

Chapter 3

ALCOHOLIC BEVERAGES*

- Sec. 3-1. Definitions.
- Sec. 3-2. License fee.
- Sec. 3-3. Sales near school, church or hospital.
- Sec. 3-4. Payment of fee; issuance, display of receipt.
- Sec. 3-5. Refund of fee.
- Sec. 3-6. Cancellation for nonpayment of fees.

***Cross references**—Motor vehicles and traffic, ch. 11; offenses and miscellaneous provisions, ch. 13; alcoholic beverages prohibited in city-owned property, § 14.5-7.



Sec. 3-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

Church means a building used principally for religious worship and in which persons assemble and congregate to worship at least once each week and which is owned by such congregation of persons or leased by such congregation for a period of more than one year.

Commission means the state alcoholic beverage commission.

Front door means any front door leading into a church, public school, public hospital or place of business selling alcoholic beverages.

Public hospital means a hospital to which the public at large is admitted for medical treatment.

Public school means a school owned and conducted by the state or a political subdivision thereof.

(Ord. No. 44, § I, 3-12-1971)

Cross reference—Definitions and rules of construction generally, § 1-3.

Sec. 3-2. License fee.

(a) Pursuant to the provisions of V.T.C.A., Alcoholic Beverage Code §§ 11.38 and 61.36, an annual fee equal in amount to exactly one-half of that levied by the state is levied upon all package stores and upon all wine and beer retailers located within the corporate limits of the city, for the use and benefit of such city. The fee shall be levied on package stores, whether they sell all or any part of the classifications of intoxicating beverages, and upon beer and wine retailers upon the same basis, and whether holding a permit for sale of such for consumption on or off the premises.

(b) The city secretary is authorized and directed to report any person in default in the payment of any fees due under this section to the commissioner or administrator of the state alcoholic beverage commission.

Sec. 3-3. Sales near school, church or hospital.

(a) Within the corporate limits of the city, no person shall sell or engage in the business of selling any alcoholic beverage, which person's place of business is within 300 feet of a church, public school, or public hospital.

(b) 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 schools 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. For any permit or license covering a premises where minors are prohibited from entering the premises under V.T.C.A., Alcoholic Beverage Code § 109.53, the measurement of the distance between the premises and a public school shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

(c) 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 school, measured along street lines and directly across intersections, must give written notice of the application to officials of the public 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 V.T.C.A., Alcoholic Beverage Code § 109.53.

(d) As to any dealer who held a license or permit on September 1, 1983, in a location where a regulation under this section was in effect on that date, for purposes of subsection (a) of this section, but not subsection (c) of this section, the measurement of the distance between the place of business of the dealer and a public school shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections. This subsection applies only as long as the place of business is continuously in operation from that date, whether or not under the same license or permit.

(e) This section shall not apply to any place of business legally selling alcoholic beverages at the same location for a continuous period of one year preceding the establishment or construction of a church, public school or public hospital.
(Ord. No. 44, § IV, 3-12-1971)

Sec. 3-4. Payment of fee; issuance, display of receipt.

(a) An applicant to whom an alcoholic beverage permit or license has been issued shall immediately after issuance of the permit or license, and before engaging in the business authorized by such permit or license, present such permit or license to the city tax assessor-collector and pay the permit or license fees levied by this chapter to the city secretary.

(b) Upon presentation by the applicant to the tax assessor-collector of a permit or license duly issued by the state to the applicant and payment of the applicable fee prescribed by this chapter, the tax assessor-collector shall issue to such applicant, in the name of the city, a receipt for such payment, which receipt shall contain the number, name and expiration date of the state permit or license; the name of the permittee or licensee; the trade name of the permittee or licensee; the address of the business; the date of issuance; and an acknowledgment of receipt of the fee.

(c) The receipt issued by the city tax assessor-collector, upon payment of the fees levied, as required by this chapter, shall be displayed at all times in a conspicuous place within the licensed place of business.

(Ord. No. 44, §§ XVII, XIX, 3-12-1971)

Sec. 3-5. Refund of fee.

No refund of a permit or a license fee paid to the city under this chapter shall be made for any reason by the city, except when the permittee or licensee is prevented from continuing in business because of the result of a local option election.

(Ord. No. 44, § XX, 3-12-1971)

Sec. 3-6. Cancellation for nonpayment of fees.

No person obtaining a permit or license required by this chapter shall engage in the business authorized by his permit or license without first having paid to the city the permit or license fees levied by this chapter. It shall be the duty of the city attorney to petition the state administrator to cancel the permit or license of any permittee or licensee who shall engage in the business authorized by the permit or license of such person without first having paid the fees levied by this chapter.

(Ord. No. 44, § XI, 3-12-1971)