

ORDINANCE NO. 087-037

ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE CODE OF ORDINANCES, TOWN OF ADDISON, BY ADDING THERETO CHAPTER 3.1, ALCOHOLIC BEVERAGES, PROVIDING FOR DEFINITIONS; PROVIDING THAT STATE LAW CONTROL; PROVIDING FOR RESTRICTION OF SALE OF ALCOHOLIC BEVERAGES; PROVIDING THAT ZONING LAWS BE COMPLIED WITH; PROVIDING FOR LEVY OF FEE BY CITY; PROVIDING FOR EXPIRATION OF LICENSE; PROVIDING FOR EXEMPTIONS; REQUIRING LICENSE FEE TO BE PAID; REQUIRING PROOF OF COMPLIANCE WITH ALCOHOLIC BEVERAGE CODE; PROVIDING FOR COLLECTION OF FEES; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

SECTION 1. That the Code of Ordinances, Town of Addison, Texas, be, and the same is hereby amended by adding thereto Chapter 3.1, Alcoholic Beverages, which shall read as follow:

Chapter 3.1

ALCOHOLIC BEVERAGES

Sec. 3.101. Definitions. For the purposes of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

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A. "City" or "Town" means the Town of Addison, Texas.

B. "City Council" or "Council" means the City Council of the Town of Addison, Texas.

C. "Person" means any person, firm, partnership, association, corporation, company or organization of any kind.

D. "Alcoholic Beverage Code" or "Code" means Vernon's Texas Codes Annotated, Alcoholic Beverage Code, as amended.

E. "Municipal Court" means the Municipal Court of the Town of Addison, Texas.

F. "State License" means a license issued by the state or one of its agencies.

Sec. 3.1-2. State Law to Control. Nothing herein shall be construed or interpreted to conflict with the Texas Alcoholic Beverage Code. The provisions of this chapter shall be subject to the limitations of the Alcoholic Beverage Code and such Alcoholic Beverage Code shall control. The Municipal Court of the City shall have jurisdiction of any offense under this chapter and under state law only where the Constitution and the general law of this state confer such jurisdiction thereon.

Sec. 3.1-3. Restriction of Sale of Alcoholic Beverages. Sale of alcoholic beverages for off-premises consumption shall be restricted to that certain area in the City which is described by Addison Charter Section 11.04. Nothing herein shall conflict with such section of the Addison Charter.

Sec. 3.1-4. Zoning laws To Be Complied With. All persons and entities affected by this chapter shall comply with the zoning code and ordinances of the City.

Sec. 3.1-5. Levy of Fee by City. Pursuant to state law, there is hereby levied and assessed and shall be collected by the City annual fees in amounts equal to one-half of those payable to the state pursuant to the following Alcoholic Beverage Code chapters:

Package Store Permit - Chapter 22

Local Distributor's Permit - Chapter 23

Wine Only Package Store Permit - Chapter 24

Wine and Beer Retailer's Permit - Chapter 25

Wine and Beer Retailer's off-Premise Permit - Chapter 26

Mixed Beverage Permit - Chapter 28  
Mixed Beverage Late Hours Permit - Chapter 29  
Daily Temporary Mixed Beverage Permit - Chapter 30  
Caterer's Permit - Chapter 31

The permit issued under the provisions of the Texas Alcoholic Beverage Code shall be prima facie proof of the classification of the occupation upon which the tax is levied and shall be the sole basis of determination of the amount of the license fee.

Sec. 3.1-6. Expiration of License. All licenses provided herein shall terminate upon the expiration of one (1) year from date of issuance and no license shall be issued for more than one year.

Sec. 3.1-7. Exemption. Pursuant to state law, the following are exempt from the fee authorized in this chapter:

a. agent's, airline beverage, passenger train, beverage, industrial, carrier's, private carrier's, private club registration, local cartage, storage and temporary wine and beer retailer's permits;

b. a wine and beer retailer's permit issued for a dining, buffet, or club car; and

c. a mixed beverage license during the three-year period following the initial issuance of the State License.

Sec. 3.1-8. License Fee Required To Be Paid. It shall be unlawful for a person engaged in such business within the corporate limit of the City, for which a permit or license is required under the provisions of the Texas Alcoholic Beverage Code, without having been issued a license and having paid the City a license fee and then having received a receipt for such transaction.

Sec. 3.1-9. 3.9. Proof of Compliance with Alcoholic Beverage Code Required. It shall be a condition precedent to the issuance of any license by the Town as provided for herein; that the person shall furnish appropriate evidence to show that all provisions of the Texas Alcoholic Beverage Code and any amendment thereto have been fully met, and that the person has been issued a license to engage in such business by the Tax Collector of Dallas County, Texas.

Sec. 3.1-10. Collection of Fees. The license fees provided by this Ordinance shall be collected by the Town's Director of Finance and shall be paid by every person engaging in such business for which a permit or license is required under the provisions of the Texas Alcoholic Beverage Code, and said Director of Finance shall issue to the person the proper license, which shall state on its face for what it is issued, the date when it will expire, and by whom and where such business is to be conducted, and shall describe the place where same is to be kept and state what type of business is to be permitted under the license. No license is transferable.

SECTION 2. Any person who shall sell, or distribute or who shall attempt to sell, or distribute liquor within the corporate limits of the Town without first having paid the license fee levied herein shall be deemed guilty of a misdemeanor, and each sale or attempted sale for each day shall constitute a separate offense, upon conviction for each of which the violator shall be fined not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00).

SECTION 3. All ordinances, or parts of ordinances, inconsistent or in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. If any article, paragraph or subdivision, clause or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

SECTION 5. The fact that the present code of Ordinances does not provide for control of the sale of alcoholic beverages

LEGEND		COST/YEAR
BF	BEER RETAILERS OFF-PREMISE LICENSE	\$30.00
BG	WINE & BEER RETAILERS PERMIT	\$87.50
BL	RETAIL DEALERS ON PREMISE LATE HOURS	\$125.00
BQ	WINE & BEER RETAILERS OFF-PREMISE LICENSE	\$30.00
C	CARRIERS PERMIT	\$15.00
CB	CATERER'S PERMIT	\$250.00
LB	MIXED BEVERAGE LATE HOURS PERMIT	\$75.00
LP	LOCAL DISTRIBUTOR'S PERMIT	\$50.00
MB	MIXED BEVERAGE PERMIT	\$375.00
O	PRIVATE CARRIER PERMIT	\$15.00
P	PACKAGE STORE PERMIT	\$150.00
PE	BEVERAGE CARTAGE PERMIT	\$10.00
Q	WINE ONLY PACKAGE STORE PERMIT	\$37.50
X	GENERAL CLASS B WHOLESALER	\$150.00

14 TOTAL CLASS OF PERMITS IN ADDISON

NUMBER OF PERMITS BY CLASS

BF	BEER RETAILERS OFF-PREMISE LICENSE	10
BG	WINE & BEER RETAILERS PERMIT	15
BL	RETAIL DEALERS ON PREMISE LATE HOURS	2
BQ	WINE & BEER RETAILERS OFF-PREMISE LICENSE	1
C	CARRIERS PERMIT	1
CB	CATERER'S PERMIT	2
LB	MIXED BEVERAGE LATE HOURS PERMIT	49
LP	LOCAL DISTRIBUTOR'S PERMIT	2
MB	MIXED BEVERAGE PERMIT	63
O	PRIVATE CARRIER PERMIT	2
P	PACKAGE STORE PERMIT	4
PE	BEVERAGE CARTAGE PERMIT	15
Q	WINE ONLY PACKAGE STORE PERMIT	3
X	GENERAL CLASS B WHOLESALER	2
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