

## Chapter 73 - Drive-In Restaurant

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### 1. Definition.

A Drive-In Restaurant, within the meaning of this Chapter shall be deemed to be any restaurant designed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages, or other food, served directly to, or permitted to be consumed by, patrons in automobiles or other vehicles parked on the premises, or permitted to be consumed by patrons elsewhere on the site, outside the main building.

(Rev. 07-28-1969)

### 2. License Required.

No person, firm, partnership, or corporation shall operate a Drive-In Restaurant without having first obtained a license therefor.

### 3. License Application, Procedure for Obtaining and Renewal.

3.1. Drive-In Restaurants shall pay an initial license fee of twenty-five (25) dollars and an annual renewal license fee of twenty-five (25) dollars. A change of ownerships will require payment of the initial fee of twenty-five dollars by the new owners. Every license hereunder shall be limited to the location for which such license was issued. Licenses shall be non-transferable. No portion of an annual license fee shall be rebated.

(Rev.03-26-1979)

3.2. Applications for original licenses and for renewal of licenses shall be made upon forms provided by the City Clerk, and shall be accompanied by the required license fee. All such applications shall be referred to the City Manager, who shall cause an investigation to be made to ascertain whether the establishment in question complies with the requirements of this Code. The City Manager shall report the results of the investigation to the City Council, and the City Council may authorize the issuance or renewal of a license, as the case may be, if it finds that the applicant's establishment complies with the requirements of this Chapter, and that the applicant and its officers are of good moral character, and are capable of operating the proposed Drive-In Restaurant in a manner consistent with the public health, safety and good morals.

(Rev.03-26-1979)

3.3. Drive-In Restaurant licenses shall expire on December 31st of the year of issuance. All applications for renewal of such licenses shall be filed with the City Clerk not later than December 1st.

(Rev. 09-18-1967)

3.4. All licenses and renewals shall be issued subject to the requirements of Chapters 46, 59 and 60, and other applicable Chapters of the City Code and State Statutes, except as otherwise provided herein.

## Chapter 73 - Drive-In Restaurant

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3.5. A license issued hereunder may be suspended or revoked in accordance with the provisions of Chapter 59 of the Code.

4. Hours of Operation.

All Drive-In Restaurants within the City of Troy shall operate only between the hours of 5:00 A.M. and midnight.

5. Screening, Lighting, Parking, Entrances and Exits.

Screening of the premises, lighting, off-street parking, entrance and exit standards and other zoning requirements shall be complied with in accordance with the provisions of Chapter 39 of the City Code.

6. Duties of Owner, Licensee, and Operator.

It shall be the duty of the owner, licensee or operator of a Drive-In Restaurant or any person in charge of such restaurant to:

6.1 Keep the premises whereon said restaurant is located, together with the parking area and that portion of any public street or streets adjoining said Drive-In Restaurant, free from all rubbish, waste products, garbage and debris, including napkins, straws, paper cups and plates, and other waste material, at all times.

6.2 Provide a sufficient number of suitable containers to hold all waste material until the same is removed from the premises. Such containers shall be of metal construction or other approved material with self-closing, reach-in type cover.

6.3 Maintain quiet and good order upon the premises.

6.4 Not permit loitering or disorderly or immoral conduct.

6.5 Not cause or permit to be caused any noise or other nuisance upon the premises whereby the quiet or good order of the premises or neighborhood are disturbed.

7. Loud Speakers, Shows and Exhibits, Banned.

It shall be unlawful for the owner, licensee, or operator of any Drive-In Restaurant to 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, licensee, or operator of such restaurant may use a public address system solely for the purpose of giving instructions to employees on the premises, or taking orders from customers, but in a manner which shall not be loud enough to cause any disturbance to persons not on the premises of such Drive-In Restaurant.

(Rev. 09-18-1967)

## Chapter 73 - Drive-In Restaurant

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8. Rubbish Removal.

In addition to the other penalties provided in this Code, the owner, licensee, or operator of any Drive-In Restaurant may be charged with the cost of cleaning up or removing debris found on the premises or highways adjacent to said premises, or such debris on other adjacent land caused to be there by the Drive-In Restaurant operation. Any enforcement officer shall have the right to cause such debris to be cleaned up and removed from the premises and shall certify the cost of said cleaning and removal to the City Manager. The cost of such cleaning and removal may be charged to the owner, licensee or operator of the Drive-In Restaurant.

9. Horns and Loud Noises.

It shall be unlawful for any patron of a Drive-In Restaurant while parking on or adjacent to the premises thereof, or for any other person while on the premises of such restaurant, to race the motor of any vehicle, to suddenly start or stop any vehicle, or to make or cause to be made, any other loud or unseemly noise, nuisance or disturbances or to blow or cause to be blown any vehicle horn or other sound making device.

10. Intoxicating Beverages, Banned.

It shall be unlawful for any patron or other person on the premises of a Drive-In Restaurant, whether in or out of an automobile, to drink any alcoholic beverage, or to have in his possession any open bottle, can, or other receptacle containing an alcoholic beverage.

11. Congregating, Loitering, Cruising, Prohibited.

It shall be unlawful for any number of persons to congregate for any time whatsoever at any location on the premises of a Drive-In Restaurant other than in the restaurant building, or in a legally parked motor vehicle. Any persons so congregating shall be deemed guilty of loitering. No person shall drive a motor vehicle onto the premises of a Drive-In Restaurant and then from said premises without parking such motor vehicle and seeking service, unless there is no unoccupied parking space available on said premises. It shall be the duty of the licensee to post on the premises in a conspicuous location near all entrances and exits one or more signs bearing the following legend:

(Rev. 09-18-1967)

CRUISING AND GATHERING OUTSIDE OF VEHICLE UNLAWFUL

12. This Chapter shall be enforced by the Chief Building Inspector and the Police Chief, or their authorized representatives.

(Rev.03-26-1979)