

Ordinance No. 2024-08
Village of Salado
County of Bell
June 20, 2024

ORDINANCE NO. 2024-08

AN ORDINANCE OF THE VILLAGE OF SALADO, TEXAS, AMENDING ORDINANCE NO. 2017.07, ESTABLISHING REGULATIONS RELATING TO THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES WITHIN THE VILLAGE LIMITS; REPEALING ORDINANCE NO. 2017.07, AND PROVIDING FINDINGS OF FACT; EFFECTIVE DATE; REPEALER; SEVERABILITY CLAUSE; AND PROPER NOTICE AND MEETING.

WHEREAS, pursuant to Texas Local Government Code § 51.032, the Board of Aldermen (the “Board”) of the Village of Salado, Texas (the “Village”) is authorized by law to adopt an ordinance, not inconsistent with state law, that it considers proper for the government of the Village and is necessary or proper for carrying out a power granted by law to the Village; and

WHEREAS, the Board has adopted an ordinance allowing the sale of beer, wine, and mixed beverages, and establishing a permitting system for same that properly regulates establishments that serve alcoholic beverages; and

WHEREAS, the Board now finds it necessary to amend this ordinance to revise and improve the permitting process for establishments that serve alcoholic beverages;

WHEREAS, the regulations adopted in this Ordinance are in furtherance of the public interest, and for the good government, peace, order, trade, and commerce of the Village and necessary and proper for carrying out the power granted by law to the Village; and

WHEREAS, the Village seeks to provide for the health, safety, and welfare of its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SALADO, TEXAS:

SECTION I. ENACTMENT PROVISIONS

- A. Findings of Fact:** All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of Salado and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.
- B. Popular Name:** This Ordinance shall be commonly referred to as “The Amendment to the Alcoholic Beverage Ordinance.”
- C. Scope:** This Ordinance, and the rules and regulations adopted herein, shall apply generally within the Village limits.

D. Effective Date: This Ordinance shall take effect immediately upon passage and publication.

SECTION II. ADOPTION

Ordinance No. 2024-08, amending Ordinance 2017.07, is hereby adopted as follows:

“SECTION 2. PERMITS

2.1 Permit or License Required

- (a) The sale, storage, or handling of alcoholic beverages for the purpose of sale is permitted only where the use is authorized by and complies with all applicable provisions of this Code and the Texas Alcoholic Beverage Code. A permit or license issued by the Village for the sale, storage, or handling of alcoholic beverages is valid for two (2) years and runs concurrently with any permit or license issued by the Texas Alcoholic Beverage Commission (“TABC”). Any business with a valid alcoholic beverage permit or license issued by TABC at the time this ordinance is adopted shall not require a permit or license from the Village until the time that its TABC permit or license requires renewal.
- (b) Applicability. This section applies to:
 - (1) An original application or a renewal application for a permit or license required by the Texas Alcoholic Beverage Code; and
 - (2) A permittee seeking to change the place of business for which a permit or license is issued, if the Texas Alcoholic Beverage Code requires the city secretary to certify that the sale of alcoholic beverages at a place of business is authorized by city ordinance.
- (c) Filing of application. The applicant for a permit or license subject to this section shall file a completed and verified application with the city secretary on the form promulgated by TABC. The applicant shall, upon request by the Village, provide to the Village any information related to its TABC-issued license or permit.
- (d) Availability for inspection. An applicant shall make the place of business available for any investigation or inspection required by this section.
- (e) Scope of inspections. Inspections under this section may relate to requirements established by any other applicable provisions of the Village’s Code of Ordinances.
- (f) Review of application. The Village administrator shall review and route the application to staff as necessary to review and comment on the application.

- (g) Standards for certification. The Village administrator shall certify an application if he/she determines that:
 - (1) The sale of alcoholic beverages at the place of business is an authorized use at that location; and
 - (2) The place of business complies with all applicable provisions of the Village's Code of Ordinances.
- (h) Certification without re-inspection. A Village official reviewing an application under subsection (f) may certify an application under this section without re-inspecting a place of business if:
 - (1) The place of business was inspected by the Village in the 12 months preceding the date an application was filed; and
 - (2) The Village determines there has been no material change that affects the certification required by this section since the previous inspection.
- (i) A permit fee is levied in the amount of one-half ($\frac{1}{2}$) of the state permit fee for each permit issued for premises located within the Village, except for permits that are exempted from municipal fees. (Ref. Texas Alcoholic Beverage Code §§ 11.38 and 61.36.)
- (j) Due date for payment of fees. An applicant shall pay the fees established in this Ordinance to the Village no later than the 30th day after the date the applicant's payment of a state permit or license fee is due.
- (k) Failure to pay fees. A permittee and licensee who sells an alcoholic beverage at a business location before the applicant pays the fees established by this section commits an offense punishable in accordance with this Ordinance.
- (l) Issuance of receipt. The Village secretary shall issue and deliver a receipt under this section to the permittee or licensee authorizing the sale of alcoholic beverages under this section and a state permit or license, if the permittee or licensee:
 - (1) Pays the fees established by this Ordinance; and
 - (2) Exhibits the permit or license issued by the state
- (m) It is an offense for any person licensed under this article to fail to display the Village permit and keep the same displayed in a conspicuous place in the place of business licensed. “

SECTION III. SAVINGS CLAUSE

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the Village under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION IV. SEVERABILITY CLAUSE

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this Ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Aldermen of the Village of Salado in adopting, and of the Mayor in approving this Ordinance, that no portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

SECTION V. REPEALER CLAUSE

The provisions of this ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent. This Ordinance shall not be construed to require or allow any act which is prohibited by any other Ordinance.

SECTION VI. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

SECTION VII. NOTICE AND MEETING CLAUSE

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Texas Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VIII. PUBLICATION

This Ordinance shall become effective immediately upon the date of its publication as required by Section 52.011 of the Texas Local Government Code. The Village Secretary is hereby directed to cause the caption of this Ordinance to be published in the manner required by law.

PASSED AND APPROVED on SECOND READING this, the 20 day of June, 2024, by a vote of 3 (ayes) to 0 (nays) and 0 abstentions vote of the Board of Aldermen of the Village of Salado, Texas.



Bert Henry, Mayor

ATTEST:



Debra Bean, Village Secretary

Approved to Form:

Josh Katz, Village Attorney