

CHAPTER 55

DRIVE-IN RESTAURANTS

1. **DEFINITION.** A place, including the entire premises occupied thereby and including ingress and egress thereto, where meals, or sandwiches, or beverages, or ice cream, or frozen desserts or other food, singly or in combination are served directly to, or are permitted to be consumed by, patrons in or on motor vehicles parked upon the premises, within the meaning of this Chapter, is deemed to be a drive-in restaurant.

2. **NOISE.** No person, while on or adjacent to the premises of a drive-in restaurant, shall race the motor of any car, suddenly start or stop any car, make or cause to be made any other loud or unseemly noise, or blow or cause to be blown any automobile horn or motorcycle horn at any time.

3. **NO INTOXICATING LIQUOR BY PATRONS.** No patrons or other person on the premises of a drive-in restaurant, whether in or out of an automobile, shall drink any intoxicating liquor, or have in his possession any open bottle, can or other receptacle containing alcoholic beverages of any type, nature or description.

4. **NO CONGREGATING IN VICINITY.** No group of three or more persons shall congregate and linger at any location on the premises of a drive-in restaurant other than in the restaurant building, or in a legally parked motor vehicle, or at tables or other facilities provided by such drive-in restaurant for the use of patrons thereof.

5. **NO DRIVE IN OTHER THAN FOR SERVICE.** No person shall drive a motor vehicle across any sidewalk, driveway, or pedestrian right-of-way for the purpose of gaining

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access to any drive-in restaurant unless such person, or one of the occupants of such vehicle, does so for the purpose of transacting business on the premises of said drive-in restaurant. For the purpose of this section, "transacting business" shall mean that one of the purposes of any such person, or occupant of the motor vehicle, for entering shall be with the intent of engaging in a transaction with the proprietor, his agents or employees of such restaurant which transaction is normally incidental to the business for which the public is invited. The driving of a motor vehicle onto and out of such premises without stopping, in a manner constituting that which is commonly called "cruising", is prohibited.

6. **NO UNOCCUPIED AUTOMOBILE EXCEPT FOR SERVICE.** No person shall leave any motor vehicle unoccupied on any drive-in restaurant parking lot, except during the time such person is in the restaurant building, or except with the knowledge and consent of the operator of such restaurant.

7. **NO PARKING NEAR ENTRANCE ON STREET.** No driver of a motor vehicle shall stop, stand or park such vehicle in a street at or near the entrance to or exit from a drive-in restaurant while waiting to enter the premises thereof, or otherwise, except in an authorized and clearly marked or designated parking space adjacent to the curb of such street, and in such manner as not to interfere with other vehicles upon such street.

8. **TRASH RECEPTACLES.** The owner or operator of a drive-in restaurant shall provide not less than two (2) receptacles for the receipt of trash, litter, paper, napkins, cups and remnants of food at each exit, available to patrons as they leave the premises.

9. **NO LITTER EXCEPT IN RECEPTACLES.** No patron of a drive-in restaurant or other person shall throw or deposit any of the litter mentioned in the preceding section anywhere on the ground or on the streets or public ways, except in the receptacles provided therefor.

10. **NO LOUD, OBSCENE LANGUAGE.** No person, while on the premises of any drive-in restaurant, or adjacent thereto, shall use loud, or obscene, or vulgar, or indecent language, or swear, or curse, or yell, or shriek in a manner calculated to disturb persons at or near such drive-in restaurant.

11. **MUST KEEP CLEAN.** The operator of a drive-in restaurant, or any person in charge thereof, shall keep and maintain the premises thereof, in a clean and sanitary condition and the parking lot thereof reasonably free at all times from all rubbish, waste products and debris including napkins, straws, cups, plates, boxes, containers and other waste material.

12. **MUST KEEP STREET CLEAN.** The operator of a drive-in restaurant shall cause any portion of any street or streets adjoining the premises to be kept free from all rubbish, waste products and debris either originating from such premises, or of the type and kind of material used upon said premises in the conduct of the licensed business, including napkins, straws, cups, plates, boxes, containers, unconsumed food products, and other similar waste material.

13. **NO LOUD SPEAKERS OTHER THAN PUBLIC ADDRESS SYSTEM.** NO owner or operator of a drive-in restaurant shall operate, or permit to be operated, any loud speakers, or make or permit to be made, any other loud noise, or permit any show or exhibit on the premises occupied by said drive-in restaurant; provided however, the owner or operator of such restaurant may use a public address system solely for the purpose of giving instructions to employees on the premises or receiving orders or request for service from customers, but the instructions, orders, or requests so given shall not be loud enough to cause any noise or disturbance to persons not on the premises of such drive-in restaurant.

14. **CHARGED WITH COST.** In addition to the other penalties provided in this Chapter, the proprietor of any drive-in restaurant may be charged with the cost of cleaning up or

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removing debris found on the premises or on the public highway or highways adjacent to said premises. Any officer shall have the right if he sees debris on the premises occupied by the drive-in restaurant or on the highways adjacent thereto, to cause the same to be cleaned up and removed from the premises and shall certify the cost of said cleaning up and removal to the City Manager.

15. **PENALTY.** Any person, firm or corporation who shall violate any provision of this Chapter shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than Five Hundred Dollars (\$500.00) for each offense and each day on which a violation occurs or continues shall be considered a separate offense. (Amended, Ordinance No. 2011-72)