or less containers that are non-breakable; and

(h) Each person may only have one beverage in their possession at any given time; and

(i) If Police presence is needed, the event organizer will be billed the hourly wage and benefit rate of the officers in attendance; and

(j) No person may enter an establishment with an open container in their possession without permission of the proprietor.

§ 6-505 Possession of open containers in vehicles.

It shall be unlawful within the Town of Bloomsburg for any person at any time 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, public municipal parking lot, private parking lot open to public use, or public park.

§ 6-506 Violations and penalties

Any person found guilty of a violation of this Part shall, upon conviction thereof, be guilty of an offense and shall be sentenced to pay a fine of not more than \$1,000 plus

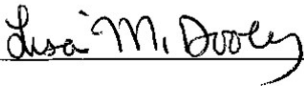
costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

Section 3.

This Ordinance should be effective immediately upon its enactment.

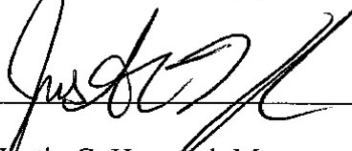
Adopted this 13th day of May, 2024, by the Council Members of Town of Bloomsburg in lawful session duly assembled.

ATTEST:



Lisa M. Dooley, Secretary

TOWN OF BLOOMSBURG



Justin C. Hummel, Mayor