

Offered by Councilors Michelle Wu and Stephen Murphy

CITY OF BOSTON

IN THE YEAR TWO THOUSAND FIFTEEN



AN ORDINANCE AMENDING CHAPTER 17 OF THE CITY OF BOSTON CODE - ORDINANCES, REGULATING THE PRACTICE OF PATRONS BRINGING THEIR OWN THEIR OWN ALCOHOLIC BEVERAGES ONTO THE PREMISIES (BYOB).

- WHEREAS,* Thriving neighborhood restaurants can often anchor vibrant and diverse small business districts, and being able to offer wine and beer along with a meal can enhance customers' dining experiences; and,
- WHEREAS,* Alcoholic beverage licenses to serve liquor and/or beer and wine are often unattainable for small and start up restaurants in Boston due to scarcity and cost; and some smaller restaurants may not wish to offer alcohol on the menu due to the large fixed costs and logistics of finding suppliers and purchasing minimum numbers of cases up front; and,
- WHEREAS,* A regulated "Bring Your Own Bottle" (BYOB) system in Boston would give restaurateurs the choice to create an environment where patrons bring their own wine and beer, offering more flexibility in business models and alleviating some of the disadvantage from scarce liquor licenses; and,
- WHEREAS,* BYOB would also let patrons enjoy their dining experience with their own selection of wine and drink at certain restaurants, encouraging residents and visitors to dine out due to greater options and a better consumer experience; and,
- WHEREAS,* Cities around the country such as Chicago, New York and Philadelphia have successfully implemented BYOB, and restaurants that allow BYOB are also on the rise nationally; and,
- WHEREAS,* Although Massachusetts state law prohibits BYOB in restaurants with liquor licenses, cities and towns are authorized to set their own regulations in determining whether BYOB is allowed in restaurants without liquor licenses; and,
- WHEREAS,* Massachusetts municipalities such as Brookline have policies allowing and regulating BYOB, while other cities' and towns' regulations are silent on BYOB, effectively allowing restaurants to implement BYOB; and,

WHEREAS, Boston currently prohibits BYOB, but abolishing this prohibition and instead instituting a regulated process to obtain BYOB licenses could enable more neighborhood restaurants to flourish and encourage local economic development; and

WHEREAS, The Boston Licensing Board could promulgate regulations to ensure that BYOB in Boston does not impair neighborhood quality of life and fits with each neighborhood's small business ecosystem. These regulations could include requiring community process to obtain a BYOB license, limiting the amount of alcohol each patron may bring with them, and allowing restaurants to charge a fee for BYOB, among others. *NOW THEREFORE,*

Be it ordained by the City Council of Boston, as follows:

City of Boston Code, Ordinances, Chapter 17 is hereby amended by adding at the end thereof the following new section:

Section One.

Regulating the Practice of Patrons Bringing Their Own Alcoholic Beverages onto the Premises.

The provisions of this section apply to businesses that do not have a liquor license in the City of Boston and who hold a Common Victualler's license, as authorized by M.G.L. Chapter 140, issued by the Boston Licensing Board.

All Common Victualler's Licensees that choose to allow patrons to bring their own alcoholic beverages onto the premises, a practice known as "bring your own bottle" or "BYOB," shall be subject to the regulations promulgated by the Licensing Board for the City of Boston.

The Licensing Board for the City of Boston shall have the authority to enforce the provisions of this ordinance and shall promulgate regulations that will allow patrons to bring their own alcoholic beverages onto the premises. The Board shall file the regulations and any amendments thereof with the Office of the City Clerk. The Clerk shall include the regulations on the agenda of the next occurring meeting of the Boston City Council.

Section Two.

The provisions of this ordinance shall be effective upon passage.

Filed in Council: February 11, 2015