

JOINT QUALITY OF LIFE/PUBLIC SAFETY & HOMELAND SECURITY COMMITTEE:

PROPOSED ORDINANCE TO REGULATE BYOB ESTABLISHMENTS

April, 26 2023

Administration & Regulatory Affairs
Houston Police Department
Legal Department



PROPOSED ORDINANCE

BYOB Establishments

➤ Purpose

- This ordinance establishes regulations for commercial establishments that are not licensed or permitted by the Texas Alcoholic Beverage Commission but allow patrons to bring their own alcoholic beverages onto the premises for consumption, commonly referred to as “BYOB”, an acronym meaning “bring your own beverage.” The purpose of the ordinance is to provide the City a tool for directly addressing the criminal activity arising from these establishments that poses a threat to the health and safety of Houstonians.



WHY A BYOB PERMIT?

HPD Statistics

SIGNIFICANT PATTERN OF CRIMINAL ACTIVITY AT BARS, CLUBS AND SOBS AFTER 2AM NOVEMBER 1, 2022 – APRIL 18, 2023

OFFENSE	TOTAL	After 2:00 AM
Murder	9	4
Robberies	32	13
Agg Assaults	103	36

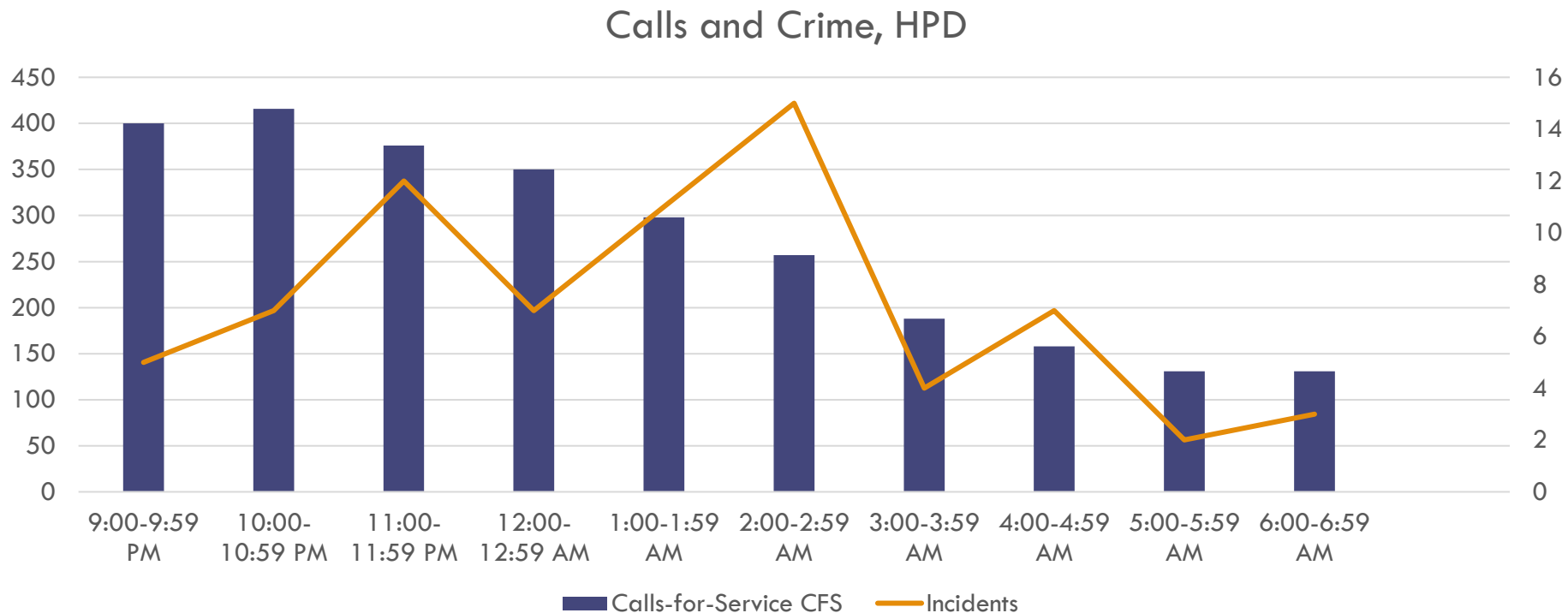


WHY A BYOB PERMIT?

HPD Statistics

BARS, CLUBS AND SOBS

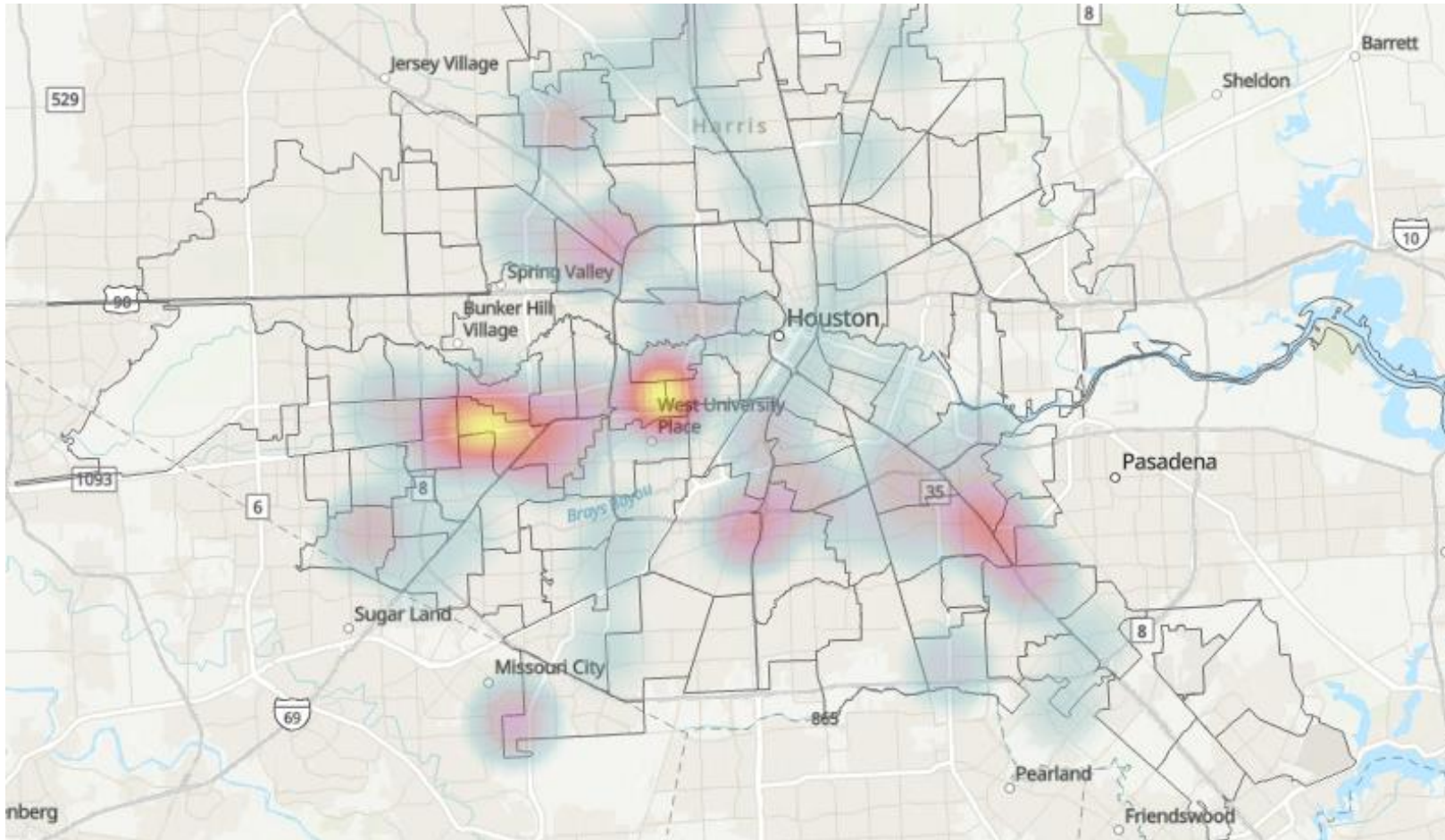
WITHIN 250' OF LOCATION | JANUARY 14, 2023 – MARCH 23, 2023



WHY A BYOB PERMIT?

HPD Statistics

Heat Map Offenses Associated with Clubs 2:30 a.m. – 6:30 a.m.



HOW WILL A BYOB PERMIT HELP HPD WITH ENFORCEMENT?

Rationale behind ordinance proposal

- Recognizes that a regulatory loophole exists for businesses that allow alcohol consumption on premises but are not subject to TABC regulations
- Closes the regulatory loophole that allows these business to operate during high crime activity hours between midnight and 7 a.m.
- Establishes rules for businesses that allow patrons to bring their own alcohol and consume it on their premises
- Institutes safety measures by requiring an HPD-approved security plan for businesses without a TABC permit that allow consumption of alcohol on their premises after midnight
- Allows HPD to enter the premises and issue citations; give the City broader authority to take other measures – as necessary – up to and including suing to enjoin the business as a public nuisance



BYOB PERMIT REQUIREMENTS

For Establishments

- Fingerprinting and criminal background check by FBI/DPS
- Certificate of Occupancy
- Scaled drawings of the premises to include:
 - Site Plan
 - Floor Plan
 - Designation of areas for alcohol consumption
- Security Plan that meets or exceeds the minimum standards established by the BYOB Ordinance, and subject to inspection and approval by a police official



BYOB PERMIT REQUIREMENTS

For Establishments

- Signage at each entrance:
 - “BYOB Establishment” in four-inch or larger block letters
 - Legible and visible from a distance of 25 feet

- Operator required on premises at all times during operating hours

- Minimum age of 18 years to enter the premises

- Doors remain unlocked and unobstructed during operating hours

- Trespass affidavit posted at all times in a conspicuous place accessible by the public



BYOB PERMIT REQUIREMENTS

For Establishments

➤ Parking Lot Restrictions

- No loitering
- No alcoholic beverages
- Signage stating the consumption of alcoholic beverages is prohibited in the parking lot



BYOB PERMIT REQUIREMENTS

For Establishments

- Sale of alcohol prohibited
- Service of alcohol prohibited
- Sale and consumption of alcohol by the owner/operator prohibited
- Permit subject to annual renewal, non transferrable, and must be posted in conspicuous place
- Permit is a privilege not a right



BYOB MINIMUM SECURITY PLAN REQUIREMENT

For Establishments

- Hand wand or walkthrough metal detector
- Lighting in exterior portion of the premises, including parking area:
 - Parking area must be illuminated at 0.7 foot-candles
 - Lighting must not interfere with or impact abutting properties (reasonable use and/or enjoyment of their property)
- Minimum of one security officer per 100 patrons
- Security video system
 - Low light recording capabilities
 - All open areas inside and outside of premises, excluding restroom facilities



BYOB ANNUAL COMPLIANCE INSPECTION

For Establishments

- Inspection fee included in the permit fee
- HPD to identify violations of the BYOB Ordinance and provide an action plan for compliance
- Violations must be cured within 60 days after inspection
- If violation not cured within 60 days, establishment may be cited



BYOB PERMIT DENIAL

For Establishment Applicants

- Applicant under 18 years of age
- BYOB does not comply with permit requirements
- Applicant, operator, or owner had a permit revoked within preceding 12-month period
- Applicant had a TABC permit canceled or suspended within preceding 12-month period
- Application has incorrect, incomplete, or false information
- Owner or operator convicted of a criminal offense listed in section 1-10 (b)(10) of the Houston Code of Ordinances
- Written notice of the denial subject to appeal within 10 business days after denial is issued



BYOB PERMIT REVOCATION

For Establishments

- Owner/operator/employee convicted for violation of ordinance on two or more occasions within the 24-month period preceding the date of the application
- Permit issued in error
- Owner no longer qualifies for permit
- Failure to comply with any provision in the ordinance
- Written notice of revocation subject to appeal within 10 business days after the revocation is issued



BYOB PERMIT FEE

For Establishments

- BYOB Permit Fee: The permit fee will be between \$397 and \$550.
 - Administrative and HPD inspection costs



BYOB PERMIT REVOCATION

For Establishments

Questions?

BYOB PERMIT

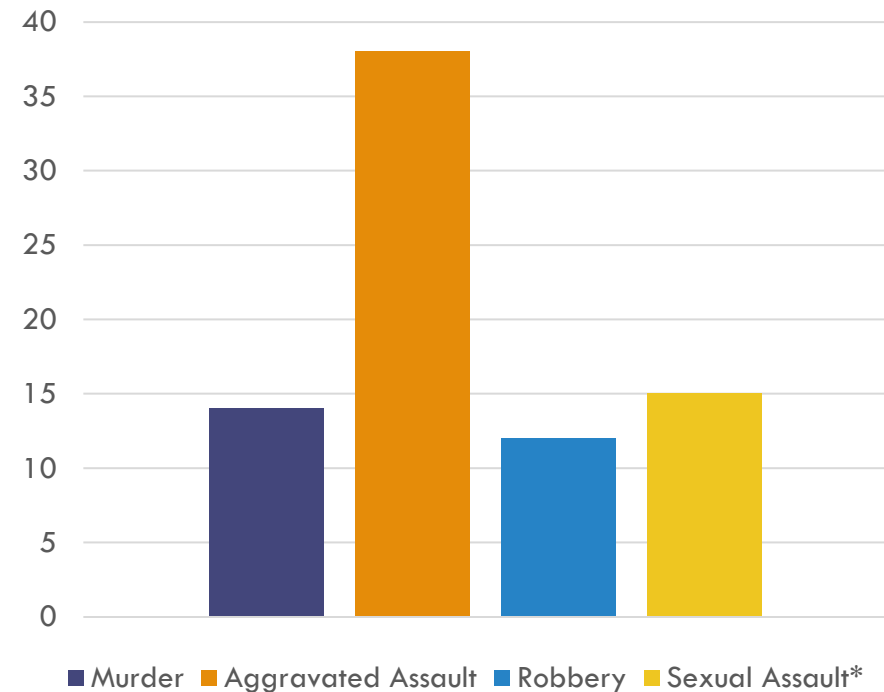
HPD Statistics

CLUB ANALYSIS

JANUARY 1, 2022 – MARCH 31, 2023, 2:30 – 6:30 AM

- Incident reports referencing “After-Hours” clubs
- 61 named clubs
 - At least 1 (Shipleigh Donuts) probably a false positive
 - Some appear to be short term operations (“Raves”)

Violent Crime by Type



BYOB PERMIT

HPD Statistics

- This information is for operational/informational use only and does not represent the official crime event data captured by the Houston Police Department Office of Planning and Data Governance This information is intended for use by law enforcement only and is not intended to be released to the public as the official crime statistics of the Houston Police Department
- The Crime Data represents basic/general data of incidents based on the highest offense listed in a particular report and does not reflect the FBI's NIBRS coding system in that lesser included offenses may not be included. The data may or may not have been screened through the Houston Police Department's quality control process and therefore may reflect:
- Information not yet verified by further investigation and may include mechanical or human error
- Preliminary crime classifications that may be changed at a later date based upon further investigation

