

CITY OF SAVOY, TEXAS

ORDINANCE NO. 19-07-16

AN ORDINANCE OF THE CITY OF SAVOY, TEXAS, REGARDING FEES FOR PROCESSING OF TABC APPLICATIONS FOR ALCOHOL PERMITS; PROVIDING FOR A PENALTY FOR VIOLATION OF THIS ORDINANCE; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION OF THE CAPTION HEREOF AND AN EFFECTIVE DATE.

WHEREAS, the Texas Alcoholic Beverage Code provides for fees to be charged by municipalities in association with establishments applying for new and renewing alcoholic beverage permits; and

WHEREAS, the City of Savoy, Texas ("the City") has previously adopted ordinances, rules, and regulations governing the distribution or sale of any alcohol beverages, and desires to establish fees associated with applications for alcoholic beverage permits; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the City and its citizens to provide for fees charged in association with establishments applying for and renewing alcoholic beverage permits; and

WHEREAS, the City is authorized by Tex. Loc. Gov't Code 51.001 to adopt, publish, amend, or repeal an ordinance, rule, or police regulation that is for the good government, peace, or order of the municipality or for the trade and commerce of the municipality, and is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality.

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

Section 1. Recitals Incorporated.

The above-referenced recitals are incorporated herein as if set forth in full for all purposes.

Section 2. Permit Required; Associated Requirements and Procedures.

- (a) Any person applying for a permit or license issued by the authority of the Texas Alcoholic Beverage Code, or a renewal of such permit or license, or to change location of the place of business designated in such permit or license, shall present in person to the City Secretary the appropriate application forms prescribed by the alcoholic beverage commission and any City created application and shall file one copy thereof with the City Secretary. City staff are authorized to create and update sufficient applications and forms to carry out the

intent of this ordinance and proper review of applications for conformity to City ordinances.

- (b) Unless state law exempts a permittee or licensee from payment of a fee established by this section, a permittee or licensee must pay the City an annual permit or license fee of one-half the amount of the statutory fee as provided in the Texas Alcoholic Beverage Code for each permit and license authorizing the sale of alcoholic beverages.
- (c) Such fee shall be paid in advance for one year to the City Secretary.
- (d) The permit may be canceled if the permittee has not paid a fee levied under this section. A permittee who sells an alcoholic beverage without first having paid a fee levied under this ordinance commits a misdemeanor punishable by fine as provided by law.
- (e) It shall be unlawful for any person to manufacture, distill, brew, import, transport, store for purposes of sale, distribute or sell any alcoholic beverage within the City without having first paid an annual permit fee to the City equal to one-half of the State of Texas fee required by the Texas Alcoholic Beverage Code ("TABC") of every person that may be issued any permit or license or renew such permit or license by the State for the manufacture, distilling, brewing, importing, transporting, storing, distributing or sale of any alcoholic beverage. Except as otherwise set forth in this section, the permit fee shall be paid to the City Secretary upon original application and then annually for permit renewal. The City Secretary shall issue a receipt for the permit fee and keep a record of same in the City Secretary's office. All receipts issued for the payment of permit fees under the provisions of this section shall terminate at midnight on the day before the anniversary date of their issuance, and no receipt shall be issued covering a longer period than one year.

Section 3. Penalty.

A violation of any of the terms of this ordinance, whether herein denominated in this ordinance as unlawful or not, shall be deemed a misdemeanor. Any person convicted of any such violation shall be fined in an amount not to exceed \$2,000 or the maximum amount provided by law, whichever is lower. Each day of continuance of such violation is considered a separate offense and will be punished separately.

Section 4. Savings, Severability and Repealing Clauses.

All ordinances of the City in conflict with the provisions of this ordinance are repealed to the extent of that conflict. If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof. The City declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or

more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

Section 5. Publication of the Caption Hereof and Effective Date.

This ordinance shall be in full force and effective upon the posting and/or publication, if required by law, of its caption and the City Secretary is hereby directed to implement such posting and/or publication.

Section 6. No Expansion.

This ordinance is only to set fees on matters as applicable. This ordinance does not expand or authorize the sale of alcoholic beverages which are established, limited and controlled by other ordinance and law. This ordinance is intended only to establish applications, procedures and fees, where applicable.

PASSED by the City Council of the City of Savoy, Texas, on this the 14 day of July, 2019.

ATTESTED:

APPROVED:


City Secretary, Melissa Rickman




Mayor, Steve Perkins