

BILL NO. 35 2007
AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODIFIED ORDINANCES BY AMENDING CHAPTER 6 CONDUCT, PART 1 ALCOHOLIC BEVERAGES BY ESTABLISHING RULES AND REGULATIONS FOR BOTTLE CLUBS AND ADDING THE PERMIT FEE AND FINE TO THE CITY OF READING FEE SCHEDULE.

THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Amending the City of Reading Codified Ordinances amending Chapter 6 Conduct, Part 1 Alcoholic Beverages by establishing rules and regulations for Bottle Clubs as follows:

§ 6-101. This part shall apply to Bottle Clubs within the City of Reading that are not licensed by the Pennsylvania Liquor Control Board.

§ 6-102. Purpose

The Council of the City of Reading hereby declares that the purpose of the within Rules and Regulations is to regulate Bottle Clubs to preserve the health, safety and character of neighborhoods and to protect the rights of its citizens to the quiet enjoyment of the same.

§ 6-103 Definitions

Bottle 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 which permits the consumption of such beverages by patrons or guests when such beverages are either provided by the operator or agents or employees of the operator for consumption on the premises or 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 - 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.

Operate - any person, entity or establishment that:

- A. Controls or causes to be controlled through agents or employees any bottle club.
- B. Conducts or manages a bottle club.
- C. Owns, leases or subleases any area used as a bottle club. (Ord. 11-1998, 4/27/1998, §1)

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

Residential District - those classes of residential districts as specified in the City of Reading Zoning Ordinance.

§ 6-104 Unlawful Activities

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

(a) Remain open and/or to transact business between the hours of 12:00 a.m. 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) Allow members to rent or occupy the club unrestricted. Bottle and social clubs will adhere to the following restrictions when allowing members to hold functions in the club. No event shall 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 a.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.

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

(d) Any structure of a Bottle 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. Bottle Clubs operating under the City's existing laws will be exempted from Section 6-105.d until the property or Club is sold or transferred to another party or legal entity.

§ 6-105 Club Requirements

Any and all Bottle 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 Codes Enforcement Office of the City of Reading, proof of which shall be filed annually when the permit is renewed with the Codes Enforcement Office; and.

(b) Possess a valid certificate of occupancy issued by the Pennsylvania Department of Labor and Industry and the City of Reading and prominently display said certificate as required, proof of which shall be filed annually when the permit is renewed with the Codes Enforcement Office; and

(c) Obtain a valid business privilege and mercantile tax license from the City of Reading and prominently display said license as required, proof of which shall be filed annually when the permit is renewed with the Codes Enforcement Office; and

(d) Obtain a City of Reading Zoning Permit and all other valid City of Reading permits and prominently display said permit as required, proof of which shall be filed annually when the permit is renewed with the Codes Enforcement Office; and

(e) Obtain a valid Bottle 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; and

(g) Clubs may not store any alcohol of any type on their premises between the hours of 12:00 a.m. and 11:00 a.m.; and

(h) The owner and or operator of the Bottle Club must provide proof that they are a resident of Berks County. If the owner and or operator is not a Berks County resident they must designate the name, mailing address and telephone number of a responsible agent who has a primary residence in Berks County and who has the oversight of the buildings operations and is authorized to accept service on behalf of said property owner; and

(i) The owner and or operator of the Bottle Club may not 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; and

(j) Have a valid and current trash collection contract with a licensed hauler, proof of which shall be filed annually when the permit is renewed with the Codes Enforcement Office.

§ 6-106 Club Permit

(a) Any person or persons desiring to operate or continue to operate a Bottle Club shall file with the Codes Enforcement Office of the City of Reading an application for a Bottle Club permit, which application shall include the following information: the name and address of the Bottle Club, a statement whether the business premises is leased or owned by the Bottle Club, the name and address of the lessor of the business premises, if applicable, the nature of the ownership of the Bottle Club, i.e. corporation, partnership, joint venture, association, the names and addresses of the officers and/or financial interest in the Bottle Club. Also supply the name, addresses and phone number of any and all managers and club officer who will be responsible for the operation of the club during any time that it is open or at special events and rentals. Failure to keep the city informed of current information will be cause to revoke the permit.

(b) The Codes Enforcement Office shall determine whether the Bottle 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 Codes Enforcement Office determines that the applicant fully and completely complies with the provisions hereof, the office shall issue a Bottle Club permit; if the Codes Enforcement Office determines that the applicant does not fully and completely comply with the provisions hereof, the office shall deny the issuance of a Bottle 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 Bottle Club permit and two hundred and fifty dollars (\$250.00) for each renewal thereof on a yearly basis. Said Bottle Club permit shall be effective for a period of one year following the date of issuance; provided, in the event the Bottle Club fails to fully and completely comply with the provisions hereof or is convicted of any unlawful activities during the term of the Bottle Club permit so issued, the City of Reading shall have the authority to revoke the Bottle Club permit due to Bottle Club's lack of compliance.

§6-107. Authority of Police Officer.

Any police officer is authorized to arrest with or without warrant, any person or persons violating any provision of this Part. (Ord. 11-1998, 4/27/1998, §1)

§ 6-108 Penalty

(a) Any person, persons, or entity violating the provisions of this Ordinance shall, upon conviction thereof, be subject to a fine of Three Hundred Dollars (\$300.00) to One Thousand Dollars (\$1,000.00) plus costs for each day of such violation and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days, and any and all other remedies available in accordance with the Codified Ordinances of the City of Reading and the laws of the Commonwealth of Pennsylvania.

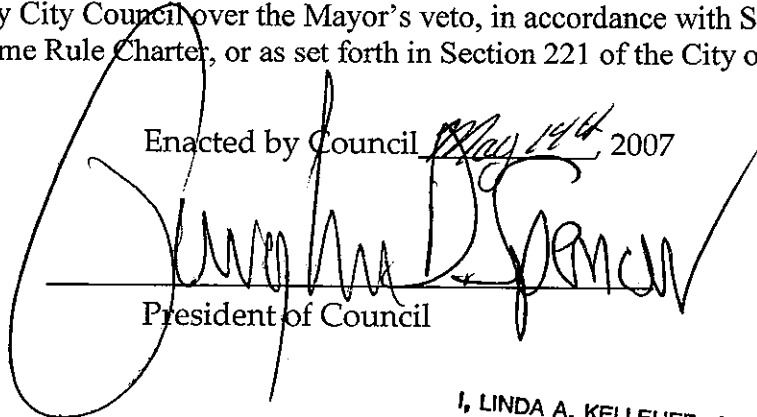
(b) The unlawful activities specified herein shall constitute separate and distinct offenses for each and every day in which said activities are conducted.

(c) In addition to any monetary penalties involved, the City of Reading shall revoke the Club Permit required upon conviction of any unlawful activities and any building, occupancy, zoning or other similar permits previously issued by the City for the premises on which such Bottle Club has been operated.

(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.

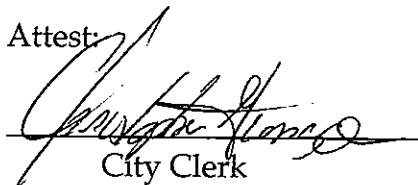
SECTION 2. This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted by Council May 14th, 2007



President of Council

Attest:



City Clerk

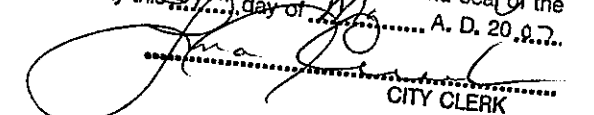
(Chief of Police, Council Staff, Legislative Aide Committee)

Submitted to Mayor: OK
Date: 05/15/07

Received by the Mayor's Office: ms
Date: 5/15/07

Approved by Mayor: OSU
Date: 5/17/07

Vetoed by Mayor: _____
Date: _____

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify, that the foregoing is a true and correct copy of the original Ordinance passed by the Council of the City of Reading, on the 14th day of May, A. D. 20 07. Witness my hand and seal of the said City this 17th day of May, A. D. 20 07.


CITY CLERK