



## **CITY COUNCIL COMMUNICATION**

October 13, 2009

**SUBJECT:** CONSIDER AN ORDINANCE AMENDING CHAPTER 6, "ALCOHOLIC BEVERAGES" OF THE CITY OF EULESS, TEXAS CODE OF ORDINANCES, BY AMENDING, SECTION 6.2 "STATE LICENSE OR PERMIT REQUIRED."

**SUBMITTED BY:** Chris Barker, Director of Planning and Development

**REFERENCE NO:** 09-12-CC

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### **ACTION REQUESTED:**

Consider approval of Ordinance No.1864, amending Chapter 6, "Alcoholic Beverages" of the Euless Code of Ordinances.

### **ALTERNATIVES:**

1. Approve the request – *simple majority*
2. Approve the request with modifications – *simple majority*
3. Deny the request – *simple majority*

### **SUMMARY OF SUBJECT:**

In 2007, the 80<sup>th</sup> Texas State Legislature approved Senate Bill 1217 which amended sections 11.09 and 61.03 of the Texas Alcoholic Beverage Code to allow the Texas Alcoholic Beverage Commission (TABC) the ability to issue licenses and permits for a period of two years.

The TABC has taken the past two years to incrementally implement the law. On September 1, 2009, the TABC implemented the two year permit for the Wine and Beer Retailer's Permit, and the Wine and Beer Retailer's Off Premise Permit the two permits which the City of Euless interacts regularly.

Chapter 6 "Alcoholic Beverages" of the Euless Code of Ordinances contains the following paragraph:

**Sec. 6.2. State license or permit required; duration.**

Before any license or permit shall be issued by the city, the applicant shall furnish appropriate evidence to show that such applicant has been issued a license or permit to engage in such business by the tax collector of the county on a form prescribed by the comptroller of the state. All initial permits or licenses issued under this chapter shall terminate upon the expiration of one year and one month from date of issuance. All subsequent licenses or permits shall be issued to terminate contemporaneously with the expiration of the state license or permit of such applicant. No subsequent license or permit shall be issued for a period of more than one year.

This paragraph states that the City of Euless would require an annual permit, where the State of Texas would issue a two-year permit. Therefore, staff would recommend the following change to the Chapter:

**Sec. 6.2. State license or permit required; duration.**

Before any license or permit shall be issued by the city, the applicant shall furnish appropriate evidence to show that such applicant has been issued a license or permit to engage in such business by the tax collector of the county on a form prescribed by the comptroller of the state. All permits or licenses issued under this chapter shall terminate contemporaneously with the expiration of the state license or permit of such applicant.

Staff would charge the total fee of two years at the time of application for or renewal of the permit – effectively not increasing the permit fee. Staff would then administer the permits and fees on a two year basis in-line with the State of Texas.

From September 1, 2009 to date of potential approval of this ordinance there have been two (2) alcoholic beverage permits issued. These will be tracked as one year permits separately from the new two year permits. Once the last one-year permits expire, the businesses will be issued a two year permit.

**SUPPORTING DOCUMENTS:**

- Ordinance No. 1864

**APPROVED BY:**

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City Manager’s Office

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City Secretary’s Office