

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, REPEALING ARTICLE II, LICENSE, OF CHAPTER 6, ALCOHOLIC BEVERAGES, OF THE MONTGOMERY CITY CODE FOR THE PURPOSE OF REMOVING CERTAIN CITY LICENSING REQUIREMENTS THAT DUPLICATE THE REQUIREMENTS OF THE TEXAS ALCOHOLIC BEVERAGE COMMISSION.**

**WHEREAS**, the State of Texas requires any person engaging in the sale or distribution of alcoholic beverages to obtain a license or permit for such activity from the State; and

**WHEREAS**, before issuing a license or permit for the sale or distribution of alcoholic beverages within the City, the State requires the City to be notified of any application and for the City to certify that the activity is allowed at the requested location within the City; and

**WHEREAS**, the Montgomery City Code currently requires that any person wishing to sell or distribute alcoholic beverages within the City also obtain a license from the City for such sale or distribution; and

**WHEREAS**, the current licensing requirement of the Montgomery City Code is duplicative of the licensing requirement of the State and provides no additional information or benefit to the City beyond that currently being provided by the State; and

**WHEREAS**, the 89<sup>th</sup> Regular Session of the Texas Legislature passed SB1008, effective September 1, 2025, which prohibits a City from charging a licensing fee to sellers or distributors of alcoholic beverages if such persons have paid a licensing or permitting fee to the State; and

**WHEREAS**, the City Council of the City of Montgomery finds that the licensing requirement of Article II, of Chapter 6, of the Montgomery City Code creates an administrative burden and cost for the City with no additional benefit to the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS THAT:**

**Section 1.** The Recitals set forth above are found to be true and correct and are adopted as the finding of the City Council.

**Section 2.** Article II, License, of Chapter 6, Alcoholic Beverages, of the Montgomery City Code is hereby repealed in its entirety. All other portions of Chapter 6 of the Montgomery City Code shall remain in full force and effect.

**Section 3.** If any provision, section, exception, subsection, paragraph, sentence, clause or phrase of this Ordinance or the application of same to any person or set of circumstances, shall for any reason be held unconstitutional, void, invalid, or otherwise unenforceable, the invalidity or unenforceability shall not affect other provisions of this Ordinance or their application to other sets of circumstances and to this end all provisions of this Ordinance are declared to be severable.

**Section 4.** It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**Section 5.** This ordinance shall be effective immediately upon its passage and adoption.

**PASSED, APPROVED AND ADOPTED** this the 10th day of November, 2025.

CITY OF MONTGOMERY, TEXAS

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Mayor Sara Countryman

ATTEST:

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Ruby Beaven, CPM, MMC, TRMC