



New Ordinance to Regulate BYOB Venues

Austin City Council Meeting
August 9, 2007



New Ordinance will:

- Regulate businesses that allow on-premise consumption of alcohol, but which are not covered by TABC
- Ordinance will
 - Require BYOB venues to get a permit
 - Impose regulations
 - Allow the City to enforce administrative, criminal, and civil penalties



Reasons for Creating Ordinance:

- Citizen Complaints
- Public Safety Concerns
- Drain on Tax Dollars & City Resources
- Alcohol Issues
- Community Blight
- Inequity Issues



Legal Authority:

- Exercise of our police powers as a home rule city
- Not currently regulated by TABC



What the permit requires:

- BYOB Venues
 - must apply for and maintain a valid permit
 - must comply with the Code
 - must not sell alcohol
 - must not allow on-duty employees to consume alcohol
 - must not allow consumption of alcohol outside of approved areas (ex not in a parking lot)



What the permit requires (cont.):

- BYOB Venues
 - must have security
 - must allow for immediate access and entry
 - must notify APD of illegal activity occurring on premises
 - must follow “hours of operations” regulations
 - No new patrons after 2 00 am
 - No consumption after 2 15 am
 - Off the premises by 2 30 am



Appeals:

- Available for application denials, and for permit suspensions, or revocations
- BYOB venue may request a hearing from the director when the permit is suspended or revoked
- BYOB venue may request an appeal to City Manager's Office for application denials and sustained suspensions/revocations
- There is a "good cause" exception for a failure to appear for a hearing



Enforcement:

- If a permit holder violates the ordinance, then the City can seek a suspension or a revocation
- If a permit holder operates during a suspension or revocation, then City can seek an injunction
- Violations of various provisions of the ordinance are Class C misdemeanors



Administrative Rules:

- Gives additional and detailed guidance for applicants, permit holders, and City personnel
- Topics
 - Application Documents
 - Information concerning convictions
 - Hearings and appeals procedures for application denials, permit suspensions, and permit revocations
 - Additional information on regulations
 - Procedures for Civil penalties



Effective Dates:

- If the Ordinance is passed on August 9th, 2007
 - The “Hours of Operation” section and other necessary sections of the ordinance will be effective at 12 01 a m on the day after the publication of the ordinance
 - Most of the regulations will be effective on August 20th, 2007
 - The balance of the ordinance, relating to permit requirements, will be effective on October 4th, 2007