



CITY OF HOUSTON - CITY COUNCIL

Meeting Date: 5/23/2023

ALL

Item Creation Date: 4/26/2023

ARA – Chapter 28 Amendments to Create “Bring Your Own Beverage” (BYOB) Regulations

Agenda Item#: 20.

Summary:

NOT A REAL CAPTION

ORDINANCE amending Ordinance No. XXXX regarding Bring-Your-Own-Bottle regulations

Background:

The Administration & Regulatory Affairs Department (ARA) recommends that the City Council approve an ordinance amending Chapter 28 of the City of Houston Code of Ordinances to create permitting and enforcement regulations for commercial establishments not licensed or permitted by the Texas Alcoholic Beverage Commission (TABC) that allow patrons to bring their own alcoholic beverages onto the premises for consumption. This practice is commonly referred to as “bring your own bottle” or “BYOB.”

Between 2020 and 2022, the Houston Police Department (HPD) responded to approximately 1,029 calls for service at BYOB establishments after 2 a.m. The calls for service were for various offenses including aggravated assault; theft; weapons violations; and murder. BYOB establishments routinely remain in operation during late night and early morning hours. In doing so, BYOB establishments often allow consumption of alcohol on premise, increasing the likelihood of criminal activity.

To protect the public, patrons, employees, and law enforcement, ARA, HPD, and the City Attorney’s Office recommend amending Chapter 28, Article XXII to create permitting and enforcement regulations to apply to commercial establishments that:

- Are not licensed or permitted by the TABC;
- Are open to the public between 12:01 a.m. and 7:00 a.m.; and
- Allow patrons to bring alcoholic beverages onto the premise for possession and consumption.

These establishments will be required to obtain “BYOB” permits that include the following requirements:

- Shall apply for a BYOB permit annually
- Owner and operator shall pass a criminal history check
- The establishment shall not operate without a certificate of occupancy
- Patrons must be at least 18 years or older to enter
- Owner, operator, and employees must be 21 years or older
- Shall provide a security plan
- Shall be equipped with a metal detector or wand
- Shall provide one security guard per every 100 patrons
- Shall post signage stating “BYOB Establishment” at the entrance and signage in the parking lot prohibiting consumption of alcoholic beverages in the parking lot
- Shall be equipped with exterior lighting fixtures to illuminate the area surrounding the establishment
- Shall not sell alcohol on the premises
- Shall not bring or consume alcohol on premises between the hours of 2:15 a.m. – 7:00 a.m. on Monday – Saturday, and 2:15 a.m. – 12:00 p.m. on Sunday
- Shall provide interior and exterior security cameras.

The BYOB permit is non-transferrable and may be revoked if the owner, operator, or employee of the establishment is convicted of violating any provision of the ordinance on two (2) or more occasions within the term of the permit or within the 24-month period preceding the application date of the permit, or non-compliance with provisions in the ordinance. A permit issued under this chapter is a grant of privilege and is not a property right.

The proposed permit fees are:

- BYOB Permit Fee - \$61
- BYOB Inspection Fee - \$466
- BYOB Reinspection Fee - \$350

The proposed Chapter 28 amendments were presented by ARA and HPD to the joint Quality of Life and Public Safety and Homeland Security

Committee on April 26, 2023.

Fiscal Note

Revenue for this item is included in the FY2023 Adopted Budget. Therefore, no Fiscal Note is required as stated in the Financial Policies.

Departmental Approval Authority:

DocuSigned by:
Tina Paez
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Tina Paez, Director
Administration & Regulatory
Affairs Department

Other Authorization

Amount and Source of Funding:

Revenue
General Fund
Fund 1000

Contact Information:

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ATTACHMENTS:

Description	Type
5.16.2023 Chap. 28 Amend. to Create BYOB Regulations	Signed Cover sheet
BYOB Permit Support	Backup Material
BYOB Inspection Support	Backup Material