

RESOLUTION NO. 050922

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE
BOROUGH OF GETTYSBURG, ADAMS COUNTY,
PENNSYLVANIA, ADOPTING AND IMPLEMENTING AN
EIGHT (8) MONTH PILOT TESTING PROGRAM ALLOWING
POSSESSION AND CONSUMPTION OF ALCOHOLIC
BEVERAGES FROM OPEN CONTAINERS WITHIN CERTAIN
DESIGNATED PUBLIC AREAS OF THE BOROUGH OF
GETTYSBURG.**

WHEREAS, in an effort to mitigate the continuing significant economic impact of COVID-19 on eating and drinking establishments within the Borough of Gettysburg caused by mandatory closings and openings restricted by limited indoor patron capacity, by Resolution No. 071320-2, adopted on July 13, 2020, the Borough Council authorized the temporary suspension of the prohibitions of Chapter 6, Part 2 of the Code of Ordinances of the Borough of Gettysburg relative to the possession and consumption of alcoholic beverages only in certain parklet and pedlet public areas of the Borough in connection with the use of such parklets and pedlets pursuant to the implementation of a pilot testing program within the Borough of Gettysburg; and

WHEREAS, by adoption of Resolution No. 101320-2 on October 13, 2020, the Borough Council continued, extended and renewed the suspension of the prohibitions of Chapter 6, Part 2 of the Code of Ordinances relative to the possession and consumption of alcoholic beverages in connection with the use of parklet and pedlet public areas of the Borough, originally authorized by action of the Borough Council pursuant to Resolution No. 071320-2; and

WHEREAS, in February 2022, the Borough Council was presented with a petition from local residents and business owners requesting an amendment to Chapter 6, Part 2 of the Code of Ordinances in order to allow consumption of alcohol on public property from open containers in order to support and facilitate the continued operation of local businesses and the conduct of special events within the Borough; and

WHEREAS, following presentations and public discussions at meetings and work sessions of the Borough Council, as well as research and inquiries relative to impacts of open container policies in other municipalities, this Resolution has been prepared for consideration of formal action by the Borough Council, for the adoption and implementation of an eight (8) month pilot testing program to allow possession and consumption of alcoholic beverages from open containers within certain designated public areas of the Borough of Gettysburg.

WHEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania, does hereby temporarily suspend the prohibitions of Chapter 6, Part 2 of the Code of Ordinances of the Borough of Gettysburg relative to the possession and consumption of alcoholic beverages only in certain designated public areas of the Borough pursuant to the implementation of the pilot testing program within the Borough of Gettysburg.

WHEREFORE, BE IT FURTHER RESOLVED, that consistent with the pilot testing program to allow the possession and consumption of alcoholic beverages in certain designated public areas of the Borough, eating and drinking establishments within the pilot district, properly licensed by the Pennsylvania Liquor Control Board, may sell alcoholic beverages.

WHEREFORE, BE IT FURTHER RESOLVED, that the possession and consumption of alcoholic beverages pursuant to this Resolution shall be subject to certain rules and restrictions attached hereto and made a part hereof.

The pilot testing program implemented herein shall not supersede any regulations of the Pennsylvania Liquor Control Board or the ordinances or any other applicable laws or regulations of the Commonwealth of Pennsylvania or of the Borough of Gettysburg.

This pilot testing program relative to the possession and consumption of alcoholic beverages in certain designated public areas, as set forth herein, shall commence on May 13, 2022 and shall expire on January 13, 2023.

THIS RESOLUTION DULY ADOPTED according to law on this 9th day of May, 2022, at a duly advertised monthly general business meeting of the Borough Council of the Borough of Gettysburg, Adams County, Pennsylvania.

BOROUGH OF GETTYSBURG

By: _____
Wesley K. Heyser
President of Borough Council

Attest:

Sara L. Stull, Secretary

Alcoholic Beverage Open Containers Pilot Testing Program

Rules and Restrictions

1. **Daily Hours of Program:** The daily hours of the program shall be no later than 11:00 p.m. (or 1:00 a.m. on New Year's Eve). The hours of the program shall be consistent and shall correspond with the provisions of the Gettysburg Borough Comprehensive Noise Ordinance, Chapter 6, Part 10 of the Borough Code of Ordinances and the hours of operation of licensed alcoholic beverage establishments or vendors within the pilot district.
2. **Designated Public Areas:** The designated public areas comprising the pilot district shall be Lincoln Square and the first blocks of Carlisle Street, York Street, Baltimore Street and Chambersburg Street. Appropriate signage shall be erected by the Borough to reasonably inform the public of the limits of the geographic boundaries of the pilot district. The geographic boundaries of the designated public areas are shown on Exhibit "A" which is attached hereto and incorporated herein by this reference.
3. **Permitted Containers:** Only non-breakable, shatterproof containers with stickers provided and affixed to such containers by the sellers of the alcoholic beverages displaying the geographic boundaries of designated public areas of the pilot district.
4. **Suspension/Termination:** This pilot testing program is subject to temporary suspension or termination, by the Borough Manager or the Manager's designee, upon a determination of an immediate threat to the public health, safety and welfare.
5. **Duration of Pilot Program:** The duration of this pilot testing program shall be May 13, 2022 through January 13, 2023.
6. **Limited to Pilot District:** Alcoholic beverages in open containers must be purchased from licensed establishments within the pilot district for consumption only within the designated areas of the pilot district where open containers are permitted as shown on Exhibit "A" attached hereto.

