

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; Exceptions.**

(A) Except as otherwise stated in this section, a person commits an offense if he or she consumes any alcoholic beverage as defined in the Texas Alcoholic Beverage Code 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, Ord. of 9-27-11).

(B) Section 2-7(A) shall not apply if the consumption or possession is in compliance with all local and state laws and:

1. The person is on the premises of Comanche Trail Municipal Golf Course or Moss Creek Lake and is in compliance with rules for such facility; or
2. If the person is attending an event at Comanche Trail Municipal Amphitheater, Dora Roberts Community Convention Center, Old Settlers Pavilion or at the Mi Familia Pavilion and is in compliance with a valid agreement with the City for the event.

(Ord. 11-26-91, Ord. of 9-27-11, Ord. of 8-5-14, Ord. of 5-26-15)

Sec. 2-8. **Repealed in its Entirety.**

(Ord. 11-26-91, Ord. of 9-27-11)

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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)