



CITY OF SAN ANTONIO
OFFICE OF THE CITY COUNCIL
COUNCIL CONSIDERATION REQUEST

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TO: Mayor and City Council

FROM: Councilman Manny Pelaez, District 8

COPIES TO: Erik Walsh, City Manager; Debbie Racca-Sittre, City Clerk; Andrew Segovia, City Attorney; John Peterek, Assistant to the City Manager; Emily McGinn, Assistant to City Council

SUBJECT: BYOB Establishments

DATE: 11/28/2023

Issue Proposed for Consideration

Much of San Antonio's crime occurs in the early morning hours in parking lots of local Bring Your Own Beer ("BYOB") establishments. BYOB establishments should be more strictly regulated in order to stem the increasing rate of incidents involving violent crimes, property crimes, noise violations, and other threats to the public health, safety, and welfare.

As such, the City Manager should present City Council with options for the adoption of one or more ordinances that would meet the following goals as they pertain to BYOB businesses:

1. Curbing criminal conduct;
2. Protecting the surrounding residents' right to quiet enjoyment of their neighborhoods;
3. Requiring BYOB establishment owners/operators to apply for and obtain a BYOB permit;
4. Requiring BYOB establishment owners/operators to adopt and enforce written policies that guide the establishment's staff and management as it relates to:
 - a. Security;
 - b. Video monitoring equipment and practices;
 - c. Vehicle parking;
 - d. Interior and exterior lighting; and
 - e. Noise.
5. Requiring annual compliance inspections by Code Enforcement and S.A.P.D; and
6. Giving City Council, by way of zoning, the ability to keep after-midnight BYOB businesses activities away from residences, schools, or places of worship.



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The proposed rules applicable to BYOB establishments should be limited to ONLY restaurants and other businesses that the Texas Alcohol Beverage Commission ("TABC") does not already license. Further, the business' operation must encompass a timeframe that includes open hours between the hours of 12:01 a.m. and 7:00 a.m.

Lastly, the proposed rules applicable to BYOB establishments would NOT apply to:

- Residences;
- Fraternal organizations¹;
- Veterans organizations²;
- Universities or colleges that provide a degree program;
- Places of worship;
- Licensed farmer's markets;
- Bingo halls;
- Banquet halls; and
- Theaters that accommodate more than 100 patrons.

BACKGROUND:

BYOB establishments that remain open after midnight and past the hours of operation applicable to licensed bars have become a serious problem for neighborhoods, surrounding businesses, and law enforcement officers. Murders, narcotics related crimes, other violent crimes, and property crimes are common occurrences at BYOB establishments.

Other Texas cities experiencing the same problems with BYOB establishments have adopted ordinances that regulate BYOB business and hold them to the same standards as businesses that are legally licensed to serve alcohol in the state of Texas. These cities' BYOB regulations were adopted with the goal of reducing the strain on law enforcement created by these businesses that operate within a regulatory loophole - - a loophole that allows these businesses to create revenue from alcohol consumption while not being subject to TABC regulations.

For example, in 2023, the City of Houston adopted amendments to Chapter 28 of the City of Houston Code. The adopted changes gave Houston the ability to regulate businesses which allow for BYOB service after midnight.

¹ "Fraternal organization" as defined by the Texas Alcohol & Beverage Code Sec. 32.11(a)(1)

² "Veterans organization" as defined by the Texas Alcohol & Beverage Code Sec. 32.11(a)(2)



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Beyond restricted permit hours specified by the Houston ordinance, it also requires other precautionary safety measures such as a mandatory security guards, lighting in parking lots, a video surveillance system, hand wands or metal detectors, and other measures such as background and criminal history checks for owners and operators seeking a BYOB permit.

Submitted for Council consideration by:

Manny Pelaez

Councilman Manny Pelaez, District 8

Supporting Councilmembers' Signatures (4 only) District

District:

1. *[Signature]*

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Marina Alderete Gavito

2. _____

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3. *Sukh Kaur*

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4. *John Cougle*

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