

ARTICLE VIII
BYOB ESTABLISHMENTS

§7-801. Short Title

This Article may be cited as the " Center Township BYOB Article."

§7-802. Purpose

BYOB Establishments, if not properly regulated/operated, present grave health, safety and welfare concerns for the Township. Improperly regulated/operated BYOB establishments have a tremendous negative impact upon the quality of life, safety and health of the neighborhoods where they are located. Improperly regulated/operated BYOB establishments are a financial burden to the Township by the repeated calls for service to the properties. This Article is enacted to direct, regulate and provide provisions relating to bring-your-own-bottle (BYOB) activities. This remedy is not an exclusive remedy available under any state or local laws, and may be used in conjunction with such other laws.

§7-803. Definitions

For purposes of this Article, the following words or phrases shall have the meaning prescribed below:

Alcoholic Beverages - the term shall include liquor, malt or brewed beverages, or any other intoxicating substances as further defined in Chapter 47, §1-102 of the Pennsylvania Liquor Code, which are defined as follows:

1. **Liquor** - includes any alcoholic, spirituous, vinous, fermented or other alcoholic beverage, or combination of liquors and mixed liquor a part of which is spirituous, vinous, fermented or otherwise alcoholic, including all drinks or drinkable liquids, preparations or mixtures and reused, recovered, or redistilled denatured alcohol usable or taxable for beverage purposes, which contain more than 0.50% of alcohol by volume, except pure ethyl alcohol and malt or brewed beverages.
2. **Malt or Brewed Beverages** - Any beer, lager beer, ale, porter or similar fermented malt beverage containing 0.50% or more of alcohol by volume, by whatever name such beverage may be called.

Business - as defined in Chapter 18 Section 18-201(A) of the Center Township Codification of Articles, shall include any enterprise, activity, profession or any other undertaking conducted for profit or ordinarily conducted for profit including but not limited to dealing into vending, at wholesale and /or retail goods wares and merchandise and engaging in conducting restaurants or other places where food, drink or refreshments are sold; financial businesses; those enterprises engaged in by hotel operators motel operators, office and / or residential apartment building operators and any other entity or person listed in the for profit person, partnership, facility or corporation engaged in commerce, manufacturing, or a service that is not licensed by the Pennsylvania Liquor Control Board (PLCB)and has a valid Township Business License.

Business License - A permit to operate an enterprise that is typically required by a government authority before operation commences. Obtaining a business license usually involves paying a small fee along with submitting an application to the appropriate federal, state, county or local government agency.

BYO and/or BYOB - the term is meant to stand for "bring your own bottle," "bring your own beer," "bring your own beverage," "bring your own bag," or "bring your own booze." The practice of an individual bringing any alcoholic beverage to an establishment or property from another location for the purpose of consumption by either themselves or others.

BYOB Business Operation Permit - a permit issued by the Township authorizing a business to operate as a BYOB within the Township in accordance with the regulations set forth herein.

BYOB Establishment - any business facility, such as a dance hall, club, restaurant, meeting room or association, not licensed by the PLCB, wherein patrons 21 years of age and older may consume alcoholic beverages, which said patrons or others have carried onto the premises. Such may or may not require payment of any entry fee, cover charge, or membership fee, or associated with the purchase of non-alcoholic beverages or food.

BYOB Facility - any properly licensed BYOB within the Township.

BYOB Special Event Permit - a permit issued by the Township authorizing a non-profit, charitable organization, religious entity, or other community organization to hold a BYOB special event within the

Township in accordance with the regulations set forth herein.

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”.

Control - means the ability to regulate, restrain, dominate, counteract or govern property, or conduct that occurs on a property;

Patron - an individual who is a customer, client, paying guest, or the like.

Person - means natural person, joint venture, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, officer or employee of any of them;

Person Responsible for the Property or Person Responsible - means, unless otherwise defined, any person who has titled ownership of the property or structure which is subject to this Article, an occupant in control of the property or structure which is subject to this Article, a developer, builder, or business operator or owner who is developing, building or operating a business on the property or in a structure which is subject to this Article and/or any person who has control over the property to include a manager or employee.

Premises and Property - may be used by this Article interchangeably and means any public or private building, lot, parcel, dwelling, rental unit, real estate or land or portion thereof including property used as a residential or commercial property and or any structure either permanently affixed or temporarily placed to include vehicles, trailers and the like;

Residential District - for the purposes of this Article Residential District shall mean any area of the Township that is zoned any type of residential in accordance with Center Township Chapter 20 to include R1,R1A, R2 and R3.

Township - shall mean Center Township or its agents such as Police, Fire, Code and or any other duly appointed official working for the Township.

Wine - an alcohol drink made from fermented grapes/fruit juice.

§7-804. Authorization of BYOB Operations via BYOB Operations Permit

BYOB Operations, as herein defined, shall be permitted in the Township subject to the following conditions:

- A. Any person or business who/which desires to operate as a BYOB facility must apply to the Township for a BYOB Business Operation Permit pursuant to policies promulgated and fees established by the Township Board of Supervisors from time-to-time, and administered by the Township Code Enforcement Office License and Permit section.
- B. The BYOB Business Operation Permit shall be prominently displayed at or near the main entrance to the business in which the BYOB Operation is to occur. Lamination or Framing is acceptable but at no time shall the permit be displayed in a fashion that it is not readily and completely visible by any member of the public or any Township official who arrives at the facility and is at or near the entrance.
- C. Any and all BYOB facilities and any and all perspective BYOB facilities shall obtain and keep in force broad-form general liability insurance coverage, in the amount of one million (\$1,000,000) dollars, naming the Township as an additional insured.
- D. Proof of this insurance shall be filed with the Center Township Building Department at the time of the application for a BYOB Business Operation Permit.
- E. Should the BYOB facilities insurance carrier change throughout the year, it shall be the responsibility of BYOB facilities person who is responsible for the property to provide an updated copy to the Center Township Building Department within seventy-two (72) hours of the change.
- F. A BYOB Operation must be in compliance with all applicable federal, state and municipal laws and codes, including, but not limited to the Pennsylvania Uniform Construction Code, as administered by the Township, the Property Maintenance Code,

- as adopted by the Township, and Township Zoning Code.
- G. Any business in which or property on which a BYOB Operation is to take place must obtain and display a valid Township Business License.
 - H. Any business that desires to be a BYOB Operation shall apply and successfully obtain a Township BYOB Business Operation Permit prior to such operation taking place.
 - I. Any business that desires to be a BYOB Operation and any person responsible for the property shall be in good standing with all monies owed to the Township.
 - J. Any business that desires to be a BYOB Operation or have one take place shall have to be in good standing with any and all federal, state and municipal inspections;
 - K. Any business that desires to be a BYOB Operation and any person responsible for the property shall not have been deemed a nuisance property or the person responsible for the property deemed a nuisance as defined by Township Ordinance within the past two (2) years.
 - L. All BYOB Operations must post the BYOB Business Operation Permit at or near the main entrance of any facility in which or property on which a BYOB Operation is taking place, fully visible to patrons from outside the facility.
 - M. BYOB Operations License shall not be issued to any applicant, entity, non-profit, charitable organization, religious entity, or other community organization were the license would be located within any Residential District.
- §7-805. Authorization of BYOB Operations via BYOB Special Event Permit**
- A. A permit issued by the Township authorizing a non-profit, charitable organization, religious entity, or other community organization to hold a BYOB special event within the Township shall be granted to eligible organizations.
 - B. Any and all BYOB Special Event Permit requests shall obtain and keep in force broad-form general liability insurance coverage, in the amount of one million (\$1,000,000) dollars naming the Township as an additional insured covering the time of the event.
 - C. Proof of this insurance shall be filed with the Township License and Permit Clerk at the time of the application for a BYOB Special Event Permit.
 - D. A BYOB Special Event Permit shall be valid for up to forty-eight (48) hours running consecutively (two (2) day event), during which time, alcoholic beverage consumption shall be restricted to the hours allowed by this Article.
 - E. A BYOB Special Event Applicant shall be authorized to host up to one special event per month.
 - F. Each and every special event where BYOB is to take place shall require a separate permit and application process.
 - G. Any person non-profit, charitable organization, religious entity, or other community organization who/which desires to obtain a BYOB Special Event Permit pursuant to policies promulgated and fees established by the Center Township Board of Supervisors from time-to-time, and administered by the Township Code Enforcement Office License and Permit section.
 - H. Any person non-profit, charitable organization, religious entity, or other community organization who/which desires to obtain a BYOB Special Event must be in compliance with all applicable Federal, State and Municipal laws and codes, including but not limited to the Pennsylvania Uniform Construction Code as administered by the Township, the Property Maintenance Code as adopted by the Township and the Township Zoning Code.
 - I. A Township Business License shall not be required for a BYOB Special Event Permit.

- J. Any person non-profit, charitable organization, religious entity, or other community organization who/which desires to obtain a BYOB special Event shall apply and successfully obtain a Township BYOB Special Event Permit prior to such operation taking place.
- K. All BYOB Special Events and any Person responsible for the property of a BYOB Special Event and any BYOB Special Event facilitator shall be in good standing with all monies owed to the Township.
- L. All BYOB Special Events and any Person responsible for the property of a BYOB Special Event and any BYOB Special Event facilitator shall have to be in good standing with any and all Federal, State and Municipal inspections.
- M. All BYOB Special Events and any Person responsible for the property of a BYOB Special Event shall not have been deemed a nuisance property or the Person responsible for the property a nuisance was declared upon as defined by Township Ordinance within the past two (2) years.
- N. All BYOB Special Events must post the BYOB Special Events Permit at or near the main entrance of any facility in which or property on which a BYOB Special Events is taking place, fully visible to patrons from outside the facility. Should the Special Events be in an open air environment, the BYOB Special Events Permit shall be placed in a window of a building and or a window of a vehicle owned by the BYOB Special Event facilitator and on location. The BYOB Special Event Permit must at all times be readily visible and readable to the public or any Township official who arrives at the facility and is at or near the entrance.

§7-806. Performance Standards

- A. No alcohol may be consumed in the permitted premises between the hours of 10:00 P.M. and 10:00 A.M.
- B. Entertainers are prohibited from coming into physical contact with any patron while performing. Entertainers in the interior of a BYOB establishment's building shall not be visible from outside that building.
- C. Gambling of any type, lotteries, and gambling devices are prohibited on the premises.
- D. Alcoholic beverages may not be consumed by persons under twenty-one (21) years old.
- E. No alcoholic beverages may be served to any adult in a booth or table where a minor is seated, unless the minor is accompanied by a parent or legal guardian, and is properly supervised.
- F. The consumption of alcoholic beverages on the premises by visibly intoxicated persons shall be prohibited.
- G. Business owners and employees shall not be visibly intoxicated on the premises.
- H. Alcoholic beverages shall not be offered as a prize for any activity conducted on the premises.
- I. All employees/staff/members of Applicant shall be Pennsylvania RAMP (Responsible Alcohol Management Program) certified. The Applicant must submit copies of all RAMP certifications for all employees to Center Township. Applicant will be allowed 30 days to submit same as to any new employee who is training for and seeking such certification, provided that each such new employee shall work only under the direct supervision of a RAMP certified employee until the new employee is so certified and a copy of the certification received by the Township.
- J. Alcoholic beverages are limited to wine and beer. No liquor shall be permitted. If a patron brings any liquor product, the manager must refuse service until the liquor is removed from the premises.
- K. No Alcoholic Beverages may be personally served by the applicant or employee(s).
- L. No Alcoholic Beverages may be purchased/provided from within or on the premises
- M. A patron/persons appearing to be under the influence of alcohol or any other drug may not be allowed to consume Alcoholic Beverages on the establishment's premises.

- N. A valid driver's license with a photograph or other acceptable form of identification; a valid passport or passport card issued by the United States government, or a valid passport issued by a government of a foreign country recognized by the United States government; or a valid United States issued military identification card must be provided by any patron upon request by the service staff if age is in question. (The Applicant should use a peripheral age as a guideline for "carding" a customer. For example, anyone who appears to be under the age of 27 must be carded)
- O. The Licensee shall monitor alcohol consumption so as to maintain the same control as would be found in a full service establishment licensed under Pennsylvania Liquor Control Board (example: if someone brings in a six pack, it doesn't mean that person should be allowed to consume it all).
- P. Partially empty or open containers shall not be permit to leave the establishment/tenant space/premises. All partially empty or open containers must be disposed of onsite.
- Q. Each B.Y.O.B. establishment must undergo an annual inspection by the Center Township Department of Building Safety which involves an inspection of the premises and for the Licensee or manager to provide a current employee roster and each employee's respective RAMP Certification to ensure that each such certification is current prior to the Township Zoning Department renewing the BYOB license.
- R. Food, water and restrooms must be available for patrons.
- S. Performance Standards must be posted at or near the main entrance of all facilities.

§7-807. Inspections

Prior to the Township issuing any type of BYOB permit, the Township Building Department shall conduct a proper inspection to include verifying the building is up to all proper standards. At the time of the inspection the Building Department shall set the occupancy limit for the BYOB permit. This occupancy limit shall be properly and prominently displayed at the entrance to the place being permitted as a BYOB.

§7-808. Term

BYOB Business Operations Permits shall be effective for a period of one (1) year, and, regardless of date of issue, shall end on December 31st of the issuing year.

§7-809. Fees

The fee for permits may be established, from time to time, by Resolution of the Board of Supervisors.

§7-810. Violations and Penalties

- A. Any person or entity who violates any provision of this Article, upon conviction in a summary proceeding, shall be sentenced to pay a fine of not less than one hundred (\$100) dollars nor more than six hundred (\$600) dollars, plus costs of prosecution per violation, and, in default of payment of the same, to undergo imprisonment for not more than thirty (30) days. This shall include the individual operator, manager, owner or patron as appropriate.
- B. Multiple offenses occurring on the same day shall constitute separate violations with regard to prosecution and/or administrative proceedings. The fact that multiple violations occurred at or on the same day shall not allow for said violations to be combined and counted as one single offense.
- C. Enforcement shall be by the Township Code Enforcement Office and/or designee.

§7-811. Grandfathering

- A. This Article applies to any and all existing BYOB establishments in the Township, which are fully bound by all provisions regulating same herein, upon adoption of this Article. All permits required by this Article shall be obtained by any and all existing BYOB establishments in the Township within 30 days of adoption of this Article

§7-812. Revocation

- A. In the event the BYOB Operation fails to fully and completely comply with the provisions hereof or is convicted of any unlawful activities as defined in this article during the term of the BYOB Permit so issued, the Township Code Enforcement

Office shall have the authority to revoke the BYOB Permit for a period of six (6) months.

- B. Permit and revocation decisions shall be made by the Township Code Enforcement Office and/or designee. Any person aggrieved by such a decision may appeal to the Board of Supervisors. The Township shall, upon filing such appeal, consent to any request by a permit applicant or a person whose permit has been revoked expedited review to such appeal.

§7-813. Summary Closure

Nothing in this Article prohibits the Township from taking any emergency action for the summary closure of such property when it is necessary to avoid an immediate threat to public welfare and safety.