

Footnotes:

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State Law reference— *V.T.C.A., Alcoholic Beverage Code ch. 1 et seq.; local regulation of alcoholic beverages, V.T.C.A., Alcoholic Beverage Code §§ 11.38, 61.36, 109.31 et seq.*

Sec. 4-1. - Permit and/or license fee required.

- (a) The city shall levy and collect one-half of the state fee collected for each permit issued under the Alcoholic Beverage Code for premises located within the corporate limits of the city.
- (b) The city shall levy and collect one-half of the state fee for each license, except a temporary or agent's beer license, issued under the Alcoholic Beverage Code for premises located within the corporate limits of the city.

(Code 1995, § 1.801)

State Law reference— Authority for this section, V.T.C.A., Alcoholic Beverage Code §§ 11.38, 61.36.

Sec. 4-2. - Selling of alcoholic beverages restricted to certain hours.

- (a) Any person, firm, or corporation authorized to offer for sale alcoholic beverages within the city limits will do so only during the hours authorized under V.T.C.A., Alcoholic Beverage Code ch. 105.
- (b) Pursuant to V.T.C.A., Alcoholic Beverage Code § 105.03, extended hours for the sale of mixed beverages are adopted, so that the holder of a mixed beverages late hours permit may sell and offer for sale mixed beverages between midnight and 2:00 a.m. on any day.
- (c) Pursuant to V.T.C.A., Alcoholic Beverage Code § 105.05, extended hours for the sale of beer are adopted, so that the holder of a retail dealer's on-premises late hours license may sell, offer for sale, and deliver beer between midnight and 2:00 a.m. on any day.

(Code 1995, § 1.802; Ord. No. O-2018-6161, § I, 12-20-2018)

State Law reference— Hours of sale and consumption, V.T.C.A., Alcoholic Beverage Code ch. 105.

Sec. 4-3. - Sale of alcoholic beverages within 300 feet of a church, public school, or public hospital prohibited.

- (a) The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.
- (b) The measurement of the distance between the place of business where alcoholic beverages are sold and the public school shall be from the nearest property line of the public school to the nearest doorway by which the public may enter the place of business, along street lines and in a direct line across intersections.
- (c) For any permit or license covering a premises where minors are prohibited from entering the premises under the V.T.C.A., Alcoholic Beverage Code § 109.53, the measurement of the distance between the premises and a public school shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.
- (d) Except as provided in subsection (e) of this section, the sale of alcoholic beverages within 300 feet of a church, public school, or public hospital as determined by measurements prescribed in this section is prohibited.

- (e) Where the church, public school, or public hospital is located within a commercial zoning district, no separation from public business where alcoholic beverages are sold shall be required.

(Code 1995, § 1.803; Ord. No. 2073, 11-10-1983; Ord. No. 2492, 7-26-1990)

Sec. 4-4. - Variances.

The city council may allow variances to the provisions of section 4-3 if the council determines that enforcement of that section is not in the best interest of the public, constitutes waste or inefficient use of the land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the city council, after consideration of the health, safety and welfare of the public and the equities of the situation, determines is in the best interest of the community.

(Code 1995, § 1.804; Ord. No. 2073, 11-10-1983)

Sec. 4-5. - Unlawful to drink or possess intoxicating liquors within certain areas.

- (a) *Ball fields.* It shall be unlawful for any person, firm or corporation to carry, possess, or drink any alcoholic or intoxicating beverage in any city-owned or -operated baseball or softball field while a person or persons of non-drinking age are participating in organized league play.
- (b) *Swimming pool areas.* Except as provided herein, it shall be unlawful for any person, firm, or corporation to carry, possess, or drink any alcoholic or intoxicating beverage in any city-owned and -operated swimming pool area. The foregoing prohibition shall not apply to any swimming pool owned by the city, but operated or managed by a third party under contract with the city.
- (c) *Park areas.* Permits. It shall be unlawful for any person, firm or corporation to sell any alcoholic or intoxicating beverage in any city-owned or -operated park without first obtaining a permit therefor from the chief of police. The decision of the chief of police to grant or deny any such permit shall be appealable to the city council.

(Code 1995, § 1.805; Ord. No. 592, 4-12-1979; Ord. No. 2494, 7-26-1990)