

Chapter 105

RESTAURANTS

**ARTICLE I
Hours of Operation**

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[HISTORY: Adopted by the Board of Commissioners of the Township of Upper St. Clair: Art. I, 12-7-81 as Ord. No. 976. Amendments noted where applicable.]

GENERAL REFERENCES

Definitions and rules of interpretation - See Ch. 3.

**ARTICLE 1
Hours of Operation
[Adopted 12-7-81 as Ord. No. 976]**

§ 105.1. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

BOTTLE CLUB - A place of assembly, other than a private residence, not having a license to dispense alcoholic beverages issued by the Pennsylvania Liquor Control Board and in which either food, including but not limited to snack food, prepackaged condiments, candy, sandwiches and full-course meals, or nonalcoholic drinks are served and consumed, whether sold or offered gratis, and where patrons are permitted to bring and/or consume alcoholic beverages.

MANAGER - The Manager of the township.

NIGHTCLUB - A place of assembly, other than a private residence or facility, offering food

and/or drink and entertainment, either live or recorded, and characterized by low light levels, closely packed tables, whether or not the consumption of alcoholic beverages is permitted or allowed on the premises.

PERSON - Includes the singular and the plural and means any person, firm, partnership, association, corporation, company or organization of any kind.

RESTAURANT - A place of assembly, other than a private residence, offering food or drink for sale whether or not such food or drink is prepared on the premises, and including bottle club and nightclub. Business establishments which sell food or drink on a retail basis primarily for consumption off the premises, such as gas stations, convenience stores or supermarkets, where the consumption of food or drink on the premises is only incidental to their retail sales business, shall not be considered a "restaurant" under this definition.

§ 105.2. Hours.

It shall be unlawful for any person to operate or cause to be operated a restaurant between the hours of 2:00 a.m. and 5:00 a.m. Eastern standard time or daylight saving time, whichever then shall be in effect. Nothing herein shall be deemed to prohibit a person or employees of a person from the preparation of food or drink between the hours of 2:00 a.m. and 5:00 a.m. Eastern standard time or daylight saving time, whichever then shall be in effect, provided that such food or drink is not served or sold between such hours and that the establishment is not open for patrons during this time.

§ 105.3. Certificates of waiver.

105.3.1. The township may permit, by a certificate of waiver, the operation of a restaurant during the hours set forth in § 105.2 hereof for special occasions listed below:

105.3.1.1. Legal holidays.

105.3.1.2. Private parties.

105.3.2. The township shall not issue a certificate unless the township receives adequate insurances in a form acceptable by the township that the safety of the residents of the township and of the patrons of the restaurant will be assured. The township may require that any person seeking a certificate deposit with the township sufficient funds to cover the cost of stationing a police officer or officers, as the township may in its discretion feel are required, at the restaurant during the hours of extended operation. A certificate shall only be issued on an event-by-event basis. No certificate shall only be issued to a restaurant which, in the last two (2) calendar years, as determined by the records of the township:

105.3.2.1. Has accumulated more than fifty (50) calls for disturbances on the premises or adjacent thereto; or

105.3.2.2. Has been the subject of disciplinary proceedings by the Pennsylvania Liquor Control Board for the unauthorized dispensing of alcoholic beverages or unauthorized consumption thereof by underage drinkers and has been disciplined therefor.

§ 105.4. Enforcement; violations.

The Manager is hereby authorized and directed to issue regulations on the enforcement and administration of this Article and regulation forms for the application for issuance of certificates. Any person who shall violate any provisions of this Article shall be subject to the provisions of Chapter 5, Enforcement of Ordinances; Penalties.

§ 105.5. Applicability.

Nothing in this Article shall be deemed to regulate the hours of operation of any establishment which is a licensee of the Pennsylvania Control Board and whose hours of operation are regulated by that Board.