COUNCIL OF THE CITY OF TITUSVILLE, PENNSYLVANIA

ORDINANCE NO. 3271 - 2020

AN ORDINANCE OF THE CITY OF TITUSVILLE, PENNSYLVANIA AMENDING SECTION 741.01, SECTION 943.03, AND SECTION 943.04 OF THE CODIFIED ORDINANCES OF THE CITY OF TITUSVILLE FOR THE PURPOSE OF PERMITTING THE POSSESSION, SALE, PURCHASE, AND CONSUMPTION OF ALCOHOL ON CITY PROPERTY ONLY UPON APPROVAL BY CITY COUNCIL AND TO CLARIFY PROVISIONS RELATED TO EVENT PERMITS.

WHEREAS, Section 741.01 of the Codified Ordinances of the City of Titusville prohibits the consumption of alcohol and the possession of open containers in City parks, City facilities, and on streets, roads, alleys, and sidewalks within the City; and

WHEREAS, Section 943.03 of the Codified Ordinances of the City of Titusville prohibits the possession of alcohol in City parks and provides for groups to obtain permits for use of City Parks; and

WHEREAS, Section 943.04 of the Codified Ordinances of the City of Titusville prohibits the sale, purchase, possession, and consumption of alcohol at all City owned facilities; and

WHEREAS, City Council desires to provide for limited exceptions to the restrictions on alcoholic beverages;

NOW, THEREFORE, IT IS HEREBY ORDAINED AND ENACTED, by the authority of the Council of the City of Titusville, Pennsylvania assembled at a publicly advertised meeting, as follows:

SECTION 1 – Section 741.01 of the Codified Ordinances of the City of Titusville is hereby amended to state in full as follows:

a) No person shall consume any alcoholic beverage or be in possession of any alcoholic beverage in an open container in any public park in the City, nor on any public street, roadway, alley or sidewalk within the City, nor in or adjacent to any public facility of the City. This provision shall not apply to any person who is lawfully present on Scheide Park, Fleming Park, or the Ed Myer Complex, or any immediately adjacent public street, roadway, alley, sidewalk, or public facility (i) pursuant to a permit issued by City Council specifically allowing the consumption or possession of alcohol at such location and (ii) the

person was issued the permit or the person is the invitee of the person or organization to which the permit was issued.

b) No person shall consume any alcoholic beverages or be in possession of any alcoholic beverage in an open container while in a vehicle parked on a public street, roadway, alley, sidewalk, or public vehicle parking area, or in a vehicle that is on or adjacent to any public park or public facility of the City.

SECTION 2 – Section 943.03(b) is hereby amended to state in full as follows:

A permit shall be required for any group activity or event, including but not limited to parties, festivals, theatrical performances, musical performances, organized sporting events, rallies, protests, and assemblies of twenty (20) or more persons, held on a City park or City property. A permit application on the form developed by the City Manager shall be submitted no less than fourteen (14) days prior to the group activity or event, except in the case of non-commercial events where the focus is on free speech to address new or quickly developing matters of public concern, in which case the permit application shall be submitted no less than three (3) days prior to the group activity or event. Certificates of insurance naming the City of Titusville as an additional insured at an amount equal to or greater than the City's liability insurance limits shall be provided by the group or organizer requesting a permit. The insurance requirement may be waived by the City Council or the City Manager for reunions, small parties, social events, or events involving free speech on matters of public concern where the organizer is a private individual. City Council may impose or modify, by separate resolution, a fee upon an applicant for a permit. All groups and organizers receiving a permit for an activity or event shall be responsible for the conduct of individuals attending the activity or event. By applying for a permit, the group or organizer of an activity or event agrees to defend, indemnify, and hold harmless the City of Titusville and its elected officials, agents, and employees from any liability, debts, claims, demands, or lawsuits arising from the use of the City park or City property during the activity or event.

SECTION 3 – Section 943.03(g) is hereby repealed.

SECTION 4 – Section 943.04(g) is hereby amended to state in full as follows:

It shall be unlawful for any person to have in his possession, custody, or control any alcoholic beverage of any kind whatsoever within any City park or City property. This provision shall not apply to a group or organizer who has been granted a permit by City Council containing specific written permission for the consumption, possession, or sale of alcoholic beverages within Scheide Park, Fleming Park, or the Ed Myer Complex (and any immediately adjacent area covered by the permit) during the dates and times covered by the permit. This provision shall also not apply to such group or organizer's lawful invitees. In the

event City Council specifically permits the consumption, possession, or sale of alcoholic beverages within Scheide Park, Fleming Park, or the Ed Myer Complex, the group(s) or organizer(s) receiving permission shall comply with all provisions of the Pennsylvania Liquor Code and the rules and regulations promulgated thereunder.

SECTION 5 – This Ordinance shall be effective immediately.

SECTION 6 – The Solicitor is directed to amend the Codified Ordinances of the City of Titusville to incorporate the amendments contained herein.

Enacted this 18th day of August, 2020.

ATTEST:

Neil Fratus

Neil Fratus, City Clerk

CITY OF TITUSVILLE

By:

Dennis Peden, Mayor