

## UNOFFICIAL COPY

### The Public Eating and Drinking Places Law

(35 P.S. §§ 655.1-655.13)

*Current through Act 179 of 2002*

The following is an unofficial copy of the Public Eating and Drinking Places Law, as amended through Act 179 of 2002. The document is an "unofficial" copy of the statute. Any discrepancy between any provision of this document and the statute as published at 35 P.S. §§ 655.1-655.13 shall be resolved in favor the published statute.

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#### § 655.1. Definitions

"**Department**" shall mean the Department of Agriculture of the Commonwealth.

The words "**public eating or drinking place**" shall mean any place within this Commonwealth where food or drink is served to or provided for the public, with or without charge: Provided, however, That nothing herein contained shall apply to dining cars operated by a railroad company in interstate commerce or a bed and breakfast homestead or inn.

The word "**proprietor**" shall mean any person, partnership, association or corporation, conducting or operating within this Commonwealth, a public eating or drinking place.

The word "**employe**" shall include any cook, waiter, kitchen help, chambermaid, house servant or other employe of any kind in a public eating or drinking place, who in any manner whatever, handles or comes in contact with any food or drink served to or provided for the public, and the proprietor or any member of the proprietor's family who handles said food or drink.

"**License**" shall mean a grant to a licensee to conduct a restaurant, as defined in this act.

"**Licensor**" shall mean the county department of health or joint-county department of health, whenever such public eating or drinking place is located in a political subdivision which is under the jurisdiction of a county department of health or joint-county department of health, or the health authorities of cities, boroughs, incorporated towns and first-class townships, whenever such public eating or drinking place is located in a city, borough, incorporated town or first-class township not under the jurisdiction of a county department of health or joint-county department of health, or the health authorities of second class townships and second class townships which have adopted a home rule charter which elect to issue licenses under the provisions of this act whenever such public eating and drinking place is located in such a second class township or second class township which has adopted a home rule charter not under the jurisdiction of a county department of health or joint-county department of health, or the Department of Agriculture, whenever such public eating or drinking place is located in any other area of the Commonwealth.

The words "**bed and breakfast homestead or inn**" shall mean a private residence which contains ten or fewer bedrooms used for providing overnight accommodations to the public and in which breakfast is the only meal served and is included in the charge for the room.

## **§ 655.2. License; necessity; issuance; inspection; fee; licenses for additional places**

From and after a period of six months after the effective date of this act, it shall be unlawful for any proprietor to conduct or operate a public eating or drinking place without first obtaining a license for each establishment, as herein provided. Such license shall be issued by the health authorities of cities, boroughs, incorporated towns and first-class townships, and, if electing to issue licenses under this act, second class townships and second class townships which have adopted a home rule charter, whenever such public eating or drinking place is located in a city, borough, incorporated town or township not under the jurisdiction of a county department of health or joint-county department of health, or by the county department of health or joint-county department of health whenever such public eating or drinking place is located in a political subdivision which is under the jurisdiction of a county department of health or joint-county department of health, or in those townships of the second class which are not under the jurisdiction of a county department of health or joint-county department of health and which do

not elect to issue licenses under this act, by the department. No license shall be issued until inspection of the premises, facilities and equipment has been made by the licensor, and they are found adequate to the protection of the public health and comfort of patrons. No license shall be issued until the proprietor exhibits proof that he has applied for or received a sales and use tax license or exemption certificate from the Department of Revenue. The fee for such license shall be one dollar (\$ 1.00) or as established by ordinance of the governing body or by State law and shall be paid into the city, borough, incorporated town, township or county treasury, or to the State Treasury through the Department of Revenue, depending upon the location of such public eating or drinking place. The license shall be renewed annually.

Whenever any proprietor maintains more than one public eating or drinking place within the Commonwealth, he shall be required to apply for and procure a license for each eating or drinking place.

### **§ 655.3. Application for license; visit and inspection; refusal of license**

Any person owning or operating, or desiring to operate a public eating or drinking place, or public eating and drinking places within this Commonwealth, shall within thirty (30) days after the effective date hereof make application for license to the licensor on forms furnished by the licensor. Said forms shall be uniform throughout the Commonwealth and shall set forth such information, as the department may require, including the name and address of the applicant, together with all the other information deemed necessary. Before granting any license the licensor shall visit and inspect the restaurant or premises on which the applicant conducts or proposes to conduct his business. The licensor may refuse to issue a license if the premises on which the applicant conducts or proposes to conduct his business or his equipment do not meet the requirements of this act, or the rules and regulations of the department. The licensor shall state in writing to the applicant the reason for such refusal.

### **§ 655.4. Term of license; renewal**

Licenses shall be granted for a period of one year from date of issue. Application for renewal shall be made one month before expiration of existing license. A license granted under the provisions of this act shall be renewed, if on inspection by the licensor, the conditions specified in section three of this act with respect to the premises and equipment are fulfilled.

### **§ 655.5. Contents of license; display; not transferable**

Licenses, herein provided for, shall specify the date of issuance, the period which is covered, the name of the licensee and the place licensed. Such licenses shall be conspicuously displayed at all times in the place thereby licensed. Licenses shall not be transferable.

## **§ 655.6. Powers of the department**

(a) The department shall make such reasonable rules and regulations as may be deemed necessary for carrying out the provisions and intent of this act.

(b) The department may on its own motion, or on complaint after investigation and hearing, at which the licensee shall be afforded an opportunity to be heard, suspend or revoke any license for any violation by the licensee, his partner, agent, servant or employe of the provisions of this act or of any other act relating to the public health and being applicable to such public eating or drinking place, or of the rules and regulations of the department, or of any of the terms, conditions or provisions of the license by the licensee, or any of the agents, servants or employes of such licensee. Notice of suspension or revocation, and the reasons therefor, as well as any required notice of hearing, shall be given in writing to the licensee at the address contained in the license. Suspension of license shall be terminated when the violation for which it was imposed has been found, upon inspection, to have been corrected. Whenever a license is suspended or revoked no part of the fee paid therefor shall be returned to the holder.

(c) The department shall provide for the inspection of school cafeterias and for training of school cafeteria personnel in accordance with the standards applied to public eating and drinking places.

## **§ 655.7. Diseased persons; employment; proprietor and family**

No proprietor shall have or keep in his employ any employe who is a typhoid fever carrier, or a carrier of other intestinal infections, or of diphtheria, or who is suffering from active tuberculosis, or syphilis in its transmissible stage, or who has any infectious disease or open external lesion, nor shall the proprietor himself or any member of his family under the same conditions have anything to do with the handling, preparation, serving or providing of food or drink to the public.

## **§ 655.8. Towels and napkins; dishes and utensils**

No proprietor shall furnish any towel or napkin (except paper towels and napkins) to any patron of a public eating or drinking place, unless such towel or napkin be laundered after each individual use thereof, nor shall there be furnished to the patrons of such public eating or drinking places any dish, glass or other receptacle or utensil used in eating or drinking which has not been thoroughly cleansed in the manner prescribed by the regulations of the department since its use by another individual.

### **§ 655.9. Cleanliness and sanitation; pets or other animals; using place for sleeping**

In every public eating or drinking place, kitchens, dining rooms, cellars, ice-boxes, refrigerators and all places where foods are prepared, kept or stored and all kitchen-ware, table-ware, glass-ware, cutlery, utensils, containers or other utensils and machinery used in moving, handling, cutting, mixing, preparing or serving foods shall be kept in a clean and sanitary condition and be protected from dust, dirt, insects and vermin in the manner prescribed by the regulations of the department. The clothing and hands of employes shall at all times be clean and sanitary. No domestic pets or other animals shall be permitted where food or drink is prepared, handled or stored. No person shall be permitted to use for sleeping purposes any room or place in any public eating or drinking place which is regularly and customarily used for the preparation, handing, storing or serving of food.

### **§ 655.10. Toilets, water-closets, lavatories, tubs, sinks and drains**

All toilets and water-closets, lavatories, tubs, sinks and drains used in or in connection with any public eating or drinking place shall at all times be kept in a clean and sanitary condition.

### **§ 655.11. Revocation of license for failure to correct violations**

Any proprietor who, after investigation made by the licensor, has failed or refused after a reasonable interval to correct conditions found to constitute a violation of this act, or of the regulations of the department pertaining to public eating or drinking places, shall have his license revoked.

### **§ 655.12. Repealed.**

### **§ 655.12a. School cafeterias**

Officials of schools shall cooperate with the department in the conduct of school cafeteria health and safety inspections and shall participate in inspection services and training programs made available by the department.

### **§ 655.13. Punishment for violations**

Any proprietor who shall violate any of the provisions of this act shall, upon conviction thereof, in a summary proceeding before any justice of the peace, alderman or magistrate in the county in which the offense was committed, be sentenced to pay a fine of not less than ten dollars (\$ 10.00), nor more than fifty dollars (\$ 50.00), to be paid to said county, and the costs of prosecution. Upon each subsequent conviction he shall be fined not less than twenty-five dollars (\$ 25.00) and costs of prosecution, and in default of payment of such fine and costs, shall be confined in the county jail for a period of not more than thirty (30) days.

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