

Adding Section 4.030.050 to regulate Bring Your Own Beer (BYOB) Establishments

Roque Salinas, MPA

Director of Economic Development

8/1/2023

Summary

- An Ordinance Authorizing the Amending of The Leon Valley Code of Ordinance, Chapter 4 Business Regulations, Section 4.03 Alcoholic Beverages, by Adding 4.03.050 - Bring Your Own Beer (BYOB) Establishments. (1st Read was Held on 7-18-2023)

Options:

1. Approve moving forward
2. Denial moving forward

Bring Your Own Beer (BYOB) Establishments

A. Except as provided in subsection (b), this section applies to an establishment that:

1. Is not licensed or permitted by the TABC;
2. Is open to the public; and
3. Allow patrons to bring alcoholic beverages onto the premises for possession and consumption.

B. This section does not apply to:

1. A residence;
2. A fraternal or veteran's organization, as defined by the Texas Alcoholic Beverage Code;
3. A church;
4. A farmer's market licensed;
5. A bingo facility licensed under chapter 2001 of the Texas Occupations Code;
6. A banquet hall;
7. A restaurant

Exemptions

- 1. An establishment may apply for a Permit from the Planning and Zoning Department authorizing a BYOB establishment to operate for a period of no longer than 90 days, and under special circumstances.
- 2. The director must take all qualified applications directly to the City Council for approval.
- 3. If approved by the City Council, the business must apply for an alcoholic permit from the City, and it must be fully displayed at the approved establishment.

Permit Approval

1. The Planning and Zoning Director shall approve a permit application if the director determines that the applicant and the proposed BYOB establishment meet the requirements of this section.
2. The director shall deny a permit application if the director determines that:
 1. The applicant is under the age of 21 years;
 2. Any owner, operator, employee, and/or staff member had a TABC permit that was involuntarily cancelled or suspended within the preceding 12-month period;
 3. The applicant provided incorrect or incomplete information on the application; or
 4. The owner or operator of the BYOB establishment has been convicted of a criminal offense.
3. The director shall give written notice of a denial of an application to the applicant.
4. An applicant may appeal a denial of a permit application to the director in writing and request for City Council to overturn the denial. A City Council hearing will require two (2) City Council members to vote to place the item on the agenda.
5. If denied, an applicant may not re-apply for a period of 12 months.

Permit expiration, renewal, and Revocation

- Permit expiration, renewal.
 - The City Council may only approve a maximum period of 90 days for a temporary permit.
 - The owner shall file an application for permit renewal if they wish to continue operating as a BYOB.
 - An establishment may not be granted four (4) consecutive permits.
- Permit Revocation
 - The Planning and Zoning Director and/or City Council have full discretion to revoke the SUP at any point for any reason.

S.E.E. Statement

Social Equity:

- N/A

Economic Development:

- N/A

Environmental Stewardship:

- N/A



Strategic Goals

Economic Development is a strategic goal outlined in Leon Valley's Strategic Plan.

- Revitalize declining commercial areas by creating, reviewing, and enforcing codes that impact Economic Development
- Promote Leon Valley



Recommendation

- At council discretion