



# City of Montgomery Alcohol Beverage License Application

## APPLICATION FOR THE SALE OF ALCOHOLIC BEVERAGE LICENSE

Date Received by the City: 01-17-2023 108

1. Type of Alcoholic Beverage License: (attach completed TABC Application Form)

\_\_\_\_\_ (1) Category A – Off Premises Consumption Sale of All Alcoholic Beverages – Package Store

\_\_\_\_\_ (2) Category B – Off Premises Consumption Sale of Wine, Beer or Ale.

\_\_\_\_\_ (3) Category C – Off Premises Consumption Sale of Beer.

X (4) Category D – On Premises Consumption Sale of Beer, Wine and Mixed beverages – Restaurant or Café, where the sale of beer, wine and mixed beverage on the premises would be incidental to the restaurant or café.

\_\_\_\_\_ (5) Category E – On Premises Consumption Sale of Beer, Wine and Mixed beverages – Tavern, Lounge, or Bar. The sale of Beer, Wine and Mixed beverages for On-Premises Consumption being the principal business line.

\_\_\_\_\_ (6) Category F – Warehouse storage of Beer, Wine or Liquor for Distributors – No sale of Beer for on or Off Premises Consumption permitted on the Premises.

- ↓ 2. Legal Description of the property for which License is sought. (Either by Lot and Block number or by a Metes and Bounds Description: 10,450 SQ FT OF LAND IN JOHN CORNER SURVEY, A-8, CITY OF MONTGOMERY)
- ↓ 3. Exact Nature of the Business to be operated. (Must be fully described in the cover letter on company letterhead).
- ↓ 4. Attach a Plat of the property to the Application showing the improvements, parking areas, location of signage and other structures on the property and within three hundred (300) feet to scale.
- ↓ 5. Description of signs and the hours they will be operated to be attached as a separate document.
- ↓ 6. Attach floor plan of the building in which the business is to be conducted (showing fixtures, furniture, restrooms, kitchen and other equipment).
- ↓ 7. Attach a verified statement stating that the building is not within three hundred (300) feet of a church, school or hospital and that the building is in compliance with the requirements of this chapter for separate and adequate toilet facilities for men and women if used for on-premises consumption of beer, liquor or wine. This can be included in the cover letter.

8. Business Owner: Steve HARRIS Phone: 832-870-9303

Address: 78934 Cornalhurst St, Spring, Tx 77386

Home Address: 705 College St, MONTGOMERY, TX 77356 Phone: 832-870-9303

Check if you are leasing property:

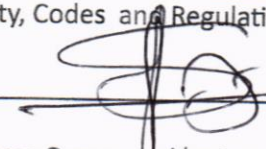
101 Old Plantersville Rd. Montgomery, TX 77316

(936)597-3288

[www.montgomerytexas.go](http://www.montgomerytexas.go)

9. Land Owner: KEVIN + SUMI BARNES Phone: 936-449-6877  
 Address: 401 COLLEGE STREET, SUITE 100, MONTGOMERY, TX 77352
10. Business Partners: N/A Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Home Address: \_\_\_\_\_ Phone: \_\_\_\_\_

This is to certify that I, Steve HARRI have complied with all State, County, Codes and Regulations of the City of Montgomery, Texas.

 \_\_\_\_\_ or \_\_\_\_\_  
 Business Owner and/or Lessee Partner if Applicable

11. A cover letter on your company's letterhead shall include a description of the nature of the business to be conducted, the names and address and interests of all persons having a direct or indirect financial interest in the property. The cover letter can include any other requested information that needs further description.

Upon receipt of this application form and confirmation that all items have been received, you will be notified of the date and time of the City Council Meeting by the City Secretary.  
 The provisions of City Code shall be considered concurrent with or in addition to the Texas Alcoholic Beverage Code, and, where a conflict may be found to exist, the provisions of the Texas Alcoholic Beverage Code shall apply. Applicants for a City alcoholic beverage license must comply with all applicable state and county codes and regulations as well as the requirements of the City Code.  
 It shall be unlawful for any person to manufacture, brew, distill, sell or distribute any wine, beer, liquor or other alcoholic beverage within the City, or engage in any other activity for which a license or permit is required by the Texas Alcoholic Beverage Code, without first obtaining a license so to do from the City. The annual fee for each such license shall be an amount equal to one-half the fee charged by the state for a license or permit to engage in a similar activity.

**\*Note: The Alcoholic Beverage Code, provides that a mixed beverage permit is exempt from City permit fees during the three year period following the issuance of the permit.**  
*If you require any additional information, please contact the City Secretary at (936) 597-3288.*





H-Bistrot LLC  
28934 Comal Karst Dr  
Spring, TX 77386

Montgomery, January 16<sup>th</sup>, 2023

Dear Sir/Madam,

H-Bistrot LLC was created in August 2022 by four business partners: Steve and Stephanie Hari, Harold and Heather Vines. Steve already operates very successfully H-Wines in the historic downtown of Montgomery.

H-Bistrot is a different concept from H-Wines as it includes beers and spirits besides wines and finger food. We already have a location in Huntsville and people really enjoy it. We are organizing events such as live music and board games. We will soon start trivia, bingo and murder mystery nights as our clientele is interested in these activities. Our aim is to reproduce this concept in Montgomery as we have the opportunity to open H-Bistrot at 401 College St, Suite 150, Montgomery Tx 77356.

Our goal is to provide entertainment to our community, bring people together and promote historic downtown businesses.

This building is not within three hundred (300) feet of a church, school or Hospital.

We sincerely hope you will find our project as attractive for the city of Montgomery as we do.

Respectfully yours,

The H-Bistrot Team



H-Bistrot LLC  
28934 Comal Karst Dr  
Spring, TX 77386

Montgomery, January 16<sup>th</sup>, 2023

Dear Sir/Madam,

Our H-Bistrot sign that we would like to post in front of 401 College St, Suite 150, Montgomery Tx 77356 would be square 4ft x 4ft.

It would be very similar to the Cheese shop next door. Our logo is below and we would add the address at the bottom.



Our Hours:

- Wednesday at 4:00 pm until 10:00 pm
- Thursday at 4:00 pm until 10:00 pm
- Friday at 4:00 pm until 10:00 pm
- Saturday at 2:00 pm until 12:00 pm
- Sunday at 2:00 pm until 6:00 pm

Respectfully yours,

The H-Bistrot Team







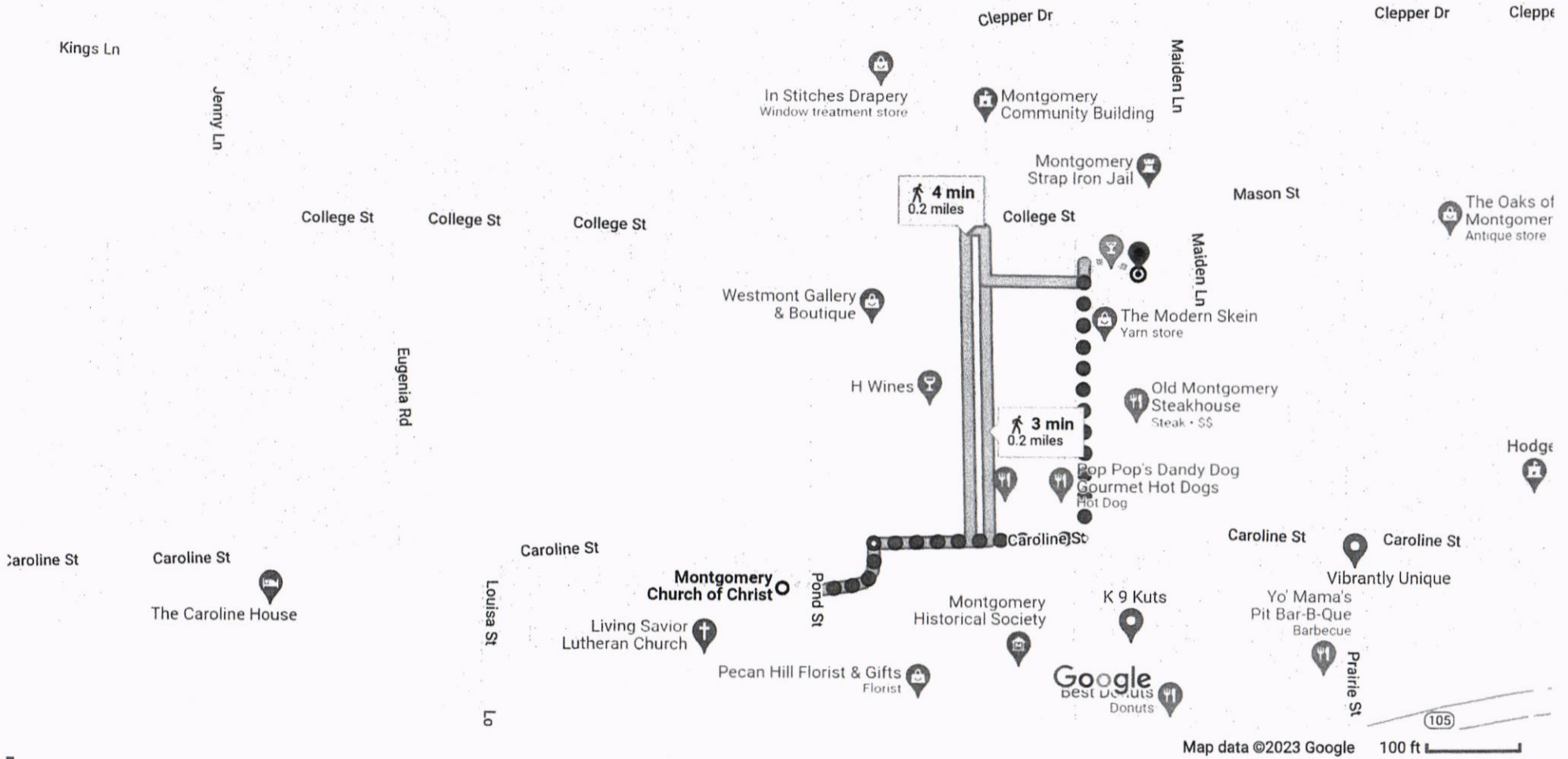



1/14/2023

Google Maps

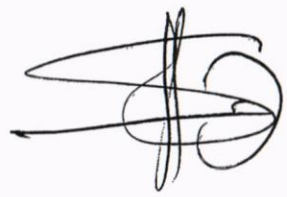
Montgomery Church of Christ, 301 Pond St, Montgomery, TX 77356 to 401 College St, Montgomery, TX 77356

Walk 0.2 mile, 3 min



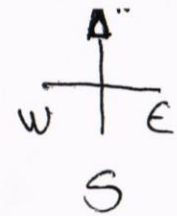
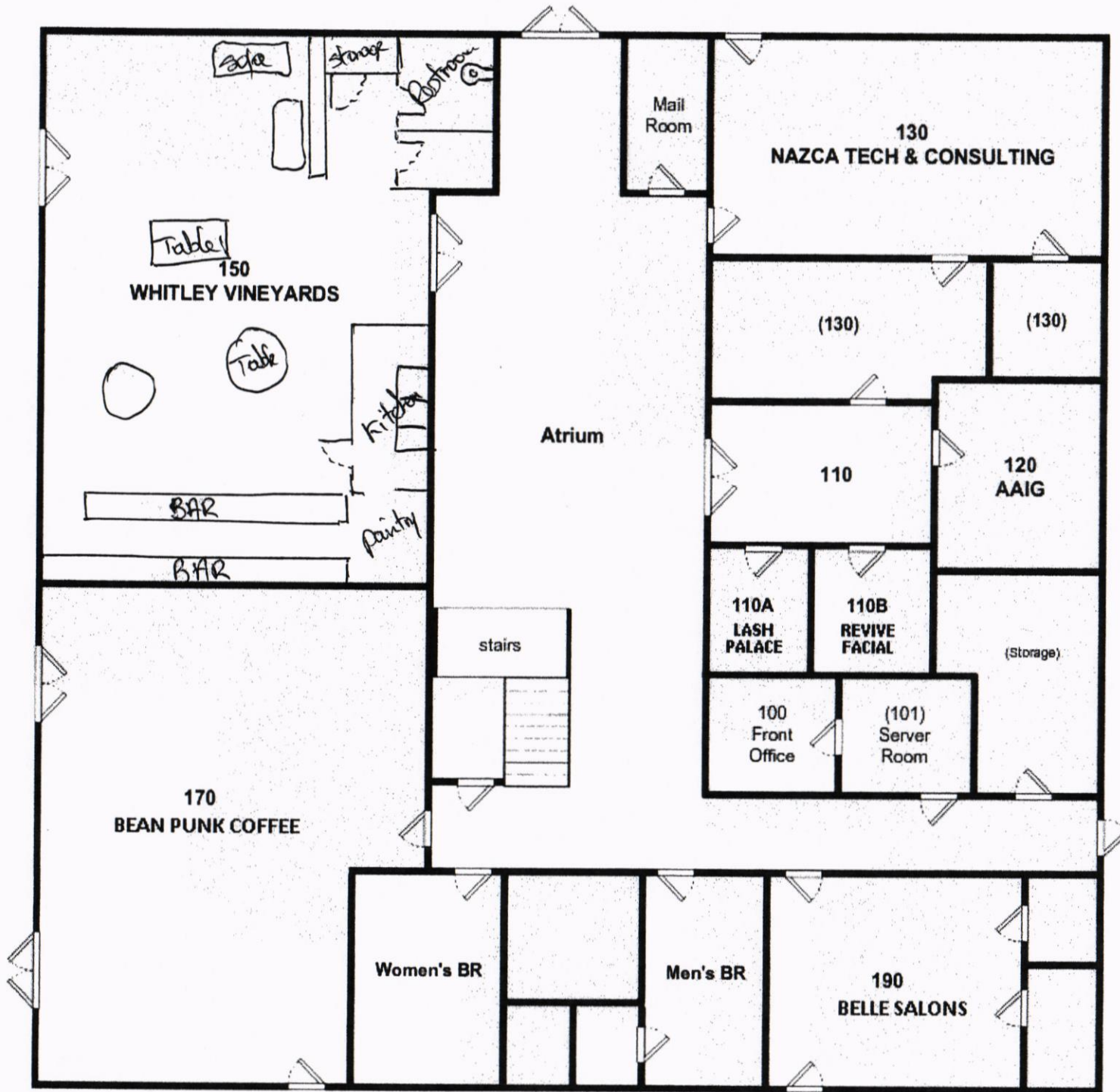
-  via Caroline St and McCown St      3 min  
0.2 mile
-  via Liberty St      3 min  
0.2 mile

Stae HAZI



Map data ©2023 Google 100 ft





Address: 401 college St, Suite 150, MONTGOMERY, TX 77356.



# CERTIFICATE OF OCCUPANCY

City of Montgomery

This certificate is issued pursuant to the requirements of the adopted building code, certifying that at the time of issuance this structure was in compliance with the various ordinances of City of Montgomery regulating building construction and use.

**Site Address:** 401 College Street Suite  
150, Montgomery, TX 77356

**Building Permit #:** MTG23-000020

**Permit Type:** New Occupancy Permit

**Owner Name:** Business Owner: Steve Hari

**Parcel Number:**

**Lot:**

**Owner Address:** 705 College St,  
Montgomery, TX 77356

**Block:**

**Type of Construction:** N/A

**Subdivision:**

**Occupancy:** N/A

**Zoning District:**

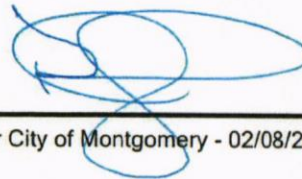
**Mixed Occupancy:** N/A

**Code Edition:** 2018 IRC

**Building Official:** Rick Hanna, CBO

**Auto Sprinkler Required:** No

**Auto Sprinkler Provided:** No



For City of Montgomery - 02/08/2023

Back Export to Excel

Print Results

License #:

AIMS License Type: MB  
AIMS License #: 200075457  
Trade Name: H-BISTROT  
Owner: H-BISTROT LLC  
Location Address: 1320 Windsor St  
Huntsville , TX  
773405616  
United States

Mailing Address: 28034 Comal Karst Dr  
Spring , TX 773863926  
United States

County: Walker  
Status: Active

Orig. Issue Date: 10/26/2022  
Exp. Date: 10/25/2024  
Wine Percent:

Location Phone No.:

Subordinates: LH

Related To:

Gun Sign: RED

License #:

AIMS License Type: MB\*  
AIMS License #: 200088804  
Trade Name: H-BISTROT  
Owner: H-BISTROT LLC  
Location Address: 401 COLLEGE St  
STE 150  
MONTGOMERY , TX  
77356  
United States

Mailing Address: 28034 Comal Karst Dr  
Spring , TX 773863926  
United States

County: Montgomery  
Status: Active

Orig. Issue Date: \*3/23/2023  
Exp. Date: 3/22/2025  
Wine Percent:

Location Phone No.:

Subordinates: LH

Related To:

Gun Sign: RED





ORDINANCE NO. 1989-2

AN ORDINANCE BY THE CITY OF MONTGOMERY, TEXAS (CITY) ADOPTING THE LAWS PERTAINING TO ALCOHOLIC BEVERAGES OF THE STATE OF TEXAS AS APPLICABLE TO MUNICIPALITIES; PROVIDING FOR THE ISSUANCE OF ALCOHOL LICENSES FOR THE MANUFACTURING, SELLING, DISTRIBUTING AT WHOLESALE AND RETAIL OF ALCOHOL; SETTING FORTH SALES CATEGORIES FOR THE DISTRIBUTION OF ALCOHOL AND THE PROCEDURES FOR MAKING WRITTEN APPLICATION FOR THE SALE OF SUCH ALCOHOLIC BEVERAGES; PROVIDING FOR A FILING FEE TO OBTAIN AN ALCOHOL LICENSE; SETTING FORTH CONDITIONS UNDER WHICH ALCOHOL LICENSES WILL NOT BE GRANTED BY THE CITY; DETAILING THE REQUIREMENTS OF A PUBLIC HEARING TO BE GRANTED LOCAL PROPERTY OWNERS UPON SUCH APPLICATION FOR AN ALCOHOL LICENSE; PROHIBITING THE SALE OF ALCOHOLIC BEVERAGES NEAR A CHURCH, SCHOOL, OR HOSPITAL; REQUIRING THE INTERIOR OF LIQUOR SALES ESTABLISHMENTS BE UNOBSTRUCTED; SETTING FORTH BUILDING REQUIREMENTS FOR ON-PREMISES ALCOHOL DISTRIBUTION ESTABLISHMENTS; REGULATING BEER ESTABLISHMENT PERSONNEL; DELINEATING UNLAWFUL CONDUCT ON PREMISES WHERE BEER OR WINE IS SOLD; PROHIBITING SALE OF ALCOHOL TO INTOXICATED PERSONS; PROHIBITING SALE OF ALCOHOLIC BEVERAGES TO MINORS; PROHIBITING THE EMPLOYMENT OF ANYONE UNDER THE AGE OF TWENTY-ONE (21) TO SELL ALCOHOL; PROHIBITING PURCHASE AND POSSESSION OR CONSUMPTION OF ALCOHOL BY MINORS; PROHIBITING CONSUMPTION ON A STREET, SIDEWALK, OR ALLEY, OR CEMETERY; PROHIBITING POSSESSION OF ALCOHOL IN PARKS BETWEEN CERTAIN HOURS; PROHIBITING POSSESSION OF ALCOHOL AT SCHOOL ATHLETIC EVENTS; DESCRIBING THE PENALTY FOR DRUNKENNESS AND VIOLATIONS OF THIS ORDINANCE; SAVINGS CLAUSE; PROVIDING EFFECTIVE DATE; AND APPLICABILITY OF THE TEXAS ALCOHOLIC BEVERAGE CODE.

ALCOHOLIC BEVERAGES

Sec. 1. Definitions.

Unless otherwise provided, the words and phrases used in this ordinance shall have the same meanings as ascribed to them by the Texas Alcoholic Beverage Code.

Sec. 2. License to manufacture, sell, distribute, etc.

(a) It shall be unlawful for any person to manufacture, brew, distill, sell or distribute any wine, beer, liquor or other alcoholic beverage within the city, or engage in any other activity for which a license or permit is required by the Texas Liquor Control Act, without first obtaining a license so to do from the city. The annual fee for each such license shall be an amount equal to one-half (1/2) the fee charged by the state for a license or permit to engage in a similar activity. Such fee shall be paid to the tax collector and the tax collector shall provide suitable and proper blanks for issuing receipts therefore referred and shall keep a duplicate copy of all license receipts issued as part of the records of office. All license receipts issued under the terms of this section shall terminate one year from the date of issuance and no license receipt shall be issued covering a longer term than one year.

(b) No applicant shall be granted a license under this section who has not first been licensed by the county and State of Texas and who fails to present satisfactory evidence of the same.



(c) No license shall be issued under this section if the applicant shall owe any delinquent taxes to the city. The word "applicant" shall include each member of a partnership or association and all officers and the owner of the majority of the corporate stock of a corporation and the manager of the business for a corporation.

(d) It shall be unlawful for any person licensed to sell beer, liquor or wine at retail other than a manufacturer or distributor to use or display a license or to exercise any privilege granted by a license except at the place, address, premises and location for which the license is granted.

State Law Reference--Local Fee Authorized, V.T.C.A., Alcoholic Beverage Code, Sec. 11.38.

### Sec. 3. Sales Categories

(a) It shall be unlawful for any person to sell any type of alcoholic beverage, either for on-premises or off-premises consumption, except where such sale is permitted by ordinances of the city.

(b) The types of categories for the sale of alcoholic beverages are hereby established as follows:

(1) Category A--Off-premises consumption sale of all alcoholic beverages--package store.

(2) Category B--Off-premises consumption sale of wine, beer or ale.

(3) Category C--Off-premises consumption sale of beer.

(4) Category D--On-premises consumption sale of beer and wine--restaurant or cafe, where the sale of beer and wine on the premises would be incidental to the restaurant or cafe business.

(5) Category E--On-premises consumption sale of beer--tavern, lounge, or bar--the sale of beer for on-premises consumption being the principal business line.

(6) Category F--Warehouse storage of beer, wine, or liquor for distributors--no sale of beer for on or off-premises consumption permitted on the premises.

(c) All existing businesses heretofore approved by the city council are hereby reclassified according to the above.

(d) Written application for the sale of alcoholic beverages shall be made on forms provided by the city and filed with the city clerk. Such application shall be signed by the actual lessee or intended operator of the business for which the license is sought. The owner of the property must file a written consent to the application, unless the owner is making the application. Every such application shall contain the following:

(1) An adequate legal description of the property for which license is sought, either by lot and block number or by a metes and bounds description.

(2) The exact nature of the business to be operated must be fully described.

(3) A plat of the property must be attached to the application showing the improvements, parking areas, location of signs and other structures on the property and within three hundred (300) feet to scale.

(4) A description of signs and the hours they will be operated.

(5) A floor plan of the building in which the business is to be conducted must be attached to the application, showing fixtures, furniture, rest rooms, kitchen and other equipment.

(6) A statement giving the names, addresses and interests of all persons having a direct or indirect financial interest in the property and the business to be conducted.

(7) A verified statement must be attached to the application, stating that the building is not within three hundred (300) feet of a church, school or hospital and that the building is in compliance with the requirements of this chapter for separate and adequate toilet facilities for men and women, if used for on-premises consumption of beer, liquor or wine.

(f) A filing fee of ten dollars (\$10.00) to defray the expenses of processing an application filed under this section must be paid when the application is filed.

V.T.C.A. Local Fee Authorized, Sec. 61.36.

(g) No application under this section shall be approved:

(1) If the applicant or application does not meet all requirements of the ordinances of the city.

(2) If the granting of such application shall increase the number of alcoholic beverage establishments to more than five (5) in any one block, a block to be defined as being from intersection to intersection on both sides of the street.

(3) If the applicant shall owe any delinquent taxes to the city.

(4) If applicant has not already fulfilled all County and State requirements.

As used in this subsection, the term "applicant" shall also mean and include each member of a partnership or association and all officers and the owner or owners of the majority of the corporate stock of a corporation and the manager of such business for a corporation.

(h) After all the requirements for license application under the provisions of this section have been met, a public hearing shall be scheduled by the city clerk at a regular meeting of the city council, at least ten (10) days in advance of written notice to be mailed to all owners of property within two hundred (200) feet of the property in question, informing them of the time and place of holding the public hearing. Such notice shall be mailed to owners as shown on the last approved tax roll of the city. If the application is not approved by the city council, no new application may be filed for a period of one (1) year from the date of the public hearing on the original application, unless the city council shall determine that conditions have so changed that an earlier hearing would be justified.



(i) Uses permitted under any of the categories designated in this section may not be converted to another use, but application for the new use under the provisions applicable must be made as in the case of an original application.

**Sec. 4. Sale near church, school or hospital.**

The sale of alcoholic beverages by any dealer is prohibited within three hundred (300) feet of any church, public school or public hospital, the measurements to be along the property lines of the street fronts and from front door to front door and in direct line across intersections where they occur. This section shall not apply where the church, school, or hospital is built within three hundred (300) feet of an existing place of business where alcoholic beverages are sold.

State law reference--Authority of city to enact ordinance similar to above section, V.T.C.A., Alcoholic Beverage Code, Sec. 109.33.

**Sec. 5. View of interior of sales establishments not to be obstructed.**

All establishments selling any alcoholic beverage must be so constructed that the interior of such establishment shall at all times be plainly visible from the front of such establishment, with no curtains or drapes or other obstruction which prevent a clear view of the interior of such establishment.

State law reference--V.T.C.A., Sec. 104.02.

**Sec. 6. Building requirements for on-premises establishments.**

No person shall sell beer, liquor or wine at or on any premises within the city for consumption on the premises where sold unless the building housing such business conforms to the following:

- (1) Has not less than six hundred (600) square feet of floor space devoted solely to the retail portion of the operation of such business, exclusive of storage and/or restrooms.
- (2) Complies with the building code.
- (3) Complies with the electric code.
- (4) Complies with the plumbing code.
- (5) Is connected to the city sanitary sewer system for toilet facilities.
- (6) Is connected to the city water system.
- (7) Has adequate flush toilet facilities, with separate facilities for men and women in the building. Outside toilet facilities will not constitute compliance with this requirement.
- (8) Has sufficient lighting and such lighting provides illumination to at least twenty-five (25) footcandles in all areas of the premises where beer, liquor or wine is sold or consumed, according to measurements by an agent of the city.

**Sec. 9. Sale to intoxicated persons prohibited.**

It shall be unlawful for any person to sell any alcoholic beverage to any person who is under the influence of intoxicating liquor, for either on-premises or off-premises consumption.

State law reference--V.T.C.A., Sec. 101.63

**Sec. 10. Sale to minors prohibited.**

It shall be unlawful for any person to sell any alcoholic beverage to any person under the age of twenty-one (21) years.

State law reference--V.T.C.A., Sec. 106.03

**Sec. 11. Employment of minors to sell.**

It shall be unlawful for any person engaged in the business of selling alcoholic beverages to employ any person under the age of twenty-one (21) years to sell, handle, transport or dispense or assist in selling, handling, transporting or dispensing any alcoholic beverage.

State law reference--V.T.C.A., Sec. 106.09

**Sec. 12. Purchase by minors.**

It shall be unlawful for any person under twenty-one (21) years of age to purchase any alcoholic beverage.

State law reference--V.T.C.A., Sec. 106.02

**Sec. 13. Possession or consumption by minors.**

It shall be unlawful for any person under the age of twenty-one (21) years to possess or to consume any alcoholic beverage in any public place, unless the person under the age of twenty-one (21) years is accompanied by his or her husband or wife, over the age of twenty-one years.

State law reference--V.T.C.A., Sec. 106.04

**Sec. 14. Consumption on street, sidewalk or alley prohibited.**

The drinking of any alcoholic beverage on any public street, sidewalk or alley of the city, whether afoot, as a passenger or as an operator of any vehicle, is unlawful and is prohibited. The throwing of any opened container of the type generally used for alcoholic beverages from or out of any vehicle shall be prima facie evidence that the occupant thereof was then and there drinking alcoholic beverages in violation of this section.

**Sec. 15. Consumption or possession in cemeteries prohibited.**

It shall be unlawful for any person to drink or have in his possession any alcoholic beverages within any cemetery located within the corporate limits of the city.



**Sec. 7. Regulations for beer establishment personnel.**

(a) No person other than the permittee or licensee shall serve beer, or other drink or food to any customer or patron of a beer establishment unless the person so serving is employed by the permittee or licensee of the beer establishment.

(b) No person serving beer to any patron or customer of a beer establishment shall receive, as compensation, any part of the price paid by the patron or customer for such beer, nor shall his compensation be dependent on the amount served by him.

(c) No person shall collect from any customer or patron of a beer establishment, as the price of beer, more than the price paid to the bartender or cashier by the person serving the beer.

**Sec. 8. Unlawful conduct on premises where beer, liquor or wine is sold.**

Conduct by any person at a place of business where the sale of beer, liquor or wine at retail is authorized that is lewd, immoral, or offensive to public decency is hereby declared to include but not be limited to the following prohibited acts, and it shall be unlawful for any person engaged in such business, or any agent, servant or employee of such person, to engage in or to permit such conduct on the premises of the retailer:

- (1) The use or the permitting the use of loud, vociferous, obscene, vulgar, indecent or abusive language;
- (2) Exposure of person or permitting any person to expose his person;
- (3) Displaying or permitting any person to display a pistol or other deadly weapon or switch blade knife, in a manner calculated to disturb the inhabitants of such place;
- (4) Solicitation of any person for coins to operate musical instruments or devices;
- (5) Becoming intoxicated on the licensed premises or permitting any intoxicated person to remain on the premises;
- (6) Permitting solicitation of persons for immoral or sexual purposes or relations;
- (7) Failing or refusing to comply with or failing or refusing to maintain the retail premises in accordance with the sanitary or health provisions of the city and county;
- (8) Possession of any narcotic;
- (9) Possession of any equipment used or designed for the use of administering any narcotic;
- (10) Permitting any person to possess on the licensed premises any narcotic or any instrument used for or designed for the use of administering any narcotic.

State law reference--V.T.C.A., Sec. 101.62; Sec. 104.01.

**Sec. 16. Consumption in parks prohibited between certain hours.**

It shall be unlawful for any person to drink alcoholic beverages of any kind in any public park within the corporate limits of the city between the hours of 9:00 p.m. and 7:00 a.m.

**Sec. 17. Possession prohibited at school athletic events.**

It shall be unlawful for any person to bring or carry into any enclosure, field or stadium, where athletic events are sponsored or participated in by any public school, any alcoholic beverage or to have any alcoholic beverage in their possession while in or on such enclosure, field or stadium.

**Sec. 18. Drunkenness.**

Whoever shall get drunk or be found in a state of intoxication in any public place, or at any private house except his own, shall be guilty of a misdemeanor.

**Sec. 19. Violations of Ordinance.**

Any person who violates any provision of this Ordinance, or who allows, on premises covered by his license issued under this chapter, any person to do the things prohibited by this Ordinance, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than one dollar (\$1.00) or more than two hundred dollars (\$200.00). Each day such violation continues shall be a separate offense. Any room, building, structure or place of any kind where alcoholic beverages are sold, bartered, stored, possessed or consumed in violation of this chapter or the Texas Liquor Control Act, or under conditions and circumstances contrary to the purposes of this chapter or the Liquor Control Act is hereby declared to be a common nuisance, and any person who maintains or assists in maintaining or permits the violation of this chapter or the Liquor Control Act shall be guilty of a violation of this chapter. Action may be maintained by the city to abate and enjoin such nuisance.

**Sec. 20. Constitutionality.**

If the constitutionality of any part or parts of this Ordinance shall be held unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this ordinance. It is hereby declared that the remaining parts of this Ordinance would have been ordained and passed had it been known that such part or parts thereof would be declared unconstitutional.

**Sec. 21. Effective date.**

Whereas, on account of the public safety necessitating the passage of this Ordinance, an emergency is created on behalf of the public peace, health, safety and general welfare necessitating that this Ordinance become effective at once and it is accordingly ordained that the Ordinance become effective immediately upon publication as required by law.



Sec. 22. Texas Alcoholic Beverage Code.

The provisions of this Ordinance shall be considered concurrent with or in addition to the Texas Alcoholic Beverage Code, and where a conflict may be found to exist, the provision of the Texas Alcoholic Beverage Code shall apply. Applicants for a City of Montgomery Alcoholic Beverage License must comply with all applicable state and county codes and regulations as well as the requirements of this ordinance.

PASSED AND APPROVED this 14<sup>th</sup> day of February,  
1989.

CITY OF MONTGOMERY, TEXAS

By: \_\_\_\_\_  
Mayor

ATTEST:

Julie Nollkamper  
City Secretary

APPROVED:

\_\_\_\_\_  
City Attorney

## ORDINANCE

Motion was made by Jon Bickford seconded by Dave McCorquodale that the following Ordinance be adopted.

### ORDINANCE NO. 2018-01

**AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF MONTGOMERY, TEXAS, AMENDING CITY ORDINANCE NO. 1989-2, DATED FEBRUARY 14, 1989, BY AMENDING ARTICLE II, "LICENSES," SECTIONS 6-25, 6-33 AND 6-34 OF CHAPTER 6, "ALCOHOLIC BEVERAGES," OF THE CITY CODE OF ORDINANCES RELATING TO THE APPLICATION AND RE-APPLICATION REQUIREMENTS FOR A LICENSE TO SELL ALCOHOLIC BEVERAGES IN THE CITY; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A TEXAS OPEN MEETINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE AFTER PUBLICATION.**

**WHEREAS**, the City Council of the City of Montgomery, Texas, by Ordinance No. 1989-2, dated February 14, 1989, as amended, adopted a policy to regulate the sale and licensing of alcoholic beverages in the City pursuant to the Texas Alcoholic Beverages Code; and

**WHEREAS**, the ordinance is codified in Chapter 6, entitled "Alcoholic Beverages," Article II, "License," of the City of Montgomery Code of Ordinances; and

**WHEREAS**, the Texas Alcoholic Beverage Code (TABC) and Section 33.13 of the TABC Administrative Law describes the process to apply for a license or permit to sell alcoholic beverages; and

**WHEREAS**, upon the recommendation of the City staff, the City Council desires to amend Sections 6-25, 6-33 and 6-34 of the Code of Ordinances, relating to the approval process



in the City by which an application or re-application to sell alcoholic beverages in the City can be approved;

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

**SECTION I.**

**RECITALS ADOPTED:** The City Council adopts the findings and recitals above as true and correct.

**SECTION II.**

**AMENDMENT TO ALCOHOLIC BEVERAGES ORDINANCE.** Sections 6-25, 6-33 and 6-35 of Article II, entitled "License," in Chapter 6, "Alcoholic Beverages," of the City Code of Ordinances are hereby amended, such that they read as follows:

***Sec. 6-25. - Required; fee; term.***

*It shall be unlawful for any person to manufacture, brew, distill, sell or distribute any wine, beer, liquor or other alcoholic beverage within the city, or engage in any other activity for which a license or permit is required by the Texas Alcoholic Beverage Code, without first obtaining a license to do so from the city. The fee for each such license shall be an amount equal to one-half of the fee charged by the state for a license or permit to engage in a similar activity. Such fee shall be paid to the tax collector, and the tax collector shall provide suitable and proper blanks for issuing receipts therefor referred and shall keep a duplicate copy of all license receipts issued as part of the records of office. All license receipts issued under the terms of this section shall terminate two years from the date of issuance, and no license receipt shall be issued covering a longer term than two years.*

***Sec. 6-33. - Approval of license application by City Council.***

*After all the requirements for a license application under the provisions of this article have been met as determined by the City Administrator, the application shall be presented to the City Council for approval at a public meeting.*

**Sec. 6-34. - Conversion to different use.**

*Uses permitted under any of the categories designated in this article may be converted to another use only with the approval of City Council.*

**SECTION III.**

**REPEALING CLAUSE.** This amendment to Ordinance No. 1989-2, dated February 14, 1989, as codified in Section 6-57 of the Code of Ordinances of the City of Montgomery, Montgomery County, Texas, shall prevail and all other Ordinances in conflict are hereby repealed to the extent of any conflict.

**SECTION IV.**

**SEVERABILITY.** If any section, subsection, sentence, clause, provision or part of this Ordinance shall be held invalid for any reason, the remainder of this Ordinance shall not be affected thereby but shall remain in full force and effect.

**SECTION V.**

**TEXAS OPEN MEETINGS ACT.** 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 VI.**



**EFFECTIVE DATE.** This Ordinance shall take effect and be in force after its publication as provided by law.

PASSED AND APPROVED by the City Council of the City of Montgomery, Texas, on the 9th day of January, 2018.

**THE CITY OF MONTGOMERY, TEXAS**

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Kirk Jones, Mayor

ATTEST:

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Susan Hensley, City Secretary

APPROVED AS TO FORM:

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Larry L. Foerster, City Attorney