

ARTICLE 336
B.Y.O.B. Club

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CROSS REFERENCES

Alcoholic beverages, unlicensed sale - see GEN. OFF. Art. 715
Disorderly conduct and disturbing the peace - see GEN. OFF. Art. 713
Noise - see GEN. OFF. Art. 714

336.01 DEFINITIONS.

(a) "B.Y.O.B. restaurant" means an establishment primarily offering sit-down counter or table services with entertainment and/or serving food prepared on the premises for on-premises consumption, which also allows customers and patrons to bring beer, wine, or other alcoholic beverages or malts for on-premises consumption which are purchased or obtained off the premises. Excluded from this definition is a B.Y.O.B. Club.

(b) "B.Y.O.B club" means any building, structure, or portion of structure not licensed by the Pennsylvania Liquor Control Board, wherein persons may, after payment of entry fee, cover charge, membership fee, set-up fee, or similar payment in money or in-kind, consume alcoholic beverages, which beverages said persons have brought onto the subject premises or purchased therein. This definition does not include facilities rented for a period of time, not to exceed twelve hours for the purpose of a private party.

(c) "Alcoholic beverages" means any and all beverages, including malt beverages, which contain alcohol, liquor or such other intoxicating substances as are further defined in the Pennsylvania Liquor Code, 47 P.S. §1-101 et seq.

(d) "Residence" means a building or structure wholly or partially used for living, sleeping, eating, cooking and sanitation by human occupants.

(e) "Residential Zoning District" means those classes of residential zoning districts specified in the Zoning Ordinance Article 1303 Planning and Zoning of the Codified Ordinance of the City of York. (Ord. 24-1995 §1. Passed 12-5-95.)

336.02 CLUB PERMIT.

(a) Any person or persons desiring to operate or continue to operate a B.Y.O.B. Club or Restaurant shall file with the Revenue Office an application for a B.Y.O.B. permit, which application shall include the following information: The name and address of the B.Y.O.B. Club or Restaurant, a statement whether the business premises is leased or owned by the B.Y.O.B. Club or Restaurant, the name and address of the lessor of the business premises, if applicable, the nature of the ownership of the B.Y.O.B. Club or Restaurant, i.e. corporation, partnership, joint venture, association, the names and addresses of the officers and/or agents of the B.Y.O.B. Club or Restaurant, and a notarized statement the B.Y.O.B. Club or Restaurant complies with the requirements of Section 336.03.

(b) The Police Department shall determine whether the B.Y.O.B. Club or Restaurant fully and completely complies with the provisions and requirements of this article within ten working days following the date on which the application is received. If the Police Department determines that the applicant fully and completely complies with the provisions hereof, they shall issue a B.Y.O.B. permit; if the Police Department determines that the applicant does not fully and completely comply with the provisions hereof, they shall deny the issuance of a B.Y.O.B. permit and shall furnish written evidence of the same to the applicant together with the reason(s) for denial.
(Ord. 24-1995 §1. Passed 12-5-95.)

336.03 REQUIREMENTS

The applicant must submit proof that all requirements are addressed before the issuance of the license.

- (a) Bonding. Clubs must obtain and carry a bond form general liability coverage, one million dollars (\$1,000,000) single limit per occurrence, proof of which shall be filed with the Revenue Office.
- (b) City Codes. The facility must be in compliance with all applicable City health, building and fire codes. City zoning requirements of Part 13, Planning and Zoning Code, must be complied with.
- (c) Business License. The facility must obtain a valid business privilege/mercantile license from the City and prominently display said license as required.
- (d) Amusement Permit. The facility must obtain an amusement permit pursuant to Article 349 Admission Tax, if applicable, and prominently display said permit as required.
- (e) Mechanical Amusement. The facility must obtain an operator license relating to mechanical amusement pursuant to Article 335, Mechanical Amusement Devices, if applicable, and prominently display said license as required.
- (f) Food License. The facility must obtain a food license pursuant to Article 1105 Health and Sanitation Code Licensing of the Codified Ordinances, if applicable, and prominently display said license as required.
- (g) Signage. The facility must conspicuously post the hours of operation at the business premises such that patrons are sufficiently apprised of the same.
(Ord. 24-1995 §1. Passed 12-5-95.)

336.04 PERFORMANCE STANDARDS.

The facility must be in compliance with requirements provided in this subsection at all times.

- (a) Unlicensed Sale of Alcoholic Beverages. The unlicensed sale of alcoholic beverages is prohibited. The facility must be in compliance with Article 715, Unlicensed Sale of Alcoholic Beverages, of the Codified Ordinances.
- (b) Entertainment. Entertainers are prohibited from coming into contact with any patron in a lewd, immoral, improper or unlawful manner. Entertainers on the interior of the premises shall not be visible from outside the premises.
- (c) Gambling. In B.Y.O.B Clubs, gambling, lotteries and gambling devices are prohibited on the premises.
- (d) Public Indecency and Disorderly Conduct. Acts of public indecency shall not be committed on the premises. The facility must be in compliance with Article 713, Disorderly Conduct and Disturbing the Peace, of the Codified Ordinances.
- (e) Noise. The facility must be in compliance with noise performance standards of Section 1307.02, Noise, and Article 714, Noise, of the Codified Ordinances.
- (f) Minors. Alcoholic beverages may not be consumed by minors under twenty-one years old.
- (g) Records. Accurate and complete records shall be maintained for the operation of the business.
- (h) Intoxicated Persons. The consumption of alcoholic beverages by visibly intoxicated persons shall be prohibited.
- (i) Employees. Business owners and employees shall not be visibly intoxicated on the premises.
- (j) Prizes. Alcoholic beverages shall not be offered as a prize.
(Ord. 24-1995 §1. Passed 12-5-95.)

336.05 PERMIT FEES; TERM; REVOCATION.

(a) Fee Schedule. Any restaurant desiring to permit B.Y.O.B. activities shall pay an administrative fee of one hundred dollars (\$100.00) for a B.Y.O.B. permit and fifty dollars (\$50.00) for each renewal thereof. Any Club, with or without serving food, desiring to permit B.Y.O.B. activities shall pay an administrative fee of one thousand dollars (\$1000) for a B.Y.O.B. Club permit and fifty dollars (\$50.00) for each renewal thereof.

(b) Determination of Permit Type. The City will inspect the facility as to determine the type of facility that is operated. The City shall refuse to issue a B.Y.O.B. Restaurant license if the Police Department determines that the proposed facility is primarily a Club.

(c) Permit Length. B.Y.O.B. permits shall be effective for a period of one year from January 1st to December 31st. The renewal fee rate is applicable for uninterrupted operations. Suspended, revoked or temporarily terminated permits are subject to the original license fee.

(d) Permit Revocation. In the event the B.Y.O.B. Club or Restaurant fails to fully and completely comply with the provisions hereof or is convicted of any unlawful activities as defined in the Zoning Ordinance and this article during the term of the B.Y.O.B. permit so issued, the Police Department shall have the authority to revoke the B.Y.O.B. permit due to B.Y.O.B. Club's or Restaurant's lack of compliance.
(Ord. 24-1995 §1. Passed 12-5-95.)

336.99 PENALTY

(a) In the event of any of the unlawful activities specified in this article are conducted by or in the name of a corporation, partnership, joint venture, trust, firm or association, in addition to the 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.

(b) Whoever violates any provision of this article shall, upon conviction thereof be fined not more than one thousand dollars (\$1,000) and in default of payment thereof shall be imprisoned not more than ninety-days (90-days).

(c) Each day any itinerant B.Y.O.B. Club owner and/or operator conducts such business in violation of the provisions of this article shall be a separate offense.
(Ord. 1-2009. Passed 1-6-09.)