

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AMENDING ORDINANCE ARTICLE 4.03 ALCOHOLIC BEVERAGES BY AMENDING SECTION 4.03.034 LATE HOURS PERMIT, AMENDING SECTION 4.03.035 CITY FEES LEVY, AMENDING SECTION 4.03.036 BEVERAGE FEE DUE DATE, AMENDING SECTION 4.03.038 DISPLAY OF RECEIPT, AMENDING SECTION 4.03.041 DEFINITIONS AND AMENDING SECTION A17.011 BYOB ESTABLISHMENTS

WHEREAS, Effective September 1, 2023, the 88th Legislature amended Chapter 437 of the Health and Safety Code;

WHEREAS, the Health and Safety Code Sec. 437.01235. Fees For Premises With Alcoholic Beverage Permit or License, states “A county or a municipality with a public health district that charges a fee for the issuance or renewal of a permit under Section 437.012 or 437.0123 for premises located in the county or municipality and permitted or licensed by the Texas Alcoholic Beverage Commission may not also charge a fee under Section 11.38 or 61.36, Alcoholic Beverage Code, for issuance of an alcoholic beverage permit or license for the premises”.

WHEREAS, City of Leon Valley cannot charge for both a Health Inspection and an Alcohol beverage permit.

WHEREAS, Under Division 3. Bring Your Own Bottle Establishments (BYOB) under Section 4.03.041, Definitions, a definition for the term operator was added.

WHEREAS, Section A17.011 BYOB Establishments, increase the application fee from \$50.00 to \$80.00

WHEREAS, the amendments are attached as Exhibit A.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS:

SECTION 1. The Amendments to Article 4.03 Alcohol Beverages are hereby authorized.

SECTION 2. The financial allocations in this Ordinance are subject to approval by the Director of Finance. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific accounts as necessary to carry out the purpose of this Ordinance.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

SECTION 4. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

SECTION 5. This Ordinance shall become effective immediately upon its passage and publication as required by law.