



Dear Food Establishment Operator:

Please be advised that on November 6, 2012, the citizens of the City of Seagoville approved the legal sale of beer and wine (limited to vinous beverages) that do not contain more than 17 percent alcohol by volume and includes malt beverages that do not exceed that alcohol content within the City limits of Seagoville, Texas.

All establishments offering alcoholic beverages for sale in any form must apply for and receive a permit from the City of Seagoville to be in compliance with the city ordinance. **City applications will be accepted beginning November 26, 2012.**

Permit fees have been assessed at ½ the annual TABC fees, and are due every two years upon the renewal of any TABC permit or license.

Following is a guideline to help you through the process.

1. Approval of distance and zoning form signed by Building Inspection Department. (attached)
2. Apply for Certificate of Occupancy (if do not currently have one).
3. Complete City of Seagoville Permit Application and pay the \$60.00 permit fee. (attached)
4. Apply to TABC for State Permit (www.tabc.state.tx.us).
5. Bring in a copy of State Permit and receive your City of Seagoville Permit.

If you should have any questions, please feel free to contact (972) 287-6829.

Sincerely,

CITY OF SEAGOVILLE

CHAPTER 13 OFFENSES AND NUISANCES

ARTICLE 13.08 ALCOHOLIC BEVERAGES

ARTICLE 13.08 ALCOHOLIC BEVERAGES

Sec. 13.08.001 Purpose

The purpose of alcoholic beverage regulations is to protect the public health, safety and public welfare.

ARTICLE 13.08 ALCOHOLIC BEVERAGES

Sec. 13.08.002 General requirements

- (a) The sale of beer in residential areas or within residential zoning districts is prohibited.
- (b) Where otherwise allowed, the sale of beer for on-premises consumption shall not occur after 12:00 midnight.
- (c) Alcoholic beverages shall not be sold by a dealer whose place of business is within 300 feet of a church, public or private school, or public hospital. This subsection does not apply to the holder of:
 - (1) A license or permit who also holds a food and beverage certificate covering a premises that is located within 300 feet of a private school; or
 - (2) A license or permit covering a premises where minors are prohibited from entering under section 109.53 of the Texas Alcoholic Beverage Code, as amended, and that is located within 300 feet of a private school.
- (d) 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 direct line across intersections.
- (e) The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be:
 - (1) In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
 - (2) If the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.
- (f) Every applicant for an original alcoholic beverage license or permit for a location with a door by which the public may enter the place of business of the applicant that is within 1,000 feet of the nearest property line of a public or private school, measured along street lines and directly across intersections,

must give written notice of the application to officials of the public or private school before filing the application with the Texas Alcoholic Beverage Commission. A copy of the notice must be submitted to the commission with the application. This subsection does not apply to a permit or license covering a premises where minors are prohibited from entering the premises.

(g) The city council may allow variances to the regulation if it determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of 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, 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.

ARTICLE 13.08 ALCOHOLIC BEVERAGES

Sec. 13.08.003 Day-care centers and child-care facilities

Provisions of section 13.08.002 relating to a public school also apply to a day-care center and a child-care facility as those terms are defined by section 42.002, Human Resources Code for a permit or license holder under chapters 25, 28, 32, 69, or 74 who does not hold a food or beverage certificate. This subsection does not apply to a permit or license holder who sells alcoholic beverages if:

- (1) The permit or license holder and the day-care center or child-care facility are located on different stories of a multistory building; or
- (2) The permit or license holder and the day-care center or child-care facility are located in separate buildings and either the permit or license holder or the day-care center or child-care facility is located on the second story or higher of a multistory building.

ARTICLE 13.08 ALCOHOLIC BEVERAGES

Sec. 13.08.004 Homeless shelter or substance abuse treatment centers

(a) In this section:

Central business district. A compact and contiguous geographical area of a municipality used for commercial purposes that has historically been the primary location in the municipality where business has been transacted.

Homeless shelter. A supervised publicly or privately operated shelter or other facility that is designed to provide temporary living accommodations to individuals who lack a fixed regular and adequate residence.

Open container. A container that is no longer sealed.

(b) No person shall possess an open container or consume alcoholic beverages on a public street, public alley, or public sidewalk within 1,000 feet of the property line of a homeless shelter that is not located in a central business district or a substance abuse treatment center that is not located in a central

business district.

(c) The city council may allow special temporary events for which subsection (b) may be suspended, upon an establishment of conditions which protect the health, safety and welfare of adjacent property and participants.

ARTICLE 13.08 ALCOHOLIC BEVERAGES

Sec. 13.08.005 City facilities

(a) No person shall sell, store, possess or consume an alcoholic beverage in any city facility. The term "alcoholic beverage," as that term is used in this article, shall be defined as used in the Texas Alcoholic Beverage Code.

(b) For a city-sponsored special civic event, the city council may grant a special event permit, for a period not to exceed seventy-two (72) consecutive hours, to allow for the consumption, possession, and/or sale of beer and wine by a vendor duly licensed in accordance with state law. In issuing such permit the city council may designate an area within the city park or facility for the serving and consumption of beverages under such permit, and shall establish such hours that the beverages may be dispensed under the permit. The city manager is further authorized to implement such other appropriate safety and control regulations. A special event permit fee under this subsection shall be established by resolution of the city council.

(Ordinance 02-10 adopted 3/18/10)

ARTICLE 13.08 ALCOHOLIC BEVERAGES

Sec. 13.08.006 Local permit required

(a) No person, corporation, or association shall sell alcoholic beverages within the city without first having applied for and been granted a valid permit issued by the city to sell alcoholic beverages. Upon the exhibition of a license or permit duly issued by the state to the applicant, the city secretary shall, in the name of the city, issue and deliver to the applicant a permit to engage in the business in the city of the character described in and authorized by the license or permit from the state held by the applicant. The license or permit so issued in the name of the city shall authorize the conduct of such business upon the premises described in the license or permit from the state and shall remain in force only so long as the license or permit from the state remains in force.

(b) An applicant for a permit under this section shall pay a fee, if any at the time of submission of the application. The fee shall be established by resolution of the city council issued for premises located within the city as provided by state law.

(Ordinance 05-10 adopted 6/3/10)

Sec. 21.09.016 Prohibited signs and activities

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(p) Signs advertising alcoholic beverages. Signs that advertise the sale of alcoholic beverages by use of the terms "beer" or "wine" or any combination thereof on the premises shall not exceed ten (10) percent of the total allowable sign area on the premises (cumulative, including all allowable regulated freestanding signs, wall-mounted and building-mounted signs, window signs, interior visible signs, etc.), in accordance with Texas Alcoholic Beverage Commission regulations. Product names or brands are not included in the calculation under this regulation.

Division 37. Definitions

Sec. 25.02.801 Certain words defined

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Alcoholic beverage. Alcohol, or any beverage containing more than one-half of one percent (i.e., 0.05%) of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted. Includes ales, beers, meads, spirits, wines, wine coolers, and other fermented or distilled beverages.

CITY OF SEAGOVILLE HOME RULE CHARTER

Section 2.18 Alcoholic Beverages

- (a) No person shall be allowed to sell liquor in all or part of the residential sections of the City.
- (b) The City Council may, by ordinance, prohibit the sale of beer in any residential area of the City and/or regulate the sale of beer and prescribe the hours when it may be sold as allowed by State law.
- (c) The City Council may, by ordinance, regulate alcoholic beverages as permitted under the Constitution and laws of the state.

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS

RESOLUTION NO. 36-R-12

A RESOLUTION OF THE CITY OF SEAGOVILLE, TEXAS, AMENDING, IN PART, THE MASTER FEE SCHEDULE, AS AMENDED, BY AMENDING THE SECTION ENTITLED "CITY SECRETARY'S OFFICE", ALCOHOLIC BEVERAGE FEES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Seagoville, Texas, previously adopted Resolution No. 69-08 to provide for general and special fees and charges to be assessed and collected by the City, as authorized by the Code of Ordinances and other applicable codes, ordinances, resolutions, and laws; and

WHEREAS, the City Council of the City of Seagoville desires to amend the alcoholic beverage fees as set forth therein;

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

SECTION 1. That the section of the Master Fee Schedule entitled "City Secretary's Office", Alcoholic Beverage Fees, be amended, in part, which shall read as follows:

".....

City Secretary's Office

FEE	PER
\$60.00	Permit for Beer and wine off premise consumption BQ-Ch. 26
One-half (1/2) of fees imposed by TABC	ALL OTHER PERMITTED LICENSES
City Secretary's Office-Record Management- Public Information Requests	

....."

SECTION 2. That all provisions of the resolutions of the City of Seagoville, Texas, in conflict with the provisions of this Resolution, except as noted herein, be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this Resolution shall remain in full force and effect.

SECTION 3. That should any word, phrase, paragraph, or section of this Resolution be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this Resolution as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Resolution as a whole.

SECTION 4. That this Resolution shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Seagoville, Texas, this the 19th day of November, 2012.

APPROVED:



SIDNEY M. SEXTON, JR, MAYOR

ATTEST:



DARA CRABTREE, CITY SECRETARY

APPROVED AS TO FORM:



ROBERT E. HAGER, CITY ATTORNEY
(REH/mpm 11/19/12)

DISTANCE AND ZONING FORM



Establishment Name _____

Trade Name _____

Address of Establishment _____

Please be advised City of Seagoville Code of Ordinances, Article 13.08 Alcoholic Beverages; Section 13.08.002(f), General Requirements; requires every applicant for an original alcoholic beverage license or permit that is within 1,000 feet of the nearest property line of a public or private school, must give written notice of the application to officials of the public or private school before filing the application with the Texas Alcoholic Beverage Commission. A copy of the notice must be submitted to the commission with the application. This subsection does not apply to a permit or license if minors are prohibited from entering the premises.

Applicants must provide a list of all churches located within 300 feet and schools and private schools located within 300 feet and 1000 feet of your business. You must measure distances in the following manner.

Located near a church or public hospital

Measure along the property lines of the street fronts where you address and from front door to front door, and in direct line across intersections.

Establishment Name(s) and Distance(s)

Located near school or a private school

Measure in a direct line from the property line of the school to the property line of your place of business, and in a direct line across intersections.

Establishment Name(s) and Distance(s)

Approved by Building Official or Designee

Date

Approved by Planning Tech or Designee

Date

CITY OF SEAGOVILLE
ALCOHOLIC BEVERAGE PERMIT



DATE _____

NAME OF ESTABLISHMENT _____

ESTABLISHMENT TRADE NAME _____

PHYSICAL ADDRESS _____

TELEPHONE NUMBER _____

OWNER NAME _____

MAIN OFFICE ADDRESS _____

BILLING ADDRESS _____

TABC/PERMIT LICENCE NUMBER(S) _____
WITH EXPIRATION DATE _____

APPLICANT'S SIGNATURE _____

If you have any questions, please contact Ladis Barr at (972) 287-6829