

ORDINANCE NO. 2018- 16

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

Chapter 63

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Article V: BYOB Licenses

§ 63-17 Purpose and intent.

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

§ 63-18 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, and as further defined in R.I.G.L. § 3-1-1.

BYOB

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

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 brought into the premises by such patrons. The permissibility of a use of land involving to any extent a BYOB Establishment shall be determined according to the principal intended use.

BYOB LICENSE

A limited, nonretail, Rule 5 Class B-V license as defined by the State of Rhode Island Department of Business Regulation (“DBR”) (a “State Class BV License”). As such, licensee is bound to all limitations and regulations as set forth in DBR Rule 5

and otherwise contained within Rhode Island General Laws Title 3, Alcoholic Beverages. A BYOB License maintains all the requirements set forth by the DBR, but does not confer the right to retail sales of alcoholic beverages. A BYOB License will be understood as a State Class BV License for the purpose of regulation under the Town's Code of Ordinances, Chapter 63.

CORKAGE FEE

A convenience charge allowable under a BYOB License for the labor and services incurred by the BYOB Establishment for a patron's 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

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. Also known as "victualler."

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.

§ 63-19 General rule.

A. It shall be unlawful for any tavern or victualling house in the Town that does not have a Class B liquor license pursuant to R.I.G.L. § 3-7-7, but otherwise may qualify to possess a State Class BV License, to operate as a BYOB Establishment or to allow the practice of BYOB to occur on its premises without first obtaining a BYOB License issued by the Council.

B. The Council shall require all of the necessary prerequisites for a State Class BV License prior to issuing a BYOB License. Said license shall be bound by all limitations conferred upon a State Class BV License under Rhode Island General Laws Title 3, Alcoholic Beverages.

§ 63-20 BYOB License for Alcoholic Beverages.

A. The Town may grant a BYOB License to any establishment qualifying for a State Class BV License. The BYOB License shall confer the limited right for consumption, but not the retail of Alcoholic Beverages, on the victualler's premises. A BYOB License is limited by any provisions set forth under R.I.G.L. Title 3, Alcoholic Beverages, as would be applicable to a State Class BV License.

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

C. No BYOB License shall be issued 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 License is to be issued are current and that no such taxes or assessments are then due and owing; and

D. Approval of a BYOB License under this article shall not create any property rights; any further transfer or conferral of the BYOB License 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 State Class BV License.

E. A BYOB License 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 a State Class BV License.

F. Before approving or renewing a BYOB License, the Council may cause an examination or examinations to be made of the premises of the applicant or may otherwise review such information of the applicant as the Council deems necessary pursuant to R.I.G.L. Title 3, Alcoholic Beverages, or DBR Commercial Licensing Regulation 8 as if the BYOB License were a State Class BV License.

§ 63-21 Obligations of BYOB Establishment.

A. Any BYOB Establishment shall at all times comply with any provisions set forth for a State Class BV License and more generally any other applicable conditions under R.I.G.L. Title 3, Alcoholic Beverages, or DBR Regulation 8, as if the BYOB License were a State Class BV License.

B. To comply with the standards delineated in this article, a qualified employee of the BYOB Establishment must serve any Alcoholic Beverage in the possession of patrons to said patrons before said patrons are permitted to consume the Alcoholic Beverage on the BYOB Establishment's premises. All requirements of proper service of beverages contained DBR 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 of a BYOB Establishment who have not been certified by an eligible alcohol server training program are not permitted to handle Alcoholic Beverages. 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. A BYOB Establishment may charge a Corkage Fee for the service of Alcoholic Beverages belonging to patrons.

E. No glasses or opened bottles containing Alcoholic Beverages are permitted to be

taken off the BYOB Establishment's premises, except as provided under R.I.G.L. § 3-8-16.

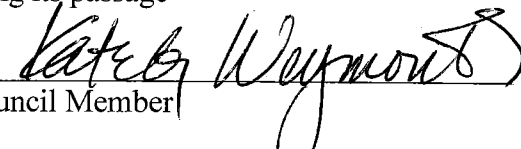
- F. No person waiting to be seated for service may consume or possess an open container of an Alcoholic Beverage unless and until a certified employee of the serves the Alcoholic Beverage to the patron.
- G. Patrons who desire to consume Alcoholic Beverages on the premises of a BYOB Establishment shall bring such Alcoholic Beverages with them to the BYOB 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 licensee 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 licensees 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.

§ 63-22 Fees, Fines, Suspension, Revocation, etc., of BYOB License.

The BYOB License is subject to any fees, advertising costs, fines, limitations, revocations, suspensions or any other conditions as set forth within Town's Code of Ordinances, Chapter 63, as if said BYOB License was a State Class BV License.

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


Council Member

Filed: September 25, 2018

Introduced: October 1, 2018

Adopted: _____