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**Sec. 130.16. Sale of alcoholic beverages.**

- (A) *Definitions.* For the purposes of this chapter, all definitions of words, terms and phrases as set forth in V.T.C.A. Alcoholic Beverage Code §§ 1.01 et seq. are hereby adopted and made a part of this chapter.
- (B) *Required; fee.* No person within the city shall manufacture, sell, distribute or store any alcoholic beverage or engage in any other activity in relation thereto, for which a permit or license is required by the state alcoholic beverage code, without first obtaining a license to do so from the city. The fee for such license or permit shall be an amount equal to one-half the permit or license fee charged by the state under the state alcoholic beverage code.
- (C) *Location of alcoholic beverage establishments.*
- (1) It shall be unlawful for any person who is engaged in the business of selling alcoholic beverages to sell alcoholic beverages where the place of business is within 300 feet of any church, public or private school, or public hospital.
  - (2) 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 a direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:
    - (a) In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
    - (b) If the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.
  - (3) It shall be unlawful for any person who is engaged in the business of selling alcoholic beverages to sell alcoholic beverages in any residential area zoned as R-1, R-1.5, R-2, R-3, RE, or RHA.
  - (4) The City Council may allow a variance to the distance regulations provided in divisions (C)(1) and (C)(2) of this section if it determines that the enforcement of the regulations 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 the 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 determines, after consideration of the health, safety, and welfare of the public and the equities of the situation, that the variance is in the best interest of the community.

(Ord. 2008-27, passed 12-2-2008)