

CITY OF JEANNETTE
WESTMORELAND COUNTY, PENNSYLVANIA

BILL NO. 18-15

ORDINANCE NO. 18-14

AN ORDINANCE OF THE CITY OF JEANNETTE, WESTMORELAND COUNTY, PENNSYLVANIA; DEFINING AND REGULATING BOTTLE CLUBS; REQUIRING REGISTRATION OF BOTTLE CLUBS; MAKING CERTAIN CONDUCT RELATING TO BOTTLE CLUBS UNLAWFUL; PROVIDING FOR ENFORCEMENT AND PENALTIES; REPEALING ALL INCONSISTENT ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Jeannette has the power and authority to regulate bring your own bottle clubs (BYOB clubs); and

WHEREAS, the City of Jeannette has determined that bottle clubs (BYOB clubs), because they are not wholly regulated by the Pennsylvania Liquor Control Board or the Pennsylvania State Police Bureau of Liquor Control Enforcement, may constitute or create nuisances or conditions that are detrimental to the public peace, health, safety, and morals; and

WHEREAS, the Third Class City Code, 53 P.S. § 37403(16), affords the City of Jeannette with the power “to prohibit nuisances;” and

WHEREAS, the Third Class City Code, 53 P.S. 37403(60), affords the City of Jeannette with the power “to make and adopt all such ordinances, by-laws, rules and regulations, not inconsistent with or restrained by the Constitution and laws of this Commonwealth, as may be expedient or necessary for the proper management, care and control of the city and its finances, and the maintenance of the peace, good government, safety and welfare of the city, and its trade, commerce and manufactures.”

BE IT ENACTED AND ORDAINED by the City Council of the City of Jeannette, Westmoreland County, Commonwealth of Pennsylvania, and it is hereby enacted and ordained as follows:

Section 1. Purpose.

A. This Ordinance shall apply to bottle clubs within the City of Jeannette that are not licensed by the Pennsylvania Liquor Control Board.

B. The City Council of the City of Jeannette hereby declares that the purpose of the within rules and regulations is to regulate bottle clubs to preserve the public peace, health, safety, morals, character of neighborhoods and to protect the rights of its residents to the quiet enjoyment of the same.

Section 2. Definitions.

“Bottle Club” shall mean 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, owned, operated, or maintained for pecuniary gain, that is not licensed by the Pennsylvania Liquor Control Board, in which no alcoholic beverages are sold, but which permits the consumption of alcoholic beverages by patrons or guests when such alcoholic beverages are either (i) provided by the operator or agents or employees of the operator for consumption on the premises or (ii) are brought into or kept at the establishment by the patrons or guests assembling there. This term includes but is not limited to those organizations commonly known as “social clubs.”

“Alcoholic Beverages” shall mean any and all beverages, including malt beverages, which contain ethyl alcohol, liquor, or such other intoxicating substances as are further defined in the Pennsylvania Liquor Code, 47 P.S. Section 1-101, et seq.

“Operate” shall mean any person, entity, or establishment that (a) controls or causes to be controlled through agents or employees of any bottle club; (b) conducts or manages a bottle club; or (c) owns, leases, or subleases any areas used as a bottle club.

“Person” shall mean an individual, proprietorship, partnership, corporation, association, or other legal entity.

“Residence” shall mean a building or structure wholly or partially designed or used for living, sleeping, eating, cooking, and sanitation by humans.

“Residential District” shall mean those classes of residential districts as specified in the City of Jeannette Zoning Ordinance, as amended, including but not limited to Traditional Neighborhood and Mixed Residents Districts.

Section 3. Club Registration.

It shall be unlawful for any person to own, operate, manage, or control a bottle club within the City of Jeannette without first registering such bottle club as provided herein. Every person registering a bottle club shall make application for registration on a form furnished by the City containing the following information:

- (a) Trade name and business address;
- (b) Mailing address, if different from below;
- (c) Name and Social Security Number of Employer Identification Number of the applicant;
- (d) Business and residence telephone numbers of the applicant;
- (e) Names and addresses of all owners, officers, and managers of the applicant;
- (f) Estimated number of employees;
- (g) Type of organization (e.g., sole proprietorship, corporation, partnership, association, etc.);
- (h) Affirmation(s) that no owner or operator of such business has been convicted of a crime classified as a felony offense under the laws of the Commonwealth of

Pennsylvania or the United States, or be convicted of any comparable crime under the laws of any other state in the United States.

All applications shall be verified, dated, and signed by the applicant. Each application shall be accompanied by a registration fee as established by ordinance or resolution of the City Council.

Section 4. Unlawful Activities.

A. Bottle Clubs in All Districts.

It shall be unlawful for any person who owns, operates, manages, or controls a bottle club to:

- (1) Conduct activities to which this Ordinance applies without registering the bottle club with the City as required in this Ordinance.
- (2) Locate or operate a bottle club within three hundred (300) feet from the nearest property line of any church, school, other institution of learning or education, hospital, library, park, or playground; provided, however, that any bottle club located or operated within three hundred (300) feet from the nearest property line of any church, school, other institution of learning or education, hospital, library, park, or playground on the date of this Ordinance's enactment shall be permitted to continue until the bottle club closes or otherwise ceases operations as a bottle club.
- (3) Remain open and/or transact business between the hours of 12:00 a.m. (midnight) and 11:00 a.m., prevailing time.
- (4) Permit patrons or guests to remain on the premises more than fifteen (15) minutes after 12:00 a.m.
- (5) Allow patrons or guests to use, rent, or occupy the bottle club unrestricted such that events shall not exceed six (6) hours in length, with no more than one (1) event in any twenty-four (24) hour period.
- (6) Make, continue, or cause to be made or continued any loud, unnecessary, or unusual noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of nearby residents.

B. Bottle Clubs in Residential Districts.

It shall be unlawful for any person who owns, operates, manages, or controls a bottle club in a residential district to:

- (1) Reserved.

Section 5. Bottle Club Requirements.

Any person owning, operating, managing, or controlling a bottle club shall comply with the following requirements:

A. All bottle clubs shall obtain and carry general liability coverage in the minimum amount of \$1,000,000 per occurrence, proof of which shall be filed with the City of Jeannette.

B. All bottle clubs shall possess a valid certificate of occupancy issued by the Pennsylvania Department of Labor and Industry and the City of Jeannette, proof of which shall be filed with the City of Jeannette.

C. All bottle clubs shall not store any alcoholic beverages on their premises after closing and before opening such premises to patrons or guests.

D. No owner or operator of a bottle club shall have been convicted of a crime classified as a felony offense under the laws of the Commonwealth of Pennsylvania or the United States, or be convicted of any comparable crime under the laws of any other state in the United States.

Section 6. Enforcement.

This Ordinance shall be enforced by the police officers of the Police Department of the City of Jeannette and any other person or persons authorized by ordinance or resolution of the City of Jeannette.

Section 7. Penalties.

A. Any person, persons, or entity violating the provisions of this Ordinance shall, upon conviction thereof, be subject to a penalty in amount of no less than Three Hundred Dollars (\$300.00) and no more than One Thousand Dollars (\$1,000.00) for each day of such violation, and in lieu thereof imprisonment for a period not to exceed ninety (90) days, and any and all other remedies available in accordance with 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 the event of any of the unlawful activities specified herein are conducted by or in the name of a corporation, partnership, limited liability company, 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.

Section 8. Severability. It is herein declared that the provisions of this Ordinance are severable, and if any provisions, portions, or sections of this Ordinance are declared to be

illegal, invalid, or unconstitutional, the decisions of any Court, which makes declarations, shall not impair or affect any of the remaining portions of this Ordinance.

Section 9. Repealer. Any ordinance or part of any ordinance that conflicts with the provisions of this Ordinance is hereby repealed to the extent of any such conflict on the effective date of this Ordinance.

Section 10. Effective Date. This Ordinance shall become effective immediately after its enactment.

This Ordinance is duly ORDAINED AND ENACTED by a majority of the members of the City Council of the City of Jeannette at a duly advertised public meeting held on the 12th day of July, 2018.



CITY OF JEANNETTE

By: Curtis J. Antoniak
Curtis J. Antoniak
Mayor and President of Council

ATTEST: (SEAL)

Michelle Langdon
Michelle Langdon
City Clerk

PUBLIC NOTICE

At a council meeting to be held the 12th day of July, 2018 at 6 p.m. in Council Chambers, Jeannette City Hall, 110 S. 2nd St, Jeannette, PA, the Council of the City of Jeannette will consider adoption of the following ordinance:

Bill No. 18-15 to be Ordinance 18-14:

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Copies of the above proposed Ordinance is available for inspection in the Office of the City Clerk of the City of Jeannette and the newspaper of general circulation in which this notice appears during normal business hours. Any person having an interest in the subject matter of these Ordinances should make plans to attend the meeting at the time, date and place referenced above.

THE CITY OF JEANNETTE:
Michelle Langdon, City Clerk/CFO