

ORDINANCE NO. 2019-6

AN AMENDMENT TO CHAPTER 63 OF THE
ORDINANCES OF THE TOWN OF BARRINGTON

Chapter 63

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Article V: BYOB Establishments

§ 63-17 Purpose and intent.

- A. The Council of the Town of Barrington hereby declares that the purpose of this article is to preserve the health, safety and welfare of its residents by ensuring that the public consumption of alcohol is carried out responsibly.
- B. It is the Council's intent to ensure that those establishments that allow the general public to consume alcohol on their premises are properly trained to inspect photo identification to prevent underage drinking, as well as to regulate the amount of alcohol consumption that occurs on these aforementioned premises to promote the health and safety of the Town of Barrington and to reduce the prominence of drinking and driving therein.

§ 63-18 Applicability.

- A. This Article shall apply to the issuance, renewal, or transfer of any Victualling License issued by the Town Clerk at the direction of the Town Council.

§ 63-19 Definitions.

- A. As used in this article, the following terms shall have the meanings indicated:

ALCOHOLIC BEVERAGES

Any and all intoxicating beverages that contain alcohol, liquor or such other intoxicating substances as are further defined in R.I.G.L. § 3-1-1.

BYOB

Also known as a bring-your-own-beer, bring-your-own-bottle, bring-your-own-wine, or carry-in establishment. The practice of allowing individuals to bring and consume alcohol on the premises of a victualling house.

BYOB ESTABLISHMENT

Any victualling house, operated for profit or pecuniary gain, which is not licensed by the State of Rhode Island Liquor Control Board wherein patrons may consume alcoholic beverages which said patrons have carried or brought into the premises. The permissibility of a use of land involving to any extent a BYOB establishment

shall be determined according to the principal intended use.

CORKAGE FEE

A convenience charge is allowable only in a BYOB establishment for the labor and services incurred by the BYOB establishment for the consumption of alcoholic beverages on its premises.

PHOTO IDENTIFICATION DOCUMENT

Any permissible form of legal identification that is provided in R.I.G.L. § 3-8-6.

VICTUALLING HOUSE

Also known as "victualler." Any shop or place where a substantial part of the business is the furnishing of food for consumption at the place where it is furnished.

B. All other terms used throughout this article shall have their normal and ordinary meaning and shall be construed in the context in which they are provided.

§ 63-20 General rule.

A. It shall be unlawful for any tavern or victualling house in the Town of Barrington that does not have a Class B liquor license pursuant to R.I.G.L. § 3-7-7 to operate as a BYOB establishment as herein defined, or to allow the practice of BYOB to occur on its premises, without first satisfying the requirements of this Article.

B. The Town Council shall require all of the necessary requisites for a Rhode Island Department of Business Regulation Commercial Licensing Regulation 8, Section 4, Rule 5 Class B-V for a BYOB establishment. Said BYOB establishment shall be bound by all limitations conferred upon Rhode Island Department of Business Regulation Commercial Licensing Regulation 8, Section 4, Rule 5 Class B-V licenses under Rhode Island General Laws Title 3, Alcoholic Beverages.

§ 63-21 Requirements for BYOB establishment.

A. The Town of Barrington may grant a Victualing License which also confers the status of a BYOB establishment to any establishment qualifying for a license under Rhode Island Department of Business Regulation Commercial Licensing Regulation 8, Section 4, Rule 5. This license shall confer the limited right for consumption but not the retail of intoxicating beverages on the victualler's premises as defined by R.I.G.L. § 3-1-1. A BYOB establishment is limited by any provisions set forth under R.I.G.L. Title 3, Alcoholic Beverages, as would be applicable to a Rhode Island Department of Business Regulation Commercial Licensing Regulation 8, Section 4, Rule 5 Class B-V license.

B. Application for a BYOB establishment shall be made to the Town Council at the time of the initial or renewal application for a Victualing license. The determination whether to grant the status of a BYOB establishment is solely in the Town Council's discretion.

- C. No BYOB establishment shall be approved for any premises until the Town Clerk receives a certification from the Tax Collector that all real property taxes and assessments pertaining to the premises and the property on which the premises is located and for which a BYOB establishment is to be operated are current and that no such taxes or assessments are then due and owing; and
- D. Approval of a BYOB establishment under this policy shall not create any property rights; any further transfer or conferral of the status of a BYOB establishment is limited to the provisions set forth under R.I.G.L. § 3-5-19 and any other limitations as would be applicable to a Rhode Island Department of Business Regulation Commercial Licensing Regulation 8, Section 4, Rule 5 Class B-V license.
- E. A BYOB establishment is only permitted for victualling houses, as defined herein, that neither have nor are currently in the process of applying for, a liquor license as found in R.I.G.L. § 3-7-7 and otherwise fulfills the requirements of Rhode Island Department of Business Regulation Commercial Licensing Regulation 8, Section 4, Rule 5.
- F. Before approving or renewing a BYOB establishment, the Town Council may cause an examination or examinations to be made of the premises of the applicant or may otherwise review such evidence as the Barrington Town Council deems necessary pursuant to R.I.G.L. Title 3, Alcoholic Beverages, or Rhode Island Department of Business Regulation Commercial Licensing Regulation 8 as if the BYOB license were a Rhode Island Department of Business Regulation Commercial Licensing Regulation 8, Section 4, Rule 5 Class B-V license.

§ 63-22 Obligations of BYOB establishment.

- A. Any victualling house approved as a BYOB establishment shall at all times comply with any provisions set forth under Rhode Island Department of Business Regulation Commercial Licensing Regulation 8, Section 4, Rule 5 Class B-V license and more generally any other applicable conditions under R.I.G.L. Title 3, Alcoholic Beverages, or Rhode Island Department of Business Regulation Commercial Licensing Regulation 8 as if the BYOB establishment were a Rhode Island Department of Business Regulation Commercial Licensing Regulation 8, Section 4, Rule 5 Class B-V license.
- B. Pursuant to compliance with standards delineated herein, any BYOB establishment must serve any alcoholic beverage in the possession of patrons to said patrons before patrons are permitted to consume said beverage on victualler's premises. Accordingly, all requirements of proper service of beverages contained within Rhode Island Department of Business Regulation Commercial Licensing Regulation 8, including but in no way limited to Rule 43 Alcohol Server Training Program Certification, must be met under R.I.G.L. Title 3, Alcoholic Beverages.

- C. Employees who have not been certified by an eligible alcohol server training program are not permitted to handle alcohol. Certified employees are permitted to handle alcoholic beverages for the purposes of chilling, uncorking, pouring, verifying its contents, and discarding leftover alcoholic beverages, but under no circumstances are employees permitted to store or consume alcoholic beverages.**
- D. The establishment may charge a corkage fee for the service of intoxicating beverages belonging to patrons pursuant to recovering any costs incurred by acquiring and subsequent compliance with this Article's provisions.**
- E. No glasses or opened bottles containing alcoholic beverages are permitted off the premises, except as provided under R.I.G.L. § 3-8-16.**
- F. No person waiting to be seated for service may consume or possess an open container of an alcoholic beverage unless and until an employee serves the beverage to the patron.**
- G. Patrons who desire to consume alcoholic beverages on the premises shall bring such beverages with them to the establishment. Patrons shall not be permitted to deliver alcoholic beverages to the premises in advance or to leave alcoholic beverages on the premises to be consumed or to be picked up at a later time. No delivery of alcoholic beverages by any person, including a licensed alcoholic beverage establishment, shall be permitted.**
- H. Alcoholic beverages shall not be permitted to be stored, displayed or maintained on a service bar or service table and must be kept by the patron at the table at which the patron is seated.**
- I. No BYOB establishment shall permit a patron, customer, or any other person to bring or deliver to the premises a large quantity of alcoholic beverages intended for consumption at a party or other special event to be attended by more than one table of patrons.**
- J. BYOB establishments are not permitted to promote or conduct the tasting or sampling of alcoholic beverages.**
- K. The BYOB establishment patrons are limited to the consumption of the alcoholic beverages provided by the persons at said patrons table.**

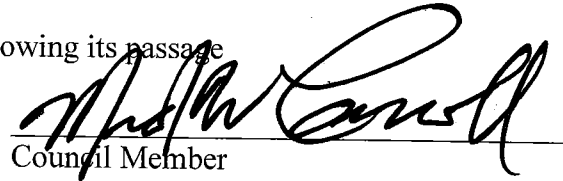
§ 63-23 Fees, Fines, Suspension, Revocation, etc., of Victualing License and BYOB establishment.

- A. The BYOB establishment is subject to any fees, advertising costs, fines, limitations, revocations, suspensions or any other conditions as set forth within Town of Barrington Municipal Code Chapter 91 as if said BYOB establishment was operating as a Rhode Island Department of Business Regulation Commercial Licensing Regulation 8, Section 4, Rule 5 Class B-V license.**

B. An establishment that meets the definition of a BYOB Establishment as set forth in Section 63-19(A) of this Article but which fails to obtain the required approval to operate as such is subject to having its Victualing License revoked or suspended.

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This ordinance shall take effect thirty (30) days following its passage


Council Member

Filed: January 24, 2019

Introduced: February 4, 2019

Adopted: _____