

ORDINANCE NO. O23-__

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING CHAPTER 6, ALCOHOLIC BEVERAGES, OF THE CODE OF ORDINANCES OF THE TOWN BY AMENDING ALCOHOLIC BEVERAGE FEES, DEFINITIONS, LEVY OF FEES BY TOWN; ADDING PROVISIONS FOR NON-PAYMENT, PERMIT REVIEW, AND CONSUMPTION IN CERTAIN PLACES; PROVIDING THAT THE CHANGES SHALL BE APPLIED BEGINNING IN 2023; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Addison, Texas (the “Town”) is a home rule municipality having full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution and its Home-Rule Charter; and

WHEREAS, there have been recent updates to state law governing the regulation of alcohol, including the rules and regulations promulgated by the Texas Alcohol and Beverage Commission related to local licensing, fees, and regulations applicable to establishments selling or serving alcoholic beverages; and

WHEREAS, the Town has reviewed Chapter 6 “Alcoholic Beverages” of the Town’s Code of Ordinances and determined that it is necessary to amend and update the same to ensure compliance with current state law.

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

SECTION 1. Chapter 6, “Alcoholic Beverages” of the Code of Ordinances of the Town of Addison, Texas is hereby amended and restated to comply with the current regulations adopted by the Texas Alcohol and Beverage Commission, to read as follows:

“Chapter 6, Alcoholic Beverages

Sec. 6-1. 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:

Special event means any event which is sponsored in whole or in part by the town. Special events shall include, but are not limited to: Addison Kaboom!®, Addison After Dark, Oktoberfest, Taste Addison, Vitruvian Park Events and other events as designated by the city council.

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

Sec. 6-2. State law to control.

Nothing in this chapter shall be construed or interpreted to conflict with the state Alcoholic Beverage Code, V.T.C.A., Alcoholic Beverage Code § 1.01 et seq. The provisions of this chapter shall be subject to the limitations of such code and such code shall control. The municipal court of the town 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. 6-3. Restriction of sale of alcoholic beverages; Consumption of alcoholic beverages in certain public places.

- (a) Sale of alcoholic beverages for off-premises consumption shall be restricted to that certain area in the town which is described by the town Charter section 11.04. Nothing in this chapter shall conflict with said section of the town Charter.
- (b) It shall be unlawful for any person to consume any alcoholic beverage in any public or commercial parking area or a private multi-tenant residential parking area, or in any public street, alley or sidewalk in the city, with the following exceptions:
 - 1. Persons consuming alcoholic beverage on property that is permitted or licensed by the Texas Alcoholic Beverage Commission to serve alcohol beverages; or
 - 2. Persons consuming alcoholic beverages on property permitted for a Special Event where such permit authorizes the service of alcohol.
 - 3. Persons consuming alcoholic beverages on property permitted for a Special Event where such permit authorizes the service of alcohol.

Sec. 6-4. Zoning laws to be complied with; Application review.

- (a) All persons and entities affected by this chapter shall comply with the zoning code and ordinances of the town.
- (b) Prior to issuing a town license to applicant for the proposed location, the town secretary shall certify whether the location is authorized to sell or serve alcoholic beverages for on-premises or off-premises consumption, as applicable, in compliance with the zoning ordinance.
- (c) A Special Use Permit (SUP) shall be obtained for any establishment to sell or serve alcoholic beverages for on-premises or off-premises consumption in conformance with the SUP process provided in the zoning ordinance.

Sec. 6-5. Fees; License required.

- (a) There is hereby levied and assessed and shall be collected by the town annual fees in the amount equal to one-half the fee charged by the state for the license issued by the Texas Alcoholic Beverage Commission, except when said fee is waived according to the provisions of the Texas Alcoholic Beverage Code. The town license and permit fees shall be paid to the town at the same time the state license and permit fees are paid to the state.
- (b) The license issued under the provisions of the state 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 town's license fee.
- (c) The license fees provided by this section shall be collected by the town and shall be paid by every person engaging in such business for which a license is required under the provisions of the state alcoholic beverage code, and the town shall issue to the person the proper license.
- (d) It shall be unlawful for a person engaged in such business within the territorial and corporate limits of the town, for which a license is required under the provisions of the state alcoholic beverage code, without having first been issued a license from the town and having paid the town a license fee.

Sec. 6-6. Special events.

No person shall bring, carry or transport any alcoholic beverages into or onto any site in which a Special Event is taking place and where alcohol is being sold.”

SECTION 2. Any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed guilty of a Class C misdemeanor and, upon conviction, shall be punished by a fine not to exceed five hundred dollars (\$500.00) in accordance with Chapter 1, Section 1-7 of the Code of Ordinances for the Town of Addison.

SECTION 3. The provisions of this ordinance are severable, and should any section, subsection, paragraph, sentence, phrase or word of this ordinance, or application thereof to any person, firm, corporation or other business entity or any circumstance, be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of the remaining or other parts or portions of this ordinance, and the City Council hereby declares that it would have passed such remaining parts or portions of this ordinance despite such unconstitutionality, illegality, or invalidity, which remaining portions shall remain in full force and effect.

SECTION 3. All ordinances of the Town in conflict with the provisions of this ordinance be, and the same are hereby repealed and all other ordinances of the Town not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4. This Ordinance shall become effective from and after its passage and approval and after publication as may be required by law, the Town Charter, or ordinance.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas, on this the 13th day of JUNE 2023.

TOWN OF ADDISON, TEXAS

Bruce Arfsten, Mayor

ATTEST:

APPROVED AS TO FORM:

Irma G. Parker, City Secretary

Whitt Wyatt, City Attorney