



RESOLUTION NO. 22-2015

A RESOLUTION SETTING/ADOPTING PERMIT FEE AMOUNTS FOR ORIGINAL AND RENEWAL APPLICATIONS FOR PERMITS TO SELL ALCOHOL WITHIN THE CITY LIMITS OF THE CITY OF VENUS, MAKING PAYMENT A REQUIREMENT BEFORE THE PROCESSING OF ANY PERMIT APPLICATION, MAKING THE PERMIT FEES NON-REFUNDABLE, AND DIRECTING THE CITY SECRETARY TO INCLUDE THE NEW FEES IN THE CITY OF VENUS MASTER FEE SCHEDULE.

WHEREAS, the City of Venus (“City”) voters recently approved a referendum allowing alcohol sales in the city limits; and

WHEREAS, the City has certified the results of the local option election to the state and to the regional Texas Alcoholic Beverage Commission (“TABC”); and

WHEREAS, the City maintains a master fee schedule of permitting, licensing and other user fees; and

WHEREAS, TEXAS ALCOHOLIC BEVERAGE CODE Section 11.38(a) provides for the governing body of a city or town to collect a fee not to exceed one-half of the state fee for each permit issued for premises located within the city or town, and that those authorities may not levy or collect any other fee or tax from the permittee except general ad valorem taxes, the hotel occupancy tax levied under Chapter 351, TEXAS TAX CODE, and the local sales and use tax levied under Chapter 321, TEXAS TAX CODE; and

WHEREAS, TEXAS ALCOHOLIC BEVERAGE CODE Section 11.38(b) provides that the commission or administrator may cancel a permit if it finds that the permittee has not paid a fee levied under this section; and

WHEREAS, TEXAS ALCOHOLIC BEVERAGE CODE Section 11.38(d) provides that the following are exempt from permitting fees authorized by Section 11.38(a): (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; (2) a wine and beer retailer's permit issued for a dining, buffet, or club car; and (3) a mixed beverage permit during the three-year period following the issuance of the permit; and

WHEREAS, TEXAS ALCOHOLIC BEVERAGE CODE Section 11.38(e) provides that the commission or administrator may cancel or deny a permit for the retail sale or service of alcoholic beverages, including a permit held by the holder of a food and beverage certificate, if it finds that the permit holder or applicant has not paid delinquent ad valorem taxes due on that permitted premises or due from a business operated on that premises to any taxing authority in the county of the premises.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VENUS:

SECTION 1. Each original permit application and renewal permit application shall be assessed a permit fee of one-half of the state TABC application fee at the time of the filing of the application with the City.

SECTION 2. Payment of the permit fee is required before the processing of any original permit application or renewal permit application.


SECTION 3. Any permit fee for an original permit application or renewal permit application is non-refundable unless otherwise directed by the TABC or state law.

SECTION 4. The City Secretary is directed to include the permit fee for original permit applications and renewal permit applications in the City’s master fee schedule as “one-half of the TABC fee (non-refundable).”

SECTION 5. This Resolution and the fees and rules established herein shall take effect on the 15th day of December, 2015, and it is accordingly so resolved.

DULY PASSED by the City Council of the City of Venus, Texas, on 15th day of December, 2015.

APPROVED:


JAMES BURGESS – MAYOR

ATTEST:


ANGIE WADE – CITY SECRETARY

