

ORDINANCE NO. 252

AN ORDINANCE OF THE CITY OF SUNRISE BEACH VILLAGE, TEXAS, AMENDING ORDINANCE 249 BY ADJUSTING ANNUAL FEES ON HOLDERS OF PERMITS AND LICENSES ISSUED UNDER THE STATE ALCOHOLIC BEVERAGE CODE; PROVIDING FOR REFERRAL AND REVIEW PROCEDURES; PROVIDING FOR THE CHIEF OF POLICE TO MAKE RECOMMENDATIONS; PROVIDING PENALTY AND OPEN MEETING CLAUSES; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR RELATED MATTERS.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF SUNRISE BEACH VILLAGE, TEXAS, THAT:

ARTICLE I

The voters of Precinct 108, which includes the City of Sunrise Beach Village, approved the legal sale of alcoholic beverages for off-premise consumption and the legal sale of mixed beverages in restaurants by food and beverage certificate holders in a county election held on May 12, 2007 and resulted in the changes to Ordinance 60 to be entitled, "Alcoholic Beverage Licenses and Permits" to read as follows:

Section 1. STATE LAW AUTHORITY.

This Section is passed pursuant to and is referable to the Texas Alcoholic Beverage Code ("TABC"), and the provisions of such code are hereby adopted insofar as the same are applicable, and shall govern the administration and enforcement of this Ordinance.

Section 2. DEFINITIONS.

For the purpose of this Ordinance, all definitions, words, terms, and phrases set forth in the TABC, as amended from time to time, are hereby adopted and made a part hereof.

Section 3. LICENSE AND PERMIT FEES.

A. Pursuant to the authority granted to cities in Section 11.38, TABC, there is hereby prescribed and levied an annual permit fee for each premises located within the City of Sunrise Beach Village (the "City") that is required to obtain and hold a permit issued under the provisions of Chapter 11, TABC. Such annual fee is hereby established as an amount equal to one-half (50%) of the annual state permit fee payable not to exceed \$350.00 for and with respect to each such premises, save and except the applicable exemptions to the fee identified in Section 11.38(d), as amended, shall apply. Permit fees may be paid in equal quarterly installments.

B. Pursuant to the authority granted to cities in Section 61.36, TABC, there is hereby prescribed and levied an annual license fee for each premises located within the City that is required to obtain and hold a permit issued under the provisions of

Chapter 61, TABC. Such annual license fee is hereby established as an amount equal to one-half (50%) of the annual state license fee payable not to exceed \$350.00 and with respect to each such premises, save and except the applicable exemptions to the fee identified in Section 61.36(a), as amended, shall apply. Permit fees may be paid in equal quarterly installments.

Section 4. PAYMENT OF FEES.

All fees required for one year pursuant to this Ordinance may be paid in equal quarterly installments to the City Secretary beginning at the same time that the state annual renewal fee is due and payable. The City Secretary shall issue an appropriate receipt for the payment of each such fee and the holder of the state permit or license involved shall display such receipt in some conspicuous place on the premises in the same manner that the applicable state license or permit is displayed.

Section 5. REVIEW AND RECOMMENDATION

For the purposes of obtaining a recommendation as provided for in Section 11.41, TABC, every person, firm or entity making application for a permit, pursuant to Chapters 11 or 61, TABC, within the City, shall be required to provide such information as may be reasonably required, including a copy of the application made to the Alcoholic Beverage Commission (the "Commission") and a personal history, to the Chief of Police. The Chief of Police shall review such application and materials, make such reasonable investigation as is deemed prudent, and make a written recommendation pursuant to Section 11.41, TABC. In the event the Chief of Police makes written objection to the issuance of any such permit or license, such recommendation shall be communicated to the Commission and no city permit or license shall be issued by the City on such application until such time, if any, as the Commission shall grant the requested permit or license.

Section 6. CANCELLATION AND SUSPENSION OF PERMITS.

A permit or license issued pursuant to this Subchapter may be canceled, denied or revoked as provided in Subchapter C of Chapters 11 or 61, TABC. The City shall have all powers, duties and remedies permitted in Chapter 11 or 61, TABC.

Section 7. VIOLATIONS AND PENALTIES.

A licensee or permittee who sells an alcoholic beverage without first having paid the fees levied under this Ordinance or who fails to pay the full amount of the fees levied under this Ordinance when due commits a misdemeanor punishable by a fine of not less than \$10.00 or more than \$500.00. Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies provided herein. Any violation of this Ordinance may be used as grounds for cancellation, suspension or denial of a permit.

ARTICLE II. ADMINISTRATION

Section 1. AMENDMENT OF ORDINANCES.

Ordinance 249 of The City of Sunrise Beach Village Ordinances is rescinded and replaced

by the Passage of this Ordinance as provided herein. All ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance as adopted herein, are hereby amended to the extent of such conflict. In the event of a conflict or inconsistency between this ordinance and any other code or ordinance of the City, the terms and provisions of this ordinance shall govern.

Section 2. SEVERABILITY.

If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications hereof which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 3. EFFECTIVE DATE.

This ordinance shall take effect immediately from and after its passage and publication in the manner set forth in and required by the Local Gov't Code.

Section 4. OPEN MEETINGS.

That it is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapt. 551, Loc. Gov't. Code.


PASSED AND APPROVED on this 20th day of September, 2007.

APPROVED:



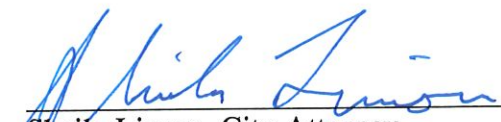
Patricia E. Frain, Mayor

ATTEST:



Joyce R. Horton, City Secretary

Reviewed and Approved:



Sheila Limon, City Attorney