

## Chapter 34

### ALCOHOLIC BEVERAGES

- |  |   |
|--|---|
| <p>§ 34-1. Definitions.</p> <p>§ 34-2. Possession of open containers or consumption in public places restricted.</p> <p>§ 34-3. Applicability.</p> | <p>§ 34-4. Permit for possession or consumption in public places.</p> <p>§ 34-5. Revocation of permit.</p> <p>§ 34-6. Violations and penalties.</p> |
|--|---|

[HISTORY: Adopted by the Borough Council of the Borough of Heidelberg at time of adoption of Code (see Ch. 1, General Provisions, Art. D). Amendments noted where applicable.]

#### GENERAL REFERENCES

Commercial establishments — See Ch. 41.

---

#### § 34-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**ON OR ABOUT HIS OR HER PERSON** — The location of any container, bottle or can containing any alcoholic beverage which is nearby, close at hand, convenient of access and within reach of the person.

**OPEN** — The condition of a container whose cap, cork, top or other closing device has been removed or the condition of a can which has been punctured or pulled open so as to break its seal.

**POSSESS** — To exercise conscious dominion or control over.

**PUBLIC PLACE** — Any public street, sidewalk, alley, walkway, park or playground or any other public grounds owned by the Borough of Heidelberg.

#### § 34-2. Possession of open containers or consumption in public places restricted.

- A. No person shall have on or about his or her person, possess, carry or transport liquor, wine, beer or other alcoholic beverages in open containers in or upon any public place in the Borough of Heidelberg without first securing a permit from the Borough Council to do so.
- B. No person shall drink or consume liquor, wine, beer or other alcoholic beverages in open containers in or upon any public place in the Borough of Heidelberg without first securing a permit from the Borough Council to do so.

**§ 34-3. Applicability.**

The restrictions contained in this chapter shall not apply to any person engaged or participating in any event for which a permit or license has been issued by the Borough of Heidelberg or a state or federal government agency permitting the possession or consumption of alcoholic beverages in or upon any public place or places within the Borough of Heidelberg. Such exclusion of the restrictions herein shall be limited to the times and places and subject to the conditions stated within said permit or license.

**§ 34-4. Permit for possession or consumption in public places.**

- A. A permit may be issued by the Borough Council of the Borough of Heidelberg to allow the possession or consumption of alcoholic beverages in or upon public places at specific times and in specific locations and for specific purposes, such as for the promotion of a public parade, celebration or similar event. Said permit may only be issued upon payment of the required fee, as shall be set from time to time by resolution of the Borough Council, and submission of a completed application to the Borough Council.
- B. Said permit application shall include:
- (1) The name, address and telephone number of the individual, partnership, corporation or other entity requesting the license.
  - (2) The purpose for which the license is requested.
  - (3) The specific times and places for which the permit is requested.
  - (4) Any such further information as may be required by the Borough Council.

**§ 34-5. Revocation of permit.**

In the event that any of the information provided in the permit application is misrepresented or in the event that any type of disturbance is caused in the public area at the event for which the permit is issued, the permit may be revoked by the Heidelberg Borough Police Department or any officer thereof.

**§ 34-6. Violations and penalties.**

Any person, firm or corporation violating any provision of this chapter shall, upon conviction, be subject to a fine of not more than \$600, plus costs of prosecution, and, in default of payment of such fine and costs, shall be subject to imprisonment for a period not exceeding 30 days. Each day's continued violation shall be considered a separate offense.