

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

Roque Salinas, MPA

Director of Economic Development

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# 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. R. Salinas, Director of Economic Development. 1st Read.

## **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;

## Exemptions

- 1. An establishment may apply for a SUP 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 SUP 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