

ORDINANCE NO. 2019-A

AN ORDINANCE FOR THE CITY OF LIVERPOOL, BRAZORIA COUNTY, TEXAS, REQUIRING A ALCOHOL PERMIT, AND SETTING THE PRICE FOR THE PERMIT TO SALE ALCOHOL.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LIVERPOOL, BRAZORIA, TEXAS:

SECTION 1: PURPOSE

WHEREAS, it is the desire and intention of the City Council of the City of Liverpool, Brazoria County, Texas, to require a person or person(s) to obtain a permit to sale alcohol within the city limits of Liverpool, in order to regulate alcohol sales, within the guidelines of as set out in the Texas Alcoholic Beverage Code.

SECTION 2: DEFINITIONS

WHEREAS, the words, terms, and phrases, when used in this ordinance, shall have the same meanings and definitions prescribed by the Texas Alcoholic Beverage Code.

SECTION 3: SALES TO MINORS

1. It shall be unlawful for any person, to sell, give, lend or in anyway make available any alcoholic beverage to any person under the age of twenty-one (21) years of age, unless authority to do so is permitted by law.

SECTION 4: LICENSE TO MANUFACTURE, SELL OR DISTRIBUTE ALCOHOL

WHEREAS, any person wanting to manufacture, sell or distribute any types of alcohol, which includes, and not limited to beer, wine, liquor, moonshine, wine coolers, or any other beverage that contains any type of alcohol.

1. Any person(s) holding a license issued by the Texas Alcohol Beverage Commission for the manufacture, distribution or sale of alcohol that owns or maintains a place of business located within the City of Liverpool in connection with which such license has been issued shall pay the license fees of $\frac{1}{2}$ the price of the TABC (See the application for pricing). *(Authority of City to levy a license fee for the sale, distribution, etc, of beer in an amount not exceed one-half of the state license fee, V.T.C.A., Alcoholic Beverage Code § 61.36.)*
2. Any person(s) holding a license issued by the Texas Alcohol Beverage Commission for the manufacture, distribution or sale of alcohol that owns or maintains a place of business located within the City of Liverpool in connection with which such license has been issued shall fill out an application to receive license.

3. The license fees herein prescribed, shall be paid to the inspection department at Liverpool City Hall, Liverpool, Texas, and shall be due on or before the same day of each year that the state license fee for the license held by such person authorizing the manufacturing, distribution, or sale of alcohol shall be due and payable to the State of Texas.
4. Upon the effective enactment of the Ordinance, each person maintaining a place of business or establishment as referred to in this ordinance, shall furnish to City of Liverpool City Hall, the date of expiration of the license such person holds from the State of Texas which authorizes such.
5. It shall be unlawful for any person(s) to sale alcoholic beverages within the corporate limits of the City where the place of business of such dealer is within three hundred (300) feet of a church.
6. This Ordinance shall be administered in a manner consistent with V.T.C.A. Alcoholic Beverage Code. Furthermore, nothing in this ordinance shall be construed to permit or authorized that which is prohibited by the V.T.C.A. Alcoholic Beverage Code or any other law.
7. The hours for the sale and offer for sale or delivery of alcohol by a holder of a retail dealer on premises license are extended in accordance with V.T.C.A., Alcoholic Beverage Code § 105.05(d) (2) so the holders of retail dealers on-premises late hours licenses may sell or offer the sale and deliver of alcohol between midnight and 2:00 a.m. on any day.
8. It shall be unlawful for any person to sale alcoholic beverages on the premises of any Municipal building or properly within the City limits of the City of Liverpool.

SECTION 5: PAYMENT AND DUE DATE

WHEREAS, the license fees herein prescribed, shall be paid to the City of Liverpool City Hall, Liverpool, Texas, and shall be due on or before the same day of each year that the state license fee for the license held by such person authorizing the manufacturing, destruction or sale of alcohol shall be due and payable to the State of Texas.

SECTION 6: CANCELLATION OF STATE LICENSE OR PERMIT

WHEREAS, if a state license or permit is issued that allows the sale of an alcoholic beverage at a location prohibited by this ordinance or other code provision, the City shall forthwith give notice of such violation to the Texas Alcoholic Beverage Commission and request cancellation of the license/permit.

SECTION 7: PENALTY

WHEREAS any person violating any provision of the ordinance, shall be punished as set forth in the ordinance

WHEREAS any person found guilty of a violation of any provision of this ordinance shall be punished by a fine not to exceed \$500. Each day any violation of this ordinance shall continue shall constitute a separate offense.

SECTION 3: SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Liverpool hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

ORDINANCE NO.: 2018-D
PASSED AND APPROVED THIS 7th DAY OF May, 2019.



Bill W. Strickland, Mayor

ATTEST:



Catherine Long, City Secretary