

ARTICLE 736 **Error! Bookmark not defined.**

Rules and Regulations for B.Y.O.B. Clubs
Not Licensed by the Pennsylvania Liquor
Control Board within the City of Bethlehem

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CROSS REFERENCES

Article 1302 of the Codified Zoning Ordinance, City of Bethlehem
Article 1313 of the Codified Zoning Ordinance, City of Bethlehem

736.01 PURPOSE

The Council of the City of Bethlehem hereby declares that the purpose of the within Rules And Regulations is to regulate B.Y.O.B. Clubs to preserve the character of neighborhoods and to protect the rights of its citizens to the quiet enjoyment of the same.

736.02 DEFINITIONS

"B.Y.O.B. Club" a place of assembly or any other use defined in this Ordinance, other than a dwelling unit, including but not limited to, taverns, clubs, and social buildings, that is not licensed by the Pennsylvania Liquor Control Board, in which no alcoholic beverages are sold, but where patrons are permitted to bring alcoholic beverages upon the premises for their own use and consumption. A facility which is rented for a limited period of time, but in no event to exceed six (6) hours in length, nor to exceed one (1) rental in a twenty-four (24) hour period, nor to occur between the hours of 12:00 p.m. midnight and 11:00 a.m. by individuals or an organization for the purpose of a private party in which alcoholic beverages are carried onto the premises, shall not be considered a B.Y.O.B. Club under the terms hereof. B.Y.O.B. Club shall not include a restaurant as defined at Section 1302.75, as amended, of the Codified Ordinances of the City of Bethlehem.

"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. Section 1-101 et seq.

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

"Residence District" means those classes of residential districts as specified in the Codified Ordinances of the City of Bethlehem.

736.03 UNLAWFUL ACTIVITIES

In any district in which B.Y.O.B. Clubs are otherwise permitted, it shall be unlawful for any person or persons who own, operate, lease, manage or control a B.Y.O.B. Club to:

(a) Remain open and/or to transact business between the hours of midnight and 11:00 a.m., prevailing time. In all cases, the premises must be vacated within fifteen (15) minutes after the required closing time.

(b) Conduct activities to which this Ordinance applies without possessing a valid Club permit as specified herein.

(c) The principal structure of a B.Y.O.B. Club shall not be located within three hundred (300') feet from the nearest property line of any residential district, church, school, other institution of learning or education, hospital, library, park, and /or playground.

736.04 CLUB REQUIREMENTS

Any and all B.Y.O.B. Clubs, as that term is defined, shall comply with the following requirements:

(a) Obtain and carry general liability coverage in the minimum amount of, \$1,000,000 per occurrence, proof of which shall be filed with the Commissioner of Police;

(b) Possess a valid certificate of occupancy issued by the Pennsylvania Department of Labor and Industry and the City of Bethlehem and prominently display said certificate as required;

(c) Obtain a valid business privilege and mercantile tax license from the City of Bethlehem and prominently display said license as required;

(d) Obtain a valid City of Bethlehem permit and prominently display said permit as required;

(e) Obtain a valid B.Y.O.B. Club permit pursuant to this Article and prominently display said permit as required; and

(f) Conspicuously post the hours of operation at the business premises such that patrons are sufficiently apprised of same.

736.05 CLUB PERMIT

(a) Any person or persons desiring to operate or continue to operate a B.Y.O.B. Club shall file with the Commissioner of Police of the City of Bethlehem an application for a B.Y.O.B. Club permit, which application shall include the following information: the name and address of the B.Y.O.B. Club, a statement whether the business premises is leased or owned by the B.Y.O.B. Club, 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, i.e. corporation, partnership, joint venture, association, the names and addresses of the officers and/or financial interest in the B.Y.O.B. Club.

(b) The Commissioner of Police shall determine whether the B.Y.O.B. Club fully and completely complies with the provisions and requirements of this Ordinance within twenty (20) days following the date on which application is received. If the Commissioner of Police determines that the applicant fully and completely complies with the provisions hereof, the Commissioner of Police shall issue a B.Y.O.B. Club permit; if the Commissioner of Police determines that the applicant does not fully and completely comply with the provisions hereof, the Commissioner of Police shall deny the issuance of a B.Y.O.B. Club permit and shall furnish written evidence of the same to the applicant together with the reason(s) for denial.

(c) The Club shall pay an administrative fee of two hundred and fifty dollars (\$250.00) for a B.Y.O.B. Club permit and two hundred and fifty dollars (\$250.00) for each renewal thereof. Said B.Y.O.B. Club permit shall be effective for a period of one year following the date of issuance; provided, in the event the B.Y.O.B. Club fails to fully and completely comply with the provisions hereof or is convicted of any unlawful activities during the term of the B.Y.O.B. Club permit so issued, the City of Bethlehem shall have the authority to revoke the B.Y.O.B. Club permit due to B.Y.O.B. Club's lack of compliance.

736.99 PENALTY

(a) Any person, persons, or entity violating the provisions of this Ordinance shall, upon conviction thereof, be subject to a penalty in amount of Three Hundred Dollars (\$300.00) for each day of such violation, and any and all other remedies available in accordance with the Codified Ordinances of the City of Bethlehem

and the laws of the Commonwealth of Pennsylvania.

(b) The unlawful activities specified herein shall constitute separate and distinct offenses for each and every day in which said activities are conducted.

(c) In addition to any monetary penalties involved, the City of Bethlehem shall revoke the Club Permit required upon conviction of any unlawful activities.

(d) In the event of any of the unlawful activities specified herein are 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, as well as the person or persons engaged in the unlawful activity.

(Ord. 3948 - Passed 4/6/99.)