

Chapter 6 ALCOHOLIC BEVERAGES¹

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 not limited to: ~~Airfair Addison, Founder's Day, Grand Prix, 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.

(Code 1982, § 3.1-1)

Cross reference(s)—Definitions generally, § 1-2.

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.

(Code 1982, § 3.1-2)

State law reference(s)—Preemptive nature of Alcoholic Beverage Code, V.T.C.A., Alcoholic Beverage Code § 1.06.

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 such 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

¹Cross reference(s)—Businesses, ch. 22; alcoholic beverages prohibited in parks, § 58-39.

State law reference(s)—Local regulation of alcoholic beverages, V.T.C.A., Alcoholic Beverage Code § 109.31 et seq.

2. Persons consuming alcoholic beverages on property permitted for a Special Event where such permit authorizes the service of alcohol.

(c) Any person found guilty of violating the terms of this section shall be deemed guilty of a misdemeanor, and upon conviction therefore, shall be punished as provided in section 1-4(b).

(Code 1982, § 3.1-3)

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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 city permit to applicant for the proposed location, the city secretary shall certify whether the location is authorized to sell or serve alcoholic beverages for on-premises or off-premises consumption 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 process outlined in zoning ordinance.

(Code 1982, § 3.1-4)

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Cross reference(s)—Zoning, app. A.

Sec. 6-5. ~~Levy of fees by town. Fees; License required.~~

(a) There is hereby levied and assessed and shall be collected by the town of annual fees in amounts 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 city license and permit fees shall be paid to the city at the same time the state license and permit fees are paid to the state.~~ of those payable to the state pursuant to the following provisions:

- ~~(1) Package store permit—V.T.C.A., Alcoholic Beverage Code ch. 22.~~
- ~~(2) Local distributor's permit—V.T.C.A., Alcoholic Beverage Code ch. 23.~~
- ~~(3) Wine only package store permit—V.T.C.A., Alcoholic Beverage Code ch. 24.~~
- ~~(4) Wine and beer retailer's permit—V.T.C.A., Alcoholic Beverage Code ch. 25.~~
- ~~(5) Wine and beer retailer's off premise permit—V.T.C.A., Alcoholic Beverage Code ch. 26.~~
- ~~(6) Mixed beverage permit—V.T.C.A., Alcoholic Beverage Code ch. 28.~~
- ~~(7) Mixed beverage late hours permit—V.T.C.A., Alcoholic Beverage Code ch. 29.~~
- ~~(8) Daily temporary mixed beverage permit—V.T.C.A., Alcoholic Beverage Code ch. 30.~~
- ~~(9) Caterer's permit—V.T.C.A., Alcoholic Beverage Code ch. 31.~~

(b) The ~~permit 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 license fee.

~~(c) The following are exempt from the fee authorized in this chapter:~~

- ~~(1) 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;~~

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~~(2) A wine and beer retailer's permit issued for a dining, buffet, or club car; and~~

~~(3) A mixed beverage license during the three-year period following the initial issuance of the state license.~~

~~(c)~~ It shall be unlawful for a person engaged in such business within the corporate limits of the town, for which a ~~permit or~~ license is required under the provisions of the state alcoholic beverage code, without having been issued a license and having paid the town a license fee and then having received a receipt for such transaction.

~~(d)~~ The license fees provided by this section 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 state alcoholic beverage code, and the ~~director of finance town~~ 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 such license is to be kept and state what type of business is to be permitted under the license. No license is transferable.~~

(Code 1982, §§ 3.1-5—3.1-10)

State law reference(s)—Fees authorized, V.T.C.A., Alcoholic Beverage Code §§ 11.38 , 61.36 .

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.

(Code 1982, § 3.1-11)

Sec. 6-7. ~~Proof of compliance with alcoholic beverage code required. Late fees, non payment.~~

~~It shall be a condition precedent to the issuance of any license by the town as provided for in this chapter that the person shall furnish appropriate evidence to show that all provisions of the state Alcoholic Beverage Code, V.T.C.A., Alcoholic Beverage Code § 1.01 et seq., 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 the county.~~

~~(Code 1982, § 3.1-9; Ord. No. 087-027, § 1, 6-9-1987)~~

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