



To the Mayor and Members of the City Council

October 12, 2021

Page 1 of 7

SUBJECT: MUNICIPAL REGULATION OF BRING YOUR OWN BOTTLE (BYOB) ESTABLISHMENTS

This IR is to provide Council with information regarding state and municipal regulation of bring your own beverage (BYOB) establishments. BYOB establishments are places of business where customers are allowed to bring their own alcoholic beverages onto the premises of a bar or restaurant that is applying for a permit to sell alcohol or is already licensed to sell beer or wine, or into an establishment that is not licensed to sell alcoholic beverages by the Texas Alcoholic Beverage Commission.

State Laws Regulating BYOBs:

BYOB establishments are not referenced in the Texas Alcoholic and Beverage Code (Code) and are, because of the lack of reference, not regulated by the Code. As such, BYOB establishments are not required to get a permit or license from the Texas Alcoholic and Beverage Commission (TABC).

While BYOB establishments are not required to obtain a license from TABC, the following alcohol possession and consumption laws still apply in BYOB establishments:

- Minors Possessing or Consuming Alcohol: The punishment for making alcoholic beverages available to a minor is a class A misdemeanor, punishable by a fine up to \$4,000, confinement in jail for up to a year or both. The violator's driver's license will be automatically suspended for 180 days on conviction. People 21 or older (other than the parent or guardian) can be held liable for damages caused by intoxication of a minor under 18 if the adult knowingly provided alcoholic beverages to a minor or allowed the minor to be served or provided alcoholic beverages on the premises owned or leased by the adult.
- Public Intoxication: Chapter 49.02 of the Texas Penal Code states: "A person commits an offense if the person appears in a public place while intoxicated to the degree that the person may endanger the person or another."
- Legal Hours of Public Consumption:
 - o Legal hours of public consumption begin at 7am Monday - Saturday, and noon on Sunday.
 - o Legal hours of public consumption end at 2:15am if the area is legal for extended hours. Otherwise, legal hours of public consumption end at 12:15 am Sunday night through Friday night, and 1:15 am Saturday night.

Municipal Ordinances Regulating BYOBs:

Municipal regulations of alcohol sales are preempted by the Texas Alcoholic and Beverage Code (Code) and as such, municipalities cannot adopt regulations that are more prohibitive than state law. In 2007, the Texas Attorney General opined in GA-0561 that because the Code preempts the regulation of possession and consumption of alcoholic beverages, a municipality cannot adopt an ordinance regulating possession or consumption of an alcoholic beverage in an establishment operating on a BYOB basis.

Some municipalities have considered or adopted ordinances to regulate BYOB establishments with special permitting and operating requirements including hours of operation, submission of a public safety



To the Mayor and Members of the City Council

October 12, 2021

Page 2 of 7

SUBJECT: MUNICIPAL REGULATION OF BRING YOUR OWN BOTTLE (BYOB) ESTABLISHMENTS

plan (fire and security) and operational plan (contact information of manager, types of events allowed.) Municipalities that have adopted or considered BYOB ordinances:

Harker Heights – adopted April 14, 2020. Only one business is following the ordinance and has an active permit.

Killeen – ordinance proposed and failed to be adopted June 9, 2021.

Austin – adopted August 9, 2007. Austin does not currently enforce the ordinance and have issued zero permits issued after 14 years.

Outside of ordinances specifically addressing BYOB establishments, other tools exist within the City Code to address issues that arise, such as the noise ordinance, nuisance abatement proceedings, compliance with permitting rules for zoning and applicable building codes.

Police Data – BYOB

The Police Department does not have a specific call type for BYOB but has identified the following locations as BYOBs and the various call types responded to for those locations from September 2019 through September 2021.

Call Type Description for BYOB Establishments September 13, 2019 - September 13, 2021	
Roxy Showgirls - 1300 NE Loop 820	
Call Type Description	Total
ASSAULT	1
Call for Police / NODS	1
Commercial Hold-Up	1
Criminal Mischief	1
DISTURBANCE	1
DRU CALL	6
HIT & RUN ACCIDENT	1
INVESTIGATION	6
MAJOR ACCIDENT	6
MEET COMPLAINTANT - SUPERVISOR	2
MINOR ACC - COMMERCIAL VEHICLE	1
Minor Accident - Blocking	6
Minor Accident - Not Blocking	6
Other - Stranded Motorist	1
Other - Traffic Hazard	1
Other - Unconscious Person	3
STOLEN VEHICLE	2
TRAFFIC VIOLATION	2
Grand Total	48

To the Mayor and Members of the City Council

October 12, 2021

Page 3 of 7



SUBJECT: MUNICIPAL REGULATION OF BRING YOUR OWN BOTTLE (BYOB) ESTABLISHMENTS

Bucks Wild - 5316 Superior Pkwy	
Call Type Description	Total
911 Hang-Up / Open Line	1
ASSAULT	1
BURGLAR ALARM - COMM	1
Burglar Alarm - Commercial	5
DISTURBANCE	8
Domestic Disturbance	1
DRU CALL	8
DRU PRIORITY	1
FIGHT	1
Fire Call - Bomb Threat	1
HIT & RUN ACCIDENT	3
Hit & Run Report	1
Intoxicated Person	1
INVESTIGATION	9
MEET AMBULANCE	1
Minor Accident - Not Blocking	1
Minor Accident-Commercial Veh	1
OTHER	2
Other - Attempt to Locate/Cont	2
Other - Traffic Hazard	1
Person with a Weapon	1
Grand Total	51

Ricks Cabaret - 7101 Calmont Ave	
Call Type Description	Total
ASSAULT REPORT	1
BURGLAR ALARM - COMM	1
Burglar Alarm - Commercial	4
DISTURBANCE	11
Domestic Disturbance	1
DRU CALL	12
Hotrodders	1
INVESTIGATION	6
MEET AMBULANCE	2
Missing Person / Runaway	1
Other - Traffic Hazard	1
Person with a Weapon	1
STOLEN VEHICLE	1
SUICIDE ATTEMPT	1
TRAFFIC VIOLATION	1
Grand Total	45

To the Mayor and Members of the City Council
October 12, 2021

Page 4 of 7


SUBJECT: MUNICIPAL REGULATION OF BRING YOUR OWN BOTTLE (BYOB) ESTABLISHMENTS

Bucks Cabaret - 2345 Meacham Blvd	
Call Type Description	Total
ASSAULT	1
ASSAULT REPORT	2
Commercial Hold-Up	3
CSSU	1
DISTURBANCE	16
Domestic Disturbance	1
DRU CALL	15
DRU PRIORITY	1
FIGHT	3
HIT & RUN ACCIDENT	2
INVESTIGATION	21
MAJOR ACCIDENT	1
MEET AMBULANCE	1
Minor Accident - Not Blocking	1
Missing Person / Runaway	1
Other - Attempt to Locate/Cont	1
Other - Stranded Motorist	1
PERSON WITH WEAPON	1
Robbery	1
Shooting	1
STOLEN VEHICLE	1
SUICIDE ATTEMPT	3
THEFT	1
Grand Total	80

Mamma Mia - 3124 E Belknap St	
Call Type Description	Total
DISTURBANCE	1
DRU CALL	4
INVESTIGATION	1
MARKOUT - EAT	5
MEET AMBULANCE	1
Other - Traffic Hazard	1
Suicidal Person - Psych/MHMR	1
Grand Total	14

Pin Ups Cabaret - 5000 Mark IV Pkwy	
Call Type Description	Total
ASSAULT	1
BURGLAR ALARM - COMM	1
Burglary	2
CSSU	1
DISTURBANCE	5
DRU CALL	9

To the Mayor and Members of the City Council
October 12, 2021

Page 5 of 7


SUBJECT: MUNICIPAL REGULATION OF BRING YOUR OWN BOTTLE (BYOB) ESTABLISHMENTS

FIGHT	4
HIT & RUN ACCIDENT	2
INVESTIGATION	5
MARKOUT - EAT	1
Minor Accident - Not Blocking	1
OTHER	1
Person with a Weapon	3
Shots Fired - Drive By	2
Shots Fired in the Area	1
STOLEN VEHICLE	1
SUICIDE ATTEMPT	2
TRAFFIC VIOLATION	3
Grand Total	45

Nonna Tata - 1400 W Magnolia Ave	
Call Type Description	Total
Business / Residence Check	8
BUSN/RESID CHECK	2
DISTURBANCE	2
INVESTIGATION	1
MARKOUT - EAT	1
Markout - Eat / Meal	2
OTHER	1
TRAFFIC VIOLATION	2
Grand Total	19

Flying Carpet Turkish Café - 1223 Washington Ave	
Call Type Description	Total
Commercial Hold-Up	1
Grand Total	1

Giovanni's Italian Kitchen - 5733 Crowley Rd	
Call Type Description	Total
ABANDONED PROPERTY	1
Burglar Alarm - Commercial	1
Disturbance	1
Markout - Eat / Meal	1
MEET AMBULANCE	1
MINOR ACCIDENT BLOCKING	1
Grand Total	6



To the Mayor and Members of the City Council

October 12, 2021

Page 6 of 7

SUBJECT: MUNICIPAL REGULATION OF BRING YOUR OWN BOTTLE (BYOB) ESTABLISHMENTS

Café Bella - 3548 S Hills Ave	
Call Type Description	Total
ASSAULT REPORT	1
BURGLAR ALARM - COMM	2
Burglar Alarm - Commercial	6
Burglary	1
Burglary Report	1
Business / Residence Check	4
Commercial Burglary	1
DISTURBANCE	1
DRU CALL	9
Fire Call - Bomb Threat	1
MARKOUT - COMMUNITY SERVICE	2
MARKOUT - EAT	5
Markout - Eat / Meal	18
MEET AMBULANCE	1
OTHER	1
PRISONER PICKUP	1
STOLEN VEHICLE	1
Suspicious Person	1
THEFT	1
Grand Total	58

Gold Rush - 3108 N. Main	
Call Type Description	Total
Assault	3
Burglary	1
Business / Residence Check	10
Call for Police / NODS	1
CSSU	2
DISTURBANCE	6
Domestic Disturbance	1
DRU CALL	10
Fight	2
HIT & RUN ACCIDENT	3
Hit & Run Report	1
HOTRODDERS	2
INVESTIGATION	34
Meet Amb - Unk Person Down	1
MEET AMBULANCE	1
Other	4
PERSON WITH WEAPON	2
PRISONER PICKUP	1
Shooting	2
SHOTS FIRED IN AREA	1


To the Mayor and Members of the City Council
October 12, 2021

Page 7 of 7

SUBJECT: MUNICIPAL REGULATION OF BRING YOUR OWN BOTTLE (BYOB) ESTABLISHMENTS

Traffic Violation	2
Grand Total	90

Gold Rush - 3108 N. Main 2:00 AM - 6:00 AM	
Call Type Description	Total
Assault	3
Burglary	1
Business / Residence Check	7
Call for Police / NODS	1
CSSU	2
Disturbance	3
Domestic Disturbance	1
DRU Call	2
Fight	1
Hit & Run Accident	2
Hit & Run Report	1
Investigation	28
MEET AMBULANCE	1
Other	4
PERSON WITH WEAPON	2
PRISONER PICKUP	1
Shooting	2
SHOTS FIRED IN AREA	1
Traffic Violation	2
Grand Total	65

If you have any questions please contact Melinda Ramos, Senior Assistant City Attorney, at 817-392-7631.

David Cooke
City Manager