

ALCOHOLIC BEVERAGES

Chapter 2

Sec. 2-1. Permit to manufacture, sell, distribute, etc.

It shall be unlawful for any person to manufacture, brew, distill, sell or distribute any wine, beer, liquor or other alcoholic beverage within the city, or to engage in any other activity of which a license or permit is required by the Texas Alcoholic Beverage Code, without first obtaining a permit to do so from the city. The annual fee for such a permit shall be an amount equal to one-half ($\frac{1}{2}$) the fee charged by the state for a license or permit to engage in a similar activity. Such fee shall be paid in full in advance to midnight of August thirty-first (31) next succeeding and only the proportionate part of the fee shall be collected. The fractional part of any month remaining shall be counted as one month in calculating the fee that shall be due. Upon payment of the applicable fee to the city secretary and exhibition to him of a permit or license duly issued by the state to the applicant or a person paying such fee, the city secretary shall, in the name of the city, issue and deliver to such applicant a permit to engage in business in the city of the character described in and authorized by the permit or license from the state held by such applicant, and the permit so issued in the name of the city shall authorize the conduct of such business upon the premises described in the permit or license from the state and shall remain in force only so long as such permit or license from the state remains in force. (Ord. of 3-10-36, §1-4)

Sec. 2-2. Sale near church, school or hospital.

The sale of alcoholic beverages within three hundred (300) feet of any church, public school, or public hospital, within the corporate limits of the city, is hereby prohibited and no alcoholic beverages of any kind shall be sold on any premises located within three hundred (300) feet of any church, public school or public hospital, the measurements to be along the property lines of the street fronts and from front door to front door and in a direct line across intersections where they occur. (Ord. of 3-18-38, §1)

Sec. 2-3. Application for alcoholic beverage occupational license.

(A) Any person, firm or corporation desiring to sell liquor for off-premises consumption, or sell beer and wine for off-premises or on-premises consumption shall obtain the application form from the city secretary.

(B) After such application is completed and returned to the city secretary he shall then forward the application to the Building Official and Fire Marshall in order that they may have an opportunity to inspect the premises to see that the same conforms to the ordinances of the City of Big Spring.

(C) The application shall then be forwarded to the chief of police, who will make remarks and recommendations concerning the location that is being considered, and the reputation of applicant.

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(D) After the investigation of the application has been completed it shall be submitted to the city manager for approval or disapproval.

- (1) If the application is approved by the city manager, the city secretary shall issue the applicant an occupational license.
- (2) If the application is disapproved by the city manager, the applicant will have ten (10) days to appeal this decision to the city council. (Ord. of 12-18-62, §§2,4; Ord. of 3-9-65, §1; Ord. of 8-28-73, §1; Ord. Of 12-14-93)

Sec 2-4 Sale of beer on Sundays.

Repealed by ordinance of 9-24-85.

Sec. 2-5. Penalty.

Any person violating the provisions of the above section shall be deemed guilty of a misdemeanor and shall upon conviction thereof be fined not less than five dollars (\$5.00) nor more than two hundred dollars (\$200.00). (Ord. of 8-24-54, §1; Ord. of 5-24-66, §1; Ord. of 67-0412, §§1, 2, 5, 4-25-67; Ord. of 5-22-73, §1)

Sec 2-6. Late hour consumption of alcoholic beverages.

The hours of consumption of alcoholic beverages are hereby extended and it is allowed inside the city limits of Big Spring until 2:00 a.m. each morning of the week. (Ord. of 7-12-77)

Sec 2-7. Possession and Consumption of Alcoholic Beverages Prohibited in All City Parks; Defenses.

- (A) A person commits an offense if they consume an alcoholic beverage as defined in Section 1.04 (1) Alcoholic Beverage Code V.T.C.A. or possesses an open container that contains an alcoholic beverage while in any public park or along any street or road that is adjacent to a public park. (Ord. 11-26-91, 09-16-97).
- (B) It is defense to prosecution under subsection 2.7a that: This person was on the premises of: Comanche Trail
Moss Creek Lake

Participating in an event at the following locations for which approval from TABC to sell, serve and deliver alcoholic beverages has been obtained to the reservation form for that location.

Comanche Trail Municipal Amphitheater
Dora Roberts Community Convention Center
Old Settlers Pavilion

(Ord. 11-26-91)

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(C) Selling and Consumption of Alcoholic Beverages Within Certain Areas of Comanche Trail Park.

(1) The sale, serving, delivering and consumption of alcohol beverages shall be restricted to the specific locations within Comanche Trail Municipal Park;

Comanche Trail Municipal Golf Course
Comanche Trail Municipal Amphitheater
Dora Roberts Community Convention Center
Old Settlers Pavilion

(2) The following conditions shall be met in order for any person, firm, or organization to sell, serve, and deliver alcoholic beverages at the approved locations; Approval from TABC to sell, serve and deliver alcoholic beverages for the activity. Approved reservation from the locations identified in Section 2.8, this article. The dispensing of the alcoholic beverage shall be from a bulk delivery device into biodegradable paper cups or aluminum cans. Mandatory sale, serve and deliver shutdown time no later than one (1) hour prior to the scheduled closing of the event. Prohibition from any "carry-in" of coolers of alcoholic beverages at events where alcoholic beverages are for sale.(Ord. 11-26-91).

Sec. 2-8. Reservations Required for Activities Involving Alcohol Sales, Serving and Delivery.

Approval of a reservation to sell, serve and or deliver alcoholic beverages shall be restricted to the following parks and specific locations therein:

(A) Comanche Trail Municipal Park
Old Settlers Pavilion Area
(Area is defined by orange painted post around pavilion)
Dora Roberts Community Convention Center
(Area is defined as within the confines of the building)

Comanche Trail Municipal Amphitheater
(Area is defined as that area within the rock wall on the north, east and west and 100' south of the rear rock wall.

(Ord. 11-26-91)

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- (B) The application for a reservation for any of the locations described above where the sale, serving, delivery and consumption of alcohol is planned shall be made in the form prescribed by the City Manager and the application shall be accompanied by a non-refundable reservation fee in the amount of \$150.00 for the Old Settlers Pavilion and the fees prescribed in Chapter 6 of this code for other locations. The reservation application for an event where the sponsor proposes the sale, serving and delivery of alcoholic beverages shall reflect TABC approval and shall be made not later than ten (10) days prior to the date requested.
- (C) The conditions of said reservation shall include but not be limited to:
- (1) Specific date and times that the reservation is valid not to exceed three (3) consecutive days.
 - (2) The sale, serving, delivery of the alcoholic beverages shall be from a bulk delivery device and biodegradable paper cups or aluminum cans.
 - (3) Sale, serve and delivery shutdown time, no later than one (1) hour before the scheduled closing of the event.
 - (4) Proof of no delinquent taxes in Howard County or City of Big Spring.

Following review of the reservation application and TABC approval, The City Manager shall cause the approval of the reservation upon payment of the fees established herein. Reservation for activities in the Old Settlers Pavilion involving the sale, serving and delivery of alcoholic beverages; each day \$150.00. (Ord. 11-26-91).

Sec. 2-9. Banning of Glass Beverage Containers in all City Parks and Public Properties.

(A) It shall be unlawful for any person to possess and consume there from any glass beverage container in any city park or any city property within the corporate limits of the City of Big Spring, to include Moss Creek Lake Park.
(Ord. 11-25-86)

Sec. 2-10. Repealed in its entirety.
(Ord. 11-25-86) (Ord. of 9-16-97)

Sec. 2-11. Late Hour Sale of Mixed Beverages.

The hours of sale and offering for sale mixed beverages, within the City limits of Big Spring, Texas, are hereby extended to allow the sale and offer of sale of mixed beverages between the hours of midnight and 2:00 a.m. on any day, by a holder of a mixed beverage permit. (Ord. 2-10-87)