

Chapter 6

ALCOHOLIC BEVERAGES*

- Sec. 6-1. Levying fees by city.
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***Cross reference**—Businesses, ch. 22.

State law reference—Alcoholic beverages, V.T.C.A., Alcoholic Beverage Code § 1.01 et seq.

Sec. 6-1. Levying fees by city.

(a) The city shall levy and collect from every person licensed as provided under the Texas Liquor Control Act, a fee on each license equal to half the fee levied by the state for such license issued as provided for by V.T.C.A., Alcoholic Beverage Code §§ 11.38(c), 61.36(c).

(b) Nothing contained in this section shall prevent the levying, assessing and collecting of general ad valorem taxes on the property of such license.

(Code 1987, § 3.10)

State law reference—Authority to levy, V.T.C.A., Alcoholic Beverage Code §§ 11.38(c), 61.36(c).

Sec. 6-2. Sale in certain areas.

It shall be unlawful for any person to make a sale, offer for sale, or maintain an establishment or place of business designed for the purpose of sales of intoxicating liquors, wines or beer at any place within the corporate limits of the city save and except business establishments or places of business located on business property designated as 1-A business property, or 1-B business property, or 1-BW business property provided for in ordinances in effect or as amended.

(Code 1987, § 3.1)

State law reference—Zoning restrictions adopted prior to June 11, 1987, V.T.C.A., Alcoholic Beverage Code § 109.57.

Sec. 6-3. Sales near school, church or hospital.

(a) The city council enacts regulations applicable in the city prohibiting the sale of alcoholic beverages by a dealer whose place of business is:

- (1) Within 300 feet of a church, public school or public hospital; or
- (2) Within 1,000 feet of a public school if the city council receives a request from the board of trustees of a school district under V.T.C.A., Education Code § 38.007.

(b) The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the

distance between the place of business where alcoholic beverages are sold and the public school shall be in a direct line from the property line of the public school to the property line of the place of business, and in a direct line across intersections.

(c) Every applicant for an original alcoholic beverage license or permit for a location with a door by which the public may enter the place of business of the applicant that is within 1,000 feet of the nearest property line of a public school, measured along street lines and directly across intersections, must give written notice of the application to officials of the public school before filing the application with the state alcoholic beverage commission. A copy of the notice must be submitted to the commission with the application. This subsection does not apply to a permit or license covering premises where minors are prohibited from entering the premises under V.T.C.A., Alcoholic Beverage Code § 109.53.

(d) As to any dealer who held a license or permit on September 1, 1983, in a location where a regulation under this section was in effect on that date, for purposes of subsection (a) but not subsection (c) of this section, the measurement of the distance between the place of business of the dealer and a public school shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.

(e) The city council may also allow variances to subsection (a) of this section if the city council determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the city council, after consideration of the health, safety and welfare of the public and the equities of the situation, determines is in the best interest of the city.

(f) Subsection (a)(2) does not apply to the holder of:

- (1) A retail on-premises consumption permit or license if less than 50 percent of the gross receipts for the premises is from the sale or service of alcoholic beverages;