New BYOB Businesses Regulations

On April 14, 2020, the City of Harker Heights adopted a BYOB Business Regulations Ordinance

ORDINANCE BACKGROUND INFORMATION

Who is affected by this new ordinance?

Any business that is not licensed or permitted by the Texas Alcoholic Beverage Commission (TABC) to sell or serve alcoholic beverages and allows patrons to bring alcoholic beverages onto the premises for possession and consumption.

When does this ordinance take effect?

This ordinance was adopted on April 14, 2020 and takes immediate effect. However, the city will not begin enforcement of the ordinance and its requirements until **June 1, 2020**.

Is there "grandfathering" for existing businesses?

No, all existing and future BYOB businesses will be required to follow the regulations in the ordinance.

What does the ordinance do?

The ordinance adds a chapter to the Code of Ordinances that regulates BYOB businesses with specific permitting and operations requirements. *Any business that does not meet these requirements can face civil and criminal penalties.*

Why did the city adopt this ordinance?

BYOB businesses are not regulated by the TABC and it is difficult to enforce business hours and safety requirements. The Code of Ordinances did not previously regulate these businesses, and this new ordinance applies rules to them to keep the patrons and operators safe, as well as setting up a transparent and fair set of requirements.

Who do I contact if I have any questions?

Please contact the Planning and Development Department at 254-953-5600.

SUMMARY OF ORDINANCE REGULATIONS

General Ordinance Provisions

This ordinance applies to all BYOB businesses in Harker Heights except residences, government entities, private clubs (as defined by the TABC), fraternal or veteran's organizations, colleges or universities, religious assemblies, restaurants, or theaters.

BYOB Business Permit Required

BYOB businesses cannot operate without a permit provided by the Planning Department. Permits can be denied, revoked, or suspended for code violations, but there is an appeals process.

BYOB Business Operations Requirements

- **Security Plan** – Shows how the business will keep employees and patrons safe.
- **Hours of Operations** – Noon to 2am on Sundays; 7am to 2am other days.
- **Consumption Areas** – Site plan showing the areas in which patrons can consume alcohol. No alcohol consumption or congregating is allowed in parking areas.
- **Alcohol** – The sale of alcohol is prohibited, and employees may not consume or serve alcohol to a patron, nor purchase alcohol for a patron.
- **Insurance** – BYOB businesses must maintain a commercial general liability insurance policy.
- **Crime Prevention and Reporting Plan** – Shows how the business will discourage, prevent, and report crimes to law enforcement agencies.
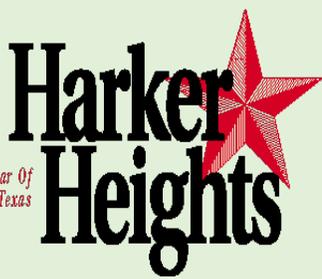
BYOB Ordinance Enforcement

A permit holder gives consent to code and law enforcement to inspect the premises. Violations of the ordinance can result in criminal and/or civil penalties as determined by the city attorney.

This is a summary of the major requirements of the BYOB Ordinance. Please review the ordinance in its entirety for the full requirements.

BYOB Business Permit Requirements

BYOB Businesses May Not Operate Without a BYOB Business Permit

BYOB BUSINESS PERMIT PROCESS

1) Submit Permit Application

- Permits can be downloaded from the city's web page (www.harkerheights.gov) or picked up from the Planning Department at City Hall.
- Completed permits, supplemental documents, and the application fee can be submitted to the Planning Department in person or by regular mail:

  Planning Department
  City of Harker Heights
  305 Millers Crossing
  Harker Heights, TX 76548

2) Receive Permit Approval or Denial

- Permits will be reviewed by city staff for completeness and compliance with the BYOB Ordinance requirements.
- Once approved, permits can be picked up at Harker Heights City Hall.
- If a permit application is denied, the applicant will receive the decision in writing with an explanation of why it was denied and describing the process to appeal the denial.

3) Renew Permit

- Permits are valid for one year from the date of issue and must be renewed annually.
- Permit renewal applications must be submitted no earlier than the 90th day and no later than the 45th day before the previous permit expires.

Permit Suspension or Revocation

- Permits may be suspended or revoked for violations of the BYOB Ordinance.
- Should a permit be suspended or revoked, the business may not operate until it receives its permit back or obtains a new permit.
- The BYOB Ordinance outlines the appeals process for permit denial, suspension, or revocation.

BYOB BUSINESS PERMIT REQUIREMENTS

Completed Permit Application

- Applicant must be at least 18 years of age.
- Non-Refundable $50 Application Fee

Criminal Background Check Authorization Form

- Required for all applicants, owners, and managers.
- *A person may not hold a BYOB permit if they have been convicted of a felony or misdemeanor that directly relates to the duties and responsibilities for operating a BYOB venue, and the conviction makes the person unfit to hold a permit or manage a BYOB venue.*

Copy of Business Registration Certificate

- All businesses must have a business registration.

Security Plan for the Venue, Including:

- Requirements for crowd managers and security personnel.
- Locations of any surveillance equipment.
- Procedures for crime reporting to HHPD.

Scale Drawings of the Venue, Including:

- Site plans showing the internal and external configuration of the venue, including any improvements.
- Designation of alcohol consumption areas.

Proof of Commercial General Liability Insurance Policy

- Provides coverage of $500,000 per occurrence and $1,000,000 in the aggregate on an occurrence basis.
- Policy must name as additional insured the city, its elected and appointed officials, and employees acting within the scope of their duties

This is a summary of the BYOB Permit Application requirements. Please review the ordinance in its entirety for the full requirements.

City of Harker Heights | 305 Miller's Crossing | Harker Heights, TX 76548
T: 254-953-5600 | F: 254-953-5666 | www.harkerheights.gov

Vision: Providing public services that empower people to focus on what matters most: their goals, hopes and dreams.