

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL 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; REPEALING ALL ORDINANCE IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; SAVING CLAUSE; EFFECTIVE DATE; NOTICE OF OPEN MEETING AND PROVIDING FOR A PENALTY.

WHEREAS, The City of Leon Valley City Council wishes to update Section 4.03 Alcoholic Beverage and add Section 4.03.050 governing Bring Your Own Beer (BYOB) Establishments within City Limits.

WHEREAS, The City of Leon Valley City Council believes that it is in the best interest of the citizens of Leon Valley and to the general public that an establishment, who does not possess a TABC license, be allowed to operate a BYOB establishment within City limits.

WHEREAS, The City of Leon Valley City Council authorized the use of an SUP to allow a BYOB establishment to operate for a limited time and under special circumstances, at council discretion.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, THAT:

SECTION 1. All the above premises are hereby found to be the true and correct legislative and factual findings of the City of Leon Valley and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2. Chapter 4 business regulations, section 4.03.050 Bring Your Own Beer (BYOB) Establishments; shall read as follows:

Sec.4.03.050- 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;

C. 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 approved 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.

D. 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:
 - i. The applicant is under the age of 21 years;
 - ii. Any owner, operator, employee, and/or staff member had a TABC permit that was involuntarily cancelled or suspended within the preceding 12-month period;
 - iii. The applicant provided incorrect or incomplete information on the application; or
 - iv. 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.

E. Permit is not Transferable.

1. A permit issued under this section is not transferable to another person and/or business. Any change in ownership of a BYOB establishment, including, but not limited to, the sale of the BYOB establishment or any ownership interest therein, shall require the purchaser or transferee to submit a permit application.

F. Permit expiration, renewal.

1. The City Council may only approve a maximum period of 90 days for a temporary permit.
2. The owner shall file an application for permit renewal if they wish to continue operating as a BYOB.
3. An establishment may not be granted four (4) consecutive permits.

G. Permit Revocation

1. The Planning and Zoning Director and/or City Council have full discretion to revoke the SUP at any point for any reason.

SECTION 3. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

SECTION 4. That it is hereby declared to be the intention of the City Council of the City of Leon Valley that phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, and section.

SECTION 5. The ordinance shall be effective upon passage and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 1st day of August, 2023.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

NICOLE WARREN
City Attorney