

ARTICLE IV
CLUBS

History: Adopted by the Board of Supervisors of Center Township as Ordinance No. 99-8-4, August 4, 1999, as amended by Ordinance No. 2007-02-04, February 14, 2007 and Ordinance No. 2013-03-04, March 13, 2013.

§7-401. Definitions

- A. **CLUB:** The term "club" shall be used herein to refer to B.Y.O.B. Clubs and/or Nightclubs and/or Social Clubs. As used herein, a "club" shall not include churches, granges, or fire departments. (*Ord 2013-03-04, 3/12/13, §1*)
- B. **CLUB, B.Y.O.B.:** A place of assembly, other than a private residence, not having a license to dispense alcoholic beverages issued by the Pennsylvania Liquor Board and in which either food, including but not limited to snack food, prepackaged condiments, candy, sandwiches, or nonalcoholic drinks are served and consumed whether sold or offered gratis and where customers are permitted to bring and/or consume alcoholic beverages. This definition also includes what are commonly referred to as "bottle clubs". (*Ord 2013-03-04, 3/12/13, §1*)
- C. **CLUB, NIGHT:** A place of assembly, other than a private residence facility, offering food and/or drink and entertainment, either live or recorded, and characterized by low light levels and closely packed tables, whether or not the consumption of alcoholic beverages is permitted or allowed on the premises. (*Ord 2013-03-04, 3/12/13, §1*)
- D. **CLUB, SOCIAL:** A place of assembly, other than a private residence facility, and other than a B.Y.O.B. Club, and other than a Night Club, where alcohol is consumed. (*Ord 2013-03-04, 3/12/13, §1*)
- E. **CUSTOMER:** Any person visiting or patronizing a club with or without the payment of a fee or other compensation there for. (*Ord 2013-03-04, 3/12/13, §1*)
- F. **PERSON:** Any individual, firm, trust, partnership, public or private association or corporation, or other entity. (*Ord 2013-03-04, 3/12/13, §1*)
- G. **TOWNSHIP:** Center Township, Butler County, Pennsylvania. (*Ord 2013-03-04, 3/12/13, §1*)
- H. **ZONING/CODE ENFORCEMENT OFFICER:** The official or any duly authorized representative of Center Township, who is charged with the administration and enforcement of this Article. (*Ord 2013-03-04, 3/12/13, §1*)

§7-402. Operation

It shall be unlawful for any person or persons, who own, operate, lease, manage or control a club, to operate such club in conflict with the requirements and provisions of this Chapter and the following: (*Ord 2013-03-04, 3/12/13, §2*)

- A. The securing of a club permit. (*Ord 2013-03-04, 3/12/13, §2*)
- B. Liability: In the event any of the unlawful activities specified herein is conducted by or in the name of a corporation, partnership, joint venture, trust, firm or association, in addition to entity liability, the officers, agents or principals of said corporation, partnership, joint venture, trust, firm or association, shall be deemed in violation of this Article, as well as the person or persons engaged in the unlawful activity. (*Ord 2013-03-04, 3/12/13, §2*)
- C. Separate Offenses: The unlawful activities specified herein shall constitute separate and distinct offenses for each and every day in which said activities are conducted. (*Ord 2013-03-04, 3/12/13, §2*)
- D. Requirements: Any and all clubs to which this Article applies, shall, at all times, comply with the following requirements: (*Ord 2013-03-04, 3/12/13, §2*)
 1. Obtain broad form general liability coverage, one million dollars (\$1,000,000.00) single limit per occurrence, proof of which shall be filed with the Township Secretary. (*Ord 2013-03-04, 3/12/13, §2*)
 2. Possess a valid certificate of occupancy issued by Center Township and prominently display said certificate as required; (*Ord 2013-03-04, 3/12/13, §2*)
 3. Obtain an annual fire/safety inspection of the premises by the Township Zoning/Code Enforcement Officer. The Township Zoning/Code Enforcement Officer may require outside consultants for special circumstances at facility owner's expense. (*Ord 2013-03-04, 3/12/13 §2*)
 - a. No Club shall be established, maintained or operated if such action is likely to cause, in the reasonable opinion of the Township Zoning/Code Enforcement Officer, any structural, fire, safety, health or other hazard. Any existing permitted club deemed likely to cause such hazard shall surrender its permit and cease operation immediately upon receipt from the Township Board of Supervisors written notice of such hazard. (*Ord 2013-03-04, 3/12/13 §2*)

4. Obtain a valid club permit from the Township pursuant to this Chapter and prominently display said permit as required; (*Ord 2013-03-04, 3/12/13 §2*)
5. Conspicuously post the hours of operation at the premises such that customers are sufficiently apprised of the same; (*Ord 2013-03-04, 3/12/13 §2*)
6. Conspicuously post the number of occupants permitted at the premises such that customers are sufficiently apprised of the same. (*Ord 2013-03-04, 3/12/13 §3*)
7. After 10 PM, all clubs where alcohol is consumed shall provide qualified interior security personnel of a number equaling one security person per every 150 occupants, or any portion thereof. For example if the occupancy level is 151, two (2) security personnel are required. If the occupancy level is 50, one (1) security person is required. (*Ord 2013-03-04, 3/12/13 §4*)

§7-403. Application for Permit

- A. Any person or persons desiring to operate or continue to operate a club shall file with the Township Secretary an application for a club permit, which application shall include the following information: (*Ord 2013-03-04, 3/12/13 §6*)
 1. The name and address of the club; (*Ord 2013-03-04, 3/12/13 §6*)
 2. The business address of the lessor or of the business premises, if applicable; (*Ord 2013-03-04, 3/12/13 §6*)
 3. The nature of the ownership of the club, i.e. corporation, partnership, joint venture, association; (*Ord 2013-03-04, 3/12/13 §6*)
 4. The names and addresses of any and all persons who possess an ownership and/or financial interest in the club [Note: physical address and mailing address required for all]; and (*Ord 2013-03-04, 3/12/13 §6*)
 5. A notarized statement that the club will comply with the requirements of this Chapter and any amendments thereto, along with a detailed description of club activities. (*Ord 2013-03-04, 3/12/13 §6*)
- B. The Township Zoning/Code Enforcement Officer shall determine whether the club fully and completely complies with the provisions and requirements of this Chapter and all other Township ordinances within

thirty (30) days following the date on which the application is received. If the Township Zoning/Code Enforcement Officer determines that the applicant fully and completely complies with the provisions hereof, he shall issue a club permit; if the Township Zoning/Code Enforcement Officer determines that the applicant does not fully and completely comply with the provisions hereof, he shall deny the issuance of the club permit and shall furnish written evidence of the same to the applicant and the Township Board of Supervisors together with the reason(s) for the denial. (*Ord 2013-03-04, 3/12/13 §6*)

- C. The club shall pay a permit fee in the amount set forth from time to time by resolution of the Center Township Board of Supervisors. Club permit shall be effective for a period of one (1) year following the date of issuance; provided, that in the event club fails to fully and completely comply with the provisions hereof during the term Club permit so issued, the Township Zoning/Code Enforcement Officer shall have the authority to revoke the club permit due to club's lack of compliance. (*Ord 2013-03-04, 3/12/13 §6*)
- D. The Township Zoning/Code Enforcement Officer shall not be required to act on any application not received in proper form as described herein. (*Ord 2013-03-04, 3/12/13 §6*)

§7-404. Hours of Operation

- A. Prohibited Hours (*Ord 2013-03-04, 3/12/13 §7*)

It shall be unlawful for any person to operate, or for any customer to visit or patronize a Club between the following hours; (*Ord 2013-03-04, 3/12/13 §7*)

Exception: Nothing herein shall be deemed to prohibit the owner or operator or employees of the owner or operator of a Club from preparation of food or drink during prohibited operating hours provided such food or drink is not served or sold between such hours. (*Ord 2013-03-04, 3/12/13 §7*)

1. 11PM Monday and 8 AM Tuesday. (*Ord 2013-03-04, 3/12/13 §7*)
2. 11PM Tuesday and 8 AM Wednesday. (*Ord 2013-03-04, 3/12/13 §7*)
3. 11PM Wednesday and 8 AM Thursday. (*Ord 2013-03-04, 3/12/13 §7*)
4. 11PM Thursday and 8 AM Friday. (*Ord 2013-03-04, 3/12/13 §7*)
5. 2AM Saturday and 8 AM Saturday. (*Ord 2013-03-04, 3/12/13 §7*)

6. 2AM Sunday and 8 AM Monday. (*Ord 2013-03-04, 3/12/13 §7*)
7. All day Christmas Day. (*Ord 2013-03-04, 3/12/13 §7*)

B. Certificate of Waiver (*Ord 2013-03-04, 3/12/13 §7*)

The Township MAY permit, by certificate of waiver, the operation of a club for a special event during prohibited hours provided ALL of the following requirements are met; (*Ord 2013-03-04, 3/12/13 §7*)

1. The club operator makes written request detailing activity to take place including but not limited to; (*Ord 2013-03-04, 3/12/13 §7*)
 - a. Name and address of club (*Ord 2013-03-04, 3/12/13 §7*)
 - b. Name, address and contact phone number of event organizer. (*Ord 2013-03-04, 3/12/13 §7*)
 - c. Name and explanation of event. (*Ord 2013-03-04, 3/12/13 §7*)
 - d. Approximate attendance. (*Ord 2013-03-04, 3/12/13 §7*)
 - e. Date and hours event to be held. (*Ord 2013-03-04, 3/12/13 §7*)
 - f. Security arrangements for the event. (*Ord 2013-03-04, 3/12/13 §7*)
 - g. Other applicable information requested by the Township. (*Ord 2013-03-04, 3/12/13 §7*)
2. Written request for waiver must be made at least 60 days prior to the event. (*Ord 2013-03-04, 3/12/13 §7*)

Written request for waiver shall in no way be construed as approval and/or issuance of a certificate. The Township shall NOT issue a certificate to any club with a past history of neighbor complaints and/or past ordinance compliance deficiencies. (*Ord 2013-03-04, 3/12/13 §7*)

C. Liquor Control Board Hours of Operation (*Ord 2013-03-04, 3/12/13 §7*)

Nothing in this chapter shall be deemed to regulate the hours of operation of any establishment which is a licensee of the Pennsylvania Liquor Control Board and whose hours and other aspects of operation are regulated by that Board. To the extent that clubs are not regulated by the laws of the Commonwealth of Pennsylvania, and to the extent that

such regulation is not preempted by the law of the Commonwealth of Pennsylvania, the provisions and regulations contained in this chapter shall apply. (*Ord 2013-03-04, 3/12/13 §7*)

Editor's Note: See now, 18 Pa C.S. § 7328(b) of the Crimes Code, regarding local options. (Ord 2013-03-04, 3/12/13 §7)

§7-405. Prohibited Activities

The following activities are expressly prohibited unless specifically stated otherwise in this Chapter: (*Ord 2013-03-04, 3/12/13 §8*)

- A. Any activity considered adult entertainment by the Township's Zoning Ordinance. (*Ord 2013-03-04, 3/12/13 §8*)
- B. Any noise or sound which annoys or disturbs a reasonable person of reasonable sensitivities. (*Ord 2013-03-04, 3/12/13 §8*)
- C. Any activity which causes a noise or sound sufficient to disturb the peace and general tranquility of the neighboring public. As used herein, a noise or sound sufficient to disturb the peace and general tranquility of the neighboring public means a noise or sound which annoys or disturbs a reasonable person of reasonable sensitivities. (*Ord 2013-03-04, 3/12/13 §8*)
- D. Any activity which exceeds occupant limits of the structure. (*Ord 2013-03-04, 3/12/13 §8*)
- E. Any activity which exceeds parking limits of the site. (*Ord 2013-03-04, 3/12/13 §8*)

§7-406. Penalty

Any person, persons, or entity violating the provision of this Article shall, upon conviction thereof, be sentenced to a fine not exceeding six hundred dollars (\$600.00) and/or to imprisonment not exceeding ninety (90) days or both. Each day during which a violation of this Article continues shall be construed as a separate violation of this Article. (*Ord 2013-03-04, 3/12/13 §9*)