

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, ALCOHOLIC BEVERAGES, SEC 10-1 AND SEC 10-2 IN THEIR ENTIRETY, OF THE CODE OF ORDINANCES OF THE CITY OF DEER PARK, TEXAS TO COMPLY WITH THE NEW SENATE BILL 1008 REGARDING CITY ISSUED ALCOHOL PERMITS, AND PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER PARK:

WHEREAS, the City had been granted the right to collect 50% of the State fee that the Texas Alcohol Beverage Commission (TABC) charged for entities that held alcohol permits in the City limits. During the 89th Legislative Session, Senate Bill 1008 was passed which eliminated the ability for a City to issue a alcohol permit if the entity already had paid a food or health permit for that location to any county, municipality, or public health district.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEER PARK, TEXAS:

1. That *Chapter 10 – Alcoholic Beverages* of the Code of Ordinances, City of Deer Park, Texas, is hereby amended in full to read as follows:

Sec 10-1. – Permit Fee

- a) Pursuant to Texas Health and Safety Code, Section 437.01235, as amended by Senate Bill 1008, a county, municipality, or public health district may not charge a fee under Section 11.38 or 61.36 of the Texas Alcoholic Beverage Code (TABC) for a premises that is a food service establishment, retail food store, mobile food unit, roadside food vendor, or temporary food service establishment that has already paid a fee to operate to the state or to any county, municipality, or public health district. Thus SB 1008 has removed the ability for the City to collect the 50% of the State fee charged by the Texas Alcoholic Beverage Commission (TABC) to provide a permit for entities that are described above. No city issued alcohol permit will be required for entities that are described above.
- b) For entities that are **not** described by subsection (a), such as, but not limited to, liquor stores or bonded warehouses, the City retains the right to invoice for 50% of the State fee charged for these licenses as showed on the TABC website for the term of the TABC permit.

Sec. 10-2. – Certification by city secretary; fee.

- a) When an application is made to the state alcoholic beverage commission for a license or permit under this chapter, the city secretary shall certify whether the location or address given in the application is in a wet area and whether the sale of alcoholic beverages for which the permit is sought is prohibited by charter or ordinance. The

fee for this certification shall be as provided in the fee schedule in appendix B to this Code. 1This section does not authorize the imposition of a fee that is prohibited by state law.

2. This ordinance is made effective immediately upon approval.

3. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

4 It is officially found and determined that the meeting at which this Ordinance was adopted was open to the public, and that public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551 of the Government Code of the State of Texas.

5. In accordance with Article VIII, Section 1 of the City Charter, this Ordinance was introduced before the City Council of the City of Deer Park, Texas, **passed, approved and adopted** on this the ____ day of _____, 2025 **by a vote of** _____ **“Ayes” and** _____ **“Noes”**.

MAYOR, City of Deer Park, Texas

ATTEST:

City Secretary

APPROVED:

City Attorney