

BOROUGH OF NEWPORT  
231 Market Street  
Newport, PA 17074

**ORDINANCE NO. 386**

**AN ORDINANCE AMENDING ORDINANCE NO. 348 RELATING TO CHAPTER 72,  
ALCOHOLIC BEVERAGES BY THE BOROUGH OF NEWPORT, INCLUDING A  
SEVERABILITY CLAUSE AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the Borough of Newport is a body corporate and political, duly organized and existing in accordance with the laws of the Commonwealth of Pennsylvania and the Borough Code, Title 8, PA C.S. §101 et seq. (the Borough Code); and

**WHEREAS**, the Borough of Newport adopted Ordinance No. 348 on 1-8-2013, relating to Alcoholic Beverages to provide regulation for use of alcoholic beverages in the borough; and

**WHEREAS**, the Borough Council of the Borough of Newport has determined that amendments to this ordinance are in order at this time; and

**NOW THEREFORE, BE IT ORDAINED AND ENACTED** by the Borough Council of the Borough of Newport as follows:

**SECTION I.**

**§ 72-1. Definitions. [Added 1-8-2013 by Ord. No. 348]**

**CONSUME**-To drink from the container, possession with movement of the container to the mouth, possession with alcohol on the breath of the possessor, any circumstances evident an intent to ultimately consume on any public lands without permission.

**LIQUOR, MALT OR BREWED BEVERAGES, CONTAINER and OFFICIAL SEAL**-The same as those words and phrases are defined in the Liquor Code of the Commonwealth of Pennsylvania.

**OPEN**-When used in connection with a container, any container which has been perforated in the case of a can or similar container or any container on which the cap has been loosened or the cork displaced, and the official seal torn or mutilated.

**POSSESS or POSSESSION**-Exercise of dominion over the container or beverage.

**SIDEWALK**-Portion of a street between the curb lines, or lateral lines of a cartway, and the adjacent property lines, intended for use by pedestrians, (excluding approved sidewalk cafes for that portion of the sidewalk).

**SIDEWALK CAFÉ**-The utilization of sidewalk space beyond the building line to accommodate the serving of food and drink to patrons of an operating public eating or drinking place fronting on the space, which space does not have permanent walls.

**STREET**-The entire width between the boundary line of a way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel, (excluding approved street events for that portion of the street.)

**STREET EVENT**-A special event in the Borough of Newport that has been approved by the Borough Council with the issuance of any street event permits required.

## **SECTION II.**

### **§ 72-2. Illegal to transport or possess open containers [Amended 1-8-2013 by Ord. No. 348]**

No person shall transport or possess with intent to consume in an open container on his person or in a motor vehicle nor consume any beer, wine, or alcoholic beverage in or upon the streets, sidewalks, (except as otherwise permitted under the provisions of Chapter 215 Streets and Sidewalks, Article IV for sidewalks when permitted to be a sidewalk cafes and/or approved street events), alleys, or public ways of the Borough of Newport nor in or upon the parking areas of shopping centers or stores or retail outlets or schools under the jurisdiction of Newport, Perry County, Pennsylvania.

## **SECTION III.**

### **§ 72-3. Illegal to possess, carry or transport upon a park or playground [Amended 1-8-2013 by Ord. No. 348]**

No person shall bring any alcoholic beverages of any kind into the park, either for his own use or for the use of any other person. Use of alcohol in the park is never permitted.

## **SECTION IV. Severability.**

The terms, conditions and provisions of this ordinance are hereby declared to be severable, and, should any portion, part or provision of this ordinance be found by a court of competent jurisdiction to be invalid, non-enforceable or unconstitutional, the Council hereby declares its intent that the ordinance shall have been enacted without regard to the invalid, non-enforceable, or unconstitutional portion, part or provision of this ordinance.


**SECTION V. Effective Date.**

This Ordinance shall take effect and be in force on the earliest date permitted by the Borough Code.

**DULY ADOPTED** by the Council of the Borough of Newport, Perry County, Pennsylvania,

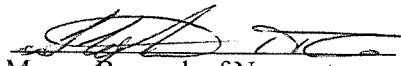
this 7<sup>th</sup> day of August, 2024.

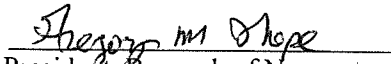
ATTEST:

  
Secretary, Borough of Newport

(Seal)

BOROUGH OF NEWPORT  
Perry County, Pennsylvania

By:   
Mayor, Borough of Newport

By:   
President, Borough of Newport