Borough of Chambersburg

A full service municipality in Franklin County
celebrating over 65 years of consumer owned natural gas service
over 100 years of community electric and a
regional wastewater, water, and municipal solid waste utility

"BYOB"

EFFECTIVE IMMEDIATELY – REGISTRATION REQUIRED FOR
BRING-YOUR-OWN-BOTTLE LOCATION IN CHAMBERSBURG BOROUGH

On February 25, 2013, Chambersburg Town Council approved local law #2013-02, requiring all commercial establishments that allow BYOB to register and obtain a BYOB PERMIT from the Borough of Chambersburg. A full copy of the local law is enclosed and should be reviewed by you prior to responding to this application for BYOB.

Who must apply? Any business facility, such as a dance hall, club, restaurant, meeting room or association, not licensed by the Pennsylvania Liquor Control Board, wherein patrons 21 years of age and older may, after payment of any entry fee, cover charge or membership fee, or associated with the purchase of non-alcoholic beverages or food, consume alcoholic beverages which said patrons have carried onto the premises also commonly referred to as a "bring your own bottle" operation.

If you have a Food Facility License (permanent or temporary), you are eligible to apply for a BYOB PERMIT. You must have a Borough of Chambersburg Retail Food Facility License to apply. If you are not qualified for a Borough of Chambersburg Retail Food Facility License or your Food Facility License is revoked or expires, you are not eligible for a BYOB PERMIT.

Where do I apply and what does it cost? A BYOB PERMIT is issued free of charge by the Borough of Chambersburg as long as you pay all other fees and charges owed to the Borough of Chambersburg for all other licenses and permits. For example, failure to obtain a Borough of Chambersburg Retail Food Facility License for your business would invalidate your BYOB PERMIT. Or, for example, failure to pay your utility bill could invalidate your BYOB PERMIT or application for permit.

Applications for a BYOB PERMIT are made through the Chambersburg Borough Secretary, in person, during regular business hours, on the second floor of 100 S Second Street, in the Chambersburg City Hall. For information or accessibility call (717) 261-3245.

What do I need to bring with me to apply for a BYOB PERMIT?
The Borough does require that you bring a few items with you for your permit:

1. Government issued photo identification of the applicant or responsible party
2. A request for a BYOB PERMIT, dated and signed, on business letterhead stationery, which states the following:

   a. The name and twenty-four hours per day contact information for responsible party or parties for your business
   b. The operating name or names of your business and the hours of operation
   c. The landlord or property owner of your business location and their contact information

   Please note if any of this information changes, a revised letter must be filed with the Borough Secretary.
3. A photocopy of your valid Borough of Chambersburg Retail Food Facility License
4. A photocopy of your valid Uniform Construction Code Certificate of Occupancy
5. A statement from your insurance company stating that the applicant business has in full force and effect broad form general liability insurance
6. If you have never previously filed a Land Use Permit Application with the Borough of Chambersburg, you may be required to complete this free application for your business and enclose with your BYOB PERMIT application.

When does a BYOB PERMIT expire? A BYOB PERMIT is valid January 1 to December 31. Each year, a permit must be renewed. Renewal is the same process as application above and requires a visit to the Borough Secretary's office with the same material listed above. A revised permit will be issued for the following calendar year.

If you are a new business or are applying mid-year, your BYOB PERMIT will be valid until December 31 of the year you first make application.

Who enforces the BYOB PERMIT rules and how? A BYOB PERMIT carries with it rights and responsibilities; a list of rules are enclosed. The Chambersburg Police Department is the enforcement agency. In Chambersburg, either through observation or complaint, the Police Department is authorized to enforce the rules, summons violators, or request the revocation of the BYOB PERMIT. Both patrons and business owners/operators/employees may be summoned.

In the event that the BYOB PERMIT is revoked, the business may not reapply for a new permit for a minimum of six months. If a summons is issued, upon conviction in a Summary Proceeding the violator shall be sentenced to pay a fine of not less than One Hundred Dollars ($100.00) nor more than Six Hundred Dollars ($600.00) plus costs of prosecution and in default of payment of the same the individual operator, manager, owner or patron as appropriate to undergo imprisonment for not more than thirty days.

Where do I get a Uniform Construction Code Certificate of Occupancy or a Retail Food Service License? Both are available through the Borough's third party agency, Commonwealth Code Inspection Service, 1102 Sheller Avenue, Suite E, (717) 262-0081.

Rules

Where must I display my BYOB PERMIT? All BYOB Operations must post the BYOB 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*.

You may frame or laminate your permit if you choose but it must remain prominently displayed at the main entrance.

What are the rules for my BYOB PERMIT? A BYOB Operation must be in compliance with all applicable Borough Codes, including but not limited to the Borough Health Code, the Pennsylvania Uniform Construction Code as administered by the Borough, the Borough Property Maintenance Code and the Borough Zoning Code. Also, the business must follow the following Performance Standards:

A. No alcohol may be consumed in the permitted premises between the hours of 11 P.M. and 11 A.M. The facility owners, event organizers, facilities managers as well as offending patrons may be prosecuted for violation of this provision.
B. Entertainers are prohibited from coming into contact with any patron while performing. Entertainers on the interior of the premises shall not be visible from outside the premises.
C. Gambling, lotteries and gambling devices are prohibited on the premises.
D. Alcoholic beverages may not be consumed by persons under twenty-one years old.
E. The consumption of alcoholic beverages on the premises by visibly intoxicated persons shall be prohibited.
F. Business owners and employees shall not be visibly intoxicated on the premises.
G. Alcoholic beverages shall not be offered as a prize for any activity conducted on the premises.

How do I complain about a BYOB Operation? All complaints will be investigated by the Chambersburg Borough Police Department. If you have a complaint, during business hours (Monday to Friday 8:00 am to 5:00 pm) call 717-264-4131; after 5:00 pm, or holidays/weekends call 717-263-1611 (non-emergency number) and ask for a Chambersburg Police Officer to call you or respond to your location.

Please find enclosed a sample BYOB PERMIT, similar to the one the Borough will issue, along with a full copy of the adopted local law for your review**.**

MUST BE DISPLAYED AT FRONT ENTRANCE

Bring Your Own Bottle

THIS ESTABLISHMENT HAS OBTAINED
A BYOB PERMIT FROM
THE BOROUGH OF CHAMBERSBURG

SAMPLE

PATRONS AGE 21AND OVER, MAY
BRING THEIR OWN ALCHOLIC
BEVERAGES INTO THIS
ESTABLISHMENT IN KEEPING WITH
LOCAL LAW 2013-02
§92-4 AND§92-5

NO BYOB BETWEEN 11 PM AND 11 AM

FOR A COMPLETE SET OF RULES
PLEASE VISIT THE BOROUGH OF
CHAMBERSBURG WEBSITE AT:
WWW.CHAMBERSBURGPA.GOV
OR CALL (717) 263-4111

ISSUED BY THE BOROUGH SECRETARY ON __ / __/ __

ORDINANCE NUMBER 2013 - 02

AN ORDINANCE TO AMEND CHAPTER 92, ALCOHOLIC BEVERAGES, OF THE CODE OF THE BOROUGH OF CHAMBERSBURG REVISING AND ADDING THERETO PROVISIONS RELATING TO BRING-YOUR-OWN-BOTTLE (BYOB) ACTIVITIES

BE IT ORDAINED BY THE BOROUGH OF CHAMBERSBURG AND IT IS HEREBY ORDAINED BY AUTHORITY OF THE SAME AS FOLLOWS:

Section 1. LEGISLATIVE FINDINGS. In recognition of the increased proliferation and growing popularity of the practice of citizens to bring alcoholic beverages with them to restaurants, clubs, meeting spaces in the Borough of Chambersburg that are not otherwise licensed by the Pennsylvania Liquor Control Board for serving such beverages; the Borough finds it to be desirable and in the interest of the public to provide a definition for "Bring-Your-Own-Bottle (BYOB) Operation" and to include it as a permitted use in certain zoning districts in the Borough of Chambersburg. Accordingly, the Code of Ordinances of the Borough of Chambersburg, Chapter 92, Alcoholic Beverages is hereby further amended as follows:

Section 2. CHAPTER 92, Section 92-1 is hereby amended by adding thereto the following definition:

> **BYOB OPERATION** – Any business facility, such as a dance hall, club, restaurant, meeting room or association, not licensed by the Pennsylvania Liquor Control Board, wherein patrons 21 years of age and older may, after payment of any entry fee, cover charge or membership fee, or associated with the purchase of non-alcoholic beverages or food, consume alcoholic beverages which said patrons have carried onto the premises also commonly referred to as a "bring your own bottle" operation.

Section 3. CHAPTER 92, Section 92-4 is hereby renumbered Section 92-6 and there is added three new Sections, a new Section 92-4, a new Section 92-5 and a new Section 92-6 to read as follows:

92.4. Authorization of BYOB Operations

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

A. Any person or entity who/which desires to engage in a BYOB Operation must apply to the Borough of Chambersburg for a BYOB Operation Permit

pursuant to policies promulgated and fees established by Borough Council from time-to-time, and administered by the Borough Secretary. The permit shall be prominently displayed at or near the main entrance to the facility in which the BYOB Operation is to occur.

B. The BYOB Operation shall obtain and keep in force broad-form general liability insurance coverage, proof of which shall be filed with the Borough Secretary;

C. A BYOB Operation must be in compliance with all applicable Borough Codes, including but not limited to the Borough Health Code, the Pennsylvania Uniform Construction Code as administered by the Borough, the Borough Property Maintenance Code and the Borough Zoning Code;

D. Any facility in which or property on which a BYOB Operation is to take place must obtain and display a Borough Retail Food Facility License, and

E. All BYOB Operations must post the BYOB 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.

Section 4. CHAPTER 92, new Section 92-5 shall read as follows:

92.5 BYOB Facilities Performance Standards

A. No alcohol may be consumed in the permitted premises between the hours of 11 P.M. and 11 A.M. The facility owners, event organizers, facilities managers as well as offending patrons may be prosecuted for violation of this provision.

B. Entertainers are prohibited from coming into contact with any patron while performing. Entertainers on the interior of the premises shall not be visible from outside the premises.

C. Gambling, lotteries and gambling devices are prohibited on the premises.

D. Alcoholic beverages may not be consumed by persons under twenty-one years old.

E. The consumption of alcoholic beverages on the premises by visibly intoxicated persons shall be prohibited.

F. Business owners and employees shall not be visibly intoxicated on the premises.

G. Alcoholic beverages shall not be offered as a prize for any activity conducted on the premises.

Section 5. CHAPTER 92, new Section 92-6 shall read as follows:

92.6 Term, Revocation

A. BYOB Permits shall be effective for a period of one year from January 1st to December 31st.

B. 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 Police Department shall have the authority to revoke the BYOB Permit for a minimum of six months.

Section 6. CHAPTER 92, Section 92-7 is hereby revised to read as follows:

92.7 Violations and Penalties

Any person or entity who shall violate any provision of Sections 92-2 and 92-3 of this Chapter, upon conviction in a Summary Proceeding shall be sentenced to pay a fine of not less than One Hundred Dollars ($100.00) nor more than Six Hundred Dollars ($600.00) plus costs of prosecution and in default of payment of the same to undergo imprisonment for not more than thirty days.

Any person or entity who/which shall violate the provisions of Section 92-4 through 92-6 of this Chapter, upon conviction in a Summary Proceeding, shall be sentenced to pay a fine of not less than One Hundred Dollars ($100.00) nor more than Six Hundred Dollars ($600.00) plus costs of prosecution and in default of payment of the same the individual operator, manager, owner or patron as appropriate to undergo imprisonment for not more than thirty days.

Enforcement shall be by the Borough Police Department

Section 7. Severability. The provisions of this Ordinance are severable and if any of its sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such provision shall not affect or impair any remaining sections, clauses or sentences of the same.

Section 8. Chapter 92 of the Code of The Borough of Chambersburg entitled Alcoholic Beverages shall in all other respects be and remain in full force and effect.

Section 9. Effective Date. This ordinance shall take effect on the 25th day of February, 2013.

ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE BOROUGH OF CHAMBERBURG THIS 25th DAY OF FEBRUARY, 2013.

President of Town Council

ATTEST:

Assistant Borough Secretary

APPROVED this 25th day of February, 2013.

Mayor

CERTIFICATION

I, Jody L. Mayer, Assistant Borough Secretary, hereby certify that the foregoing ordinance was advertised in the Public Opinion on February 11, 2013, and February 18, 2013, a newspaper of general circulation in the Municipality and was duly enacted and approved as set forth at a Regular Public Meeting of the Council held February 25, 2013.

Jody L. Mayer, Assistant Borough Secretary