

BOROUGH OF EAST STROUDSBURG



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MONROE COUNTY

COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 1351

AN ORDINANCE AMENDING CHAPTER 65 – ALCOHOLIC BEVERAGES OF THE EAST STROUDSBURG BOROUGH CODE OF ORDINANCES.

BE IT ORDAINED by the Borough Council of the Borough of East Stroudsburg that Chapter 65 of the East Stroudsburg Code of Ordinances is hereby amended to include as follows:

§ 65-1 Definitions.

Unless the context otherwise requires, the following words or phrases shall be construed according to the definitions set forth below:

ALCOHOLIC BEVERAGES

As defined in the "Liquor Code" of the Commonwealth of Pennsylvania, (i.e. liquor, wine, malt, and brewed beverages;)

CONTAINER

Any bottle, can or other vessel in which alcoholic beverages are contained.

OPEN CONTAINER

Any container from which consumption of an alcoholic beverage is occurring or any container which has been perforated in the case of a can or similar container or a container which the cap has been removed; including resealed containers.

PUBLIC ACCESS PROPERTY

Any property owned or controlled by the Borough of East Stroudsburg or any other government agency.

§ 65-2 Public Consumption Prohibited.

It shall be unlawful for any person to drink an alcoholic beverage upon any public access property within the Borough and it shall be unlawful for any person to have in such person's possession, or in a vehicle under such person's control, any open container containing an alcoholic beverage upon any public access property in the Borough.

§65-3 Exceptions.

- a. Special event open container permits - The prohibition contained herein shall not apply in the event of a fair, picnic, or other community event or gathering for which prior special permission has been granted by the East Stroudsburg Borough Council and a permit for open container has been issued and subject to any limitations imposed by East Stroudsburg Borough Council regarding the consumption of alcoholic beverages, the hours, and location within the Borough which have been authorized to permit consumption as an exception to this Ordinance;
 - (i) The Borough of East Stroudsburg reserves the right to set times, frequency and location limitations on any request for an exemption;
 - (ii) The Borough of East Stroudsburg shall be permitted to establish application fees for special event permits by resolution:
 - (iii) The permittee shall be responsible for compliance with all conditions imposed by East Stroudsburg Borough as a condition of the permit including the filing of an application with requested information, the payment of any imposed application fees and providing all security for the event as directed by the Borough of East Stroudsburg;
 - (iv) This exemption shall also apply to all individuals purchasing alcoholic beverages offered for sale and/or dispensed by the permittee only within the designated areas for the permit;
 - (v) The Borough of East Stroudsburg reserves the right to revoke, rescind and/or cancel any permit granted for any violation of any law or condition of the permit by a vote of Council at a public meeting.

§ 65-4 Security Bond.

A security bond or deposit in the amount of \$1000.00 shall be made payable to East Stroudsburg Borough prior to a permit being issued.

§65-5 Insurance Requirements.

Certificate of insurance required; amount of coverage.

- A. Each person filing an application for an open container permit shall provide to the Borough a certificate of insurance evidencing that the applicant maintains insurance which will protect that person and the Borough of East Stroudsburg from claims for damages for personal injury, including accidental death, as well as claims for property damages which may arise from the conduct of the open container event. The amounts of insurance coverage shall be as follows:
 - (i) Public liability insurance in an amount of not less than \$1,000,000 for injuries, including accidental death, to any one person.

- (ii) Property damage insurance in an amount of not less than \$1,000,000.
 - (iii) The certificate of insurance shall name the Borough of East Stroudsburg as an additional insured and shall be provided by an insurance company authorized to do business in the Commonwealth of Pennsylvania.
- B. No open container permit will be issued prior to receipt of a certificate of insurance that complies with this section, as accepted by the Borough.

§65-6 Enforcement.

Any police officer is hereby authorized to act on behalf of the Borough.

§65-7 Repealer.

If any provision or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such decision shall not affect or impair the validity of any of the remaining provisions or parts of this Ordinance. It is hereby declared as the intent of Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid provision or part not included herein.

§ 65-8 Violations and Penalties.

- A. Whosoever violates any of the provisions of this chapter shall, upon conviction thereof, be sentenced to pay a fine of no more than \$1000, plus costs of prosecution, or to be imprisoned for a period not to exceed 30 days and in default of payment of such fine and cost, to undergo imprisonment of not more than ninety (90) days.
- B. Notice and Payment of Violation. Upon the discovery of any violation under the terms of this Ordinance, the Municipality shall, through its authorized agents, give notice to the owner of a violation hereunder, either by personal delivery to such owner, by United States mail directed to the last known address of such person or persons, as shown in the real estate registry records of the Municipality, or by leaving the same on the premises where such violation occurs.
- C. If such person shall, within 7 days after the delivery, mailing or leaving of such notice, pay to the Treasurer of the Municipality the sum of \$75.00 for the violation, the same will constitute full satisfaction for the violation noted in said notice. If 2 or more violations are issued for the same property during a calendar year, the second and subsequent violations' payment shall increase an additional \$100.00 per subsequent violation to a maximum of \$1000.00. The failure of such person to make payment, as aforesaid, within 7 days, shall render such owner subject to the penalties as provided hereinabove.

ENACTED AND ORDAINED THIS 18th day of June, 2019.

BOROUGH OF EAST STROUDSBURG

BY: _____
Council President

ATTEST:

Brian S. Bond, Borough Manager

APPROVED

BY: _____
Armand Martinelli, Mayor

(Seal)