

CHAPTER 4, BUSINESS REGULATIONS, ARTICLE 4.1000, ALCOHOLIC BEVERAGES

§ 4.1001. Definition.

The term “alcoholic beverages” as used in this article shall have the meaning stated in the Texas Alcoholic Beverage Code, and shall specifically include beer, wine and mixed beverages, as those terms are defined in the code.

~~§ 4.1002. Permit Required. Reserved~~

- ~~(a) There is hereby levied a permit fee on each premises within the city for which an alcoholic permit fee is required under the Texas Alcoholic Beverage Code. The amount of the fee shall be one-half of the state fee for each permit issued for premises located within the city. This fee shall be paid by the permittee when the application for such permit, or a renewal thereof, is made to the state.~~
- ~~(b) Those exemptions from the permit and fee requirements of the Texas Alcoholic Beverage Code are also adopted by the city.~~
- ~~(c) Upon payment of the applicable permit fee prescribed in this section to the city secretary and exhibition to the city secretary of a permit duly issued by the state to the applicant or person paying such fee, the city secretary shall, in the name of the city, issue and deliver to such applicant or person a permit to engage in the business in the city of the character described in and authorized by the permit from the state. The permit issued by the city shall authorize the conduct of such business upon the premises, and shall remain in force only so long as the permit from the state remains in force.~~

§ 4.1003. Sale of Beer and Wine in Residential Areas.

The sale of beer and wine in residential areas of the city is hereby prohibited, in accordance with Section 109.32 of the Texas Alcoholic Beverage Code.

§ 4.1004. Sale Near Church, School, Childcare Facility or Hospital.

- (a) Churches and Public Hospitals.
 - (1) The sale of alcoholic beverages within three hundred feet of a church or public hospital is hereby prohibited.
 - (2) The measurement of the distance between the place of business where alcoholic beverages are sold and a 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.
- (b) Daycare Center or Childcare Facility.
 - (1) The sale of alcoholic beverages within three hundred feet of a daycare center or a

childcare facility is hereby prohibited.

- (2) The measurement of the distance between the place of business where alcoholic beverages are sold and a daycare center or childcare facility, as those terms are defined by Section 42.002 of the Human Resources Code, shall be in a direct line from the property line of the daycare center or childcare facility to the property line of the place of business, and in a direct line across intersections.

(c) Public Schools.

- (1) The sale of alcoholic beverages within three hundred feet of a public school is hereby prohibited.
- (2) The measurement of the distance between the place of business where alcoholic beverages are sold and a 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.
- (3) 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 or private school, measured along street lines and directly across intersections, must give written notice of the application to officials of the public or private school before filing the application with the 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 a premises where minors are prohibited from entering the premises under Section 109.53 [of the Texas Alcoholic Beverage Code].

(d) Private Schools.

- (1) The sale of alcoholic beverages within three hundred feet of a private school is hereby prohibited if the city council receives a request from the governing body of the private school to extend the distance requirement from three hundred feet to one thousand feet.
- (2) The measurement of the distance between the place of business where alcoholic beverages are sold and a private school shall be in a direct line from the property line of the private school to the property line of the place of business, and in a direct line across intersections.
- (3) 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 or private school, measured along street lines and directly across intersections, must give written notice of the application to officials of the public or private school before filing the application with the 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 a premises where minors are prohibited from entering the premises under Section 109.53 [of the Texas Alcoholic Beverage Code].

- (e) Exceptions. The above regulations prohibiting the sale of alcoholic beverages within specified distances from churches, public schools, daycare centers, childcare facilities, public schools and private schools are subject to any and all conditions and exceptions established in the Texas Alcoholic Beverage Code.

§ 4.1005. Hours of Sale.

(a) Off-Premises Beer and Wine Permittee.

- (1) (A) The hours for sale and delivery for alcoholic beverages sold under a wine and beer retailer's off-premises permit as established by Section 105.04, Texas Alcoholic Beverage Code, are the same as those established under Section 105.04 except that no sale shall be allowed between 2:00 a.m. and noon on Sunday.
- (B) A person may sell, offer for sale, or deliver beer or wine between 7:00 a.m. and midnight on any day except for Sunday. On Sunday he may sell beer and wine between midnight and 1:00 a.m. and between noon and midnight, except that permittees or licensees authorized to sell for on-premises consumption may sell beer between 10:00 a.m. and noon if the beer is served to a customer during the service of food to the customer.
- (2) A holder of a retail dealer's on-premises late hours license may also sell, offer for sale, and deliver beer between midnight and 2:00 a.m. on any day.

(b) Mixed Beverage Permittee.

- (1) (A) No person may sell or offer for sale mixed beverages at any time not permitted by this section.
- (B) A mixed beverage permittee may sell and offer for sale mixed beverages between 7:00 a.m. and midnight on any day except Sunday. On Sunday he may sell mixed beverages between midnight and 1:00 a.m. and between 10:00 a.m. and midnight, except that an alcoholic beverage served to a customer between 10:00 a.m. and 12:00 p.m. on Sunday must be provided during the service of food to the customer.

§ 4.1006. Signs and Advertising.

All signs and advertising in the city must comply with Chapter 108 of the Texas Alcoholic Beverage Code.

§ 4.1007. ~~Off-Premises Permits.~~

- (a) Each application to the Alcoholic Beverage Commission for a wine and beer retailer's off-premises permit or for a mixed beverage permit for a location within the city limits shall be ~~accompanied by the permit fee required by state law and, at the same time, the applicant shall remitted~~ to the city secretary ~~, a fee equal to the amount designated in the city's fee schedule in the appendix to this code.~~

- ~~(b) Off-premises alcohol sales permit processing fee shall be the amount designated in the city's fee schedule in the appendix to this code.~~
- ~~(c) The commission may cancel the permit if it finds that the permittee has not paid a fee levied by this article or has not paid delinquent ad valorem taxes due on the permitted premises or due from a business operated on that premises.~~