

ALCOHOLIC BEVERAGE LICENSE/PERMIT INSTRUCTIONS FOR APPLICANTS

Thank you for your interest in the City of Friendswood Alcoholic Beverage License/Permit. The purpose of this document is to make this process as easy as possible; however, if you have questions, please call the City of Friendswood City Secretary's Office at 281-996-3270.

How to obtain an application for an Alcoholic Beverage License/Permit

You may obtain alcoholic beverage application packet(s) in two ways: (1) download the application packets at the following link: <https://www.tabc.texas.gov/forms/> or (2) pick up the application packet(s) at Texas Alcoholic Beverage Commission's (TABC) Houston Regional Office, 427 West 20th Street, Suite 600, Houston, Texas 77008-2497. For TABC application questions, please contact the TABC Houston Regional Office at 713-426-7979.

Obtaining Certification from the City

Once the application from TABC is complete, you will file a completed original application with the City of Friendswood City Secretary's Office, in person or via mail:

City of Friendswood
City Secretary's Office
910 S. Friendswood Drive
Friendswood, Texas 77546-4856

City Reviews

Reviews must be undertaken to ensure the license/permit sought complies with the code and ordinances related to the sale of alcoholic beverages within the city limits: City Code, Chapter 6 - Alcoholic Beverages. City departments will review and confirm compliance required for the authorization of an application for an Alcoholic Beverage License/Permit are the following:

Community Development

Verifies the location is within the city limits, is within the proper zoning district, is in a wet area for the type of license/permit sought to include the "Limited Alcohol Area" which is the formerly dry area of the city that now allows for the sale and consumption of alcohol under certain circumstances, as well as, if the location is within the three hundred (300) foot distance prohibition of a church, public school, hospital, or day care (Chapter 6 – Alcoholic Beverages, Article I – In General, Section 6.6 – Location of alcoholic beverage sales restricted).

Fire Marshal's Office

Verifies the location is not within the three hundred (300) foot distance prohibition of a church, public school, hospital, or day care; the location has no outstanding violations of the life safety or fire code; and the location has had a fire inspection within the past calendar year.

Police Department

Verifies the location complies with Chapter 6 – Alcoholic Beverages, Article II – Prohibition of Nudity in Commercial Establishments Serving or Permitting the Consumption of Alcoholic Beverages.

Completion of Reviews

Once the departments notify the City Secretary's Office of their approval, the City Secretary will sign off on the TABC pre-qualification packet and will notify the applicant of the certification. The applicant will have the option to either pick up the packet or have it sent via regular mail.

Applicant will Notify the City Secretary's Office upon receipt of State License

Upon receipt of: (1) the associated City fees, (2) a copy of the State License, and (3) a copy of the Certificate of Occupancy for the location in question, the City Secretary's Office will verify the business in question has the required certificate of occupancy. If the applicant's business does not have a certificate of occupancy on file or has an outstanding issue with the City, the City alcohol license/permit will be held until such time as this issue is remedied. If the applicant has a valid certificate of occupancy, the City Secretary's Office will mail the applicant or applicant's agent the City alcohol license/permit which must then be displayed/posted along with the State licenses.

City License/Permit Renewals

The City Secretary's Office must be notified of any change of name, owner, and type of license/permit or closing of a licensed/permitted business.

Questions?

For TABC application questions, please contact the Houston Regional Office at 713-426-7979. For questions that pertain to the City of Friendswood Alcoholic Beverage License/Permit, please contact the City Secretary's Office at 281-996-3270.

CODE OF ORDINANCES, CITY OF FRIENDSWOOD, TEXAS

Chapter 6 - ALCOHOLIC BEVERAGES

Footnotes:

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State Law reference— Alcoholic beverages, V.T.C.A., Alcoholic Beverage Code § 1.01 et seq.; local regulation of alcoholic beverages, V.T.C.A., Alcoholic Beverage Code § 109.31 et seq.; local fee authorized, V.T.C.A., Alcoholic Beverage Code § 11.38; local license fee authorized, V.T.C.A., Alcoholic Beverage Code § 61.36; local regulation of billboards and electric signs, V.T.C.A., Alcoholic Beverage Code § 108.55; local option elections, V.T.C.A., Alcoholic Beverage Code § 251.71 et seq.

ARTICLE I. - IN GENERAL

Sec. 6-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Generally. The words, terms and phrases used in this chapter, except where the context clearly indicates otherwise, are as defined in V.T.C.A., Alcoholic Beverage Code § 1.04.

Tax assessor and collector means the city secretary.

(Code 1974, § 11-36; Code 1994, § 6-1; Code 2005, § 6-1; Ord. No. 2010-01, § 2, 1-25-2010)

Sec. 6-2. - Levy of permit or license fee.

- (a) *Permit fees.* There is hereby levied a separate fee upon the holder of each and every state permit to sell, manufacture, store or deliver liquor, wine or beer from premises located within the city.
- (1) The fee shall be one-half of the charge made by the state for each state permit or the maximum amount permitted by law, whichever is greater.
 - (2) The amount of applicable fees shall be double for a state permit with a two-year term.
 - (3) The following shall be exempt from the fee authorized by this section:
 - a. Agent's, airline beverage, passenger train beverage, industrial, carrier's, private carrier's, private club registration, local cartage, storage and temporary wine and beer retailer's permits;
 - b. A wine and beer retailer's permit issued for a dining, buffet or club car; and
 - c. A mixed beverage permit during the three-year period following the issuance of the permit.
- (b) *License fees.* There is hereby levied a separate fee upon each holder of each and every state license, except a temporary or agent's beer license, issued for premises located within the city, to the fullest extent authorized by V.T.C.A., Alcoholic Beverage Code § 61.36.
- (1) The fee shall be one-half of the charge made by the state for each state license or the maximum amount permitted by law, whichever is greater.
 - (2) The amount of applicable fees shall be double for a state license with a two-year term.

(Code 1974, § 11-37; Code 1994, § 6-2; Code 2005, § 6-2; Ord. No. 2010-01, § 2, 1-25-2010)

State Law reference— Authority to levy alcoholic beverage fees, V.T.C.A., Alcoholic Beverage Code §§ 11.38, 61.36.

Sec. 6-3. - Fee receipt; expiration.

For each fee paid under section 6-2, a separate receipt shall be issued by the city, and each such receipt and fee shall expire and terminate on the expiration date of the state permit or license.

(Code 1974, § 11-38; Code 1994, § 6-3; Code 2005, § 6-3; Ord. No. 2010-01, § 2, 1-25-2010)

Sec. 6-4. - Commencement of operation.

Every person owning, operating, managing or controlling any premises on which a city fee is levied under section 6-2, shall not commence operations under any such state permit or license until the city fee has been paid and the current receipt issued by the city is displayed in the manner required for display of a state permit or license.

(Code 1974, § 11-39; Code 1994, § 6-4; Code 2005, § 6-4; Ord. No. 2010-01, § 2, 1-25-2010)

Sec. 6-5. - Failure to pay fee.

If a person required by the provisions of this chapter to pay a fee imposed under section 6-2, shall fail to pay such fee or display a current receipt in the same manner for the display of the state permit, such person shall be deemed guilty of a misdemeanor.

(Code 1974, § 11-41; Code 1994, § 6-5; Code 2005, § 6-5; Ord. No. 2010-01, § 2, 1-25-2010)Sec. 6-6. - Location of alcoholic beverage sales restricted.

Sec. 6-6. - Location of alcoholic beverage sales restricted.

(a) It shall be unlawful to sell or offer for sale any alcoholic beverage from a place of business which is located within 300 feet of a church, public school or public hospital.

(b) For the purposes of this section, 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 a direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public schools shall be in a direct line from the property line of the public school to the property line of the place of business, and in a direct line across intersections.

(Code 1974, § 11-40; Code 1994, § 6-6; Code 2005, § 6-6; Ord. No. 91-3, §§ 1—4, 2-4-1991; Ord. No. 91-33, §§ 1—4, 12-2-1991; Ord. No. 93-14, § 1, 9-27-1993; Ord. No. 2010-01, § 2, 1-25-2010; Ord. No. 2012-17, § 2, 9-10-2012)

State Law reference— Sales near school, church or hospital, V.T.C.A., Alcoholic Beverage Code § 109.33. Secs. 6-7—6-20. - Reserved.

ARTICLE II. - PROHIBITION OF NUDITY IN COMMERCIAL ESTABLISHMENTS SERVING OR PERMITTING THE CONSUMPTION OF ALCOHOLIC BEVERAGES

Sec. 6-21. - Purpose.

The purpose of this article is to prohibit certain acts of commercial exploitation of human sexuality in commercial establishments within the city limits, where alcoholic beverages are served, offered for sale for consumption on the premises, or permitted to be consumed on the premises, and to reduce the likelihood of criminal activity, moral degradation and disturbances of the peace and good order of the community, to prohibit lewd and unlawful activity, such as prostitution and the proliferation of controlled substances, all of which may occur when such commercial exploitation is permitted in such places, and to promote the preservation of property values of neighborhoods and adjacent properties.

(Code 1994, § 6-7; Code 2005, § 6-21; Ord. No. 98-9, § 1, 4-20-1998) Sec. 6-22. - Prohibition.

(a) It shall be unlawful for any person maintaining, owning, or operating a commercial establishment located within the boundaries of the city, at which alcoholic beverages are served or offered for sale for consumption on the premises, or at which alcoholic beverages are permitted to be consumed:

(1) To suffer or permit any female person, while on the premises of said commercial establishment, to expose that area of the human female breast at or below the top of the areola thereof;

(2) To suffer or permit any female person, while on the premises of said commercial establishment, to use any device or covering which is intended to give the appearance of or simulate such portions of the human female breasts as described in subsection (b) of this section;

(3) To suffer or permit any person, while on the premises of said commercial establishment, to expose his genitals, pubic area, buttocks, anus or anal cleft or cleavage; or

(4) To suffer or permit any person, while on the premises of said commercial establishment, to use any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus, anal cleft, or cleavage.

(b) It shall be unlawful for any female person, while on the premises of a commercial establishment located within the boundaries of the city, at which alcoholic beverages are served or offered for sale for consumption on the premises, or at which alcoholic beverages are permitted to be consumed, to expose that area of the human female breast at or below the top of the areola thereof, or to use any device or covering which is intended to give the appearance or simulate such areas of the female breast as described herein.

(c) It shall be unlawful for any person, while on the premises of a commercial establishment located within the boundaries of the city, at which alcoholic beverages are served or offered for sale for consumption on the premises, or at which alcoholic beverages are permitted to be consumed, to expose his genitals, pubic area, buttocks, anus, or anal cleft or cleavage, or to use any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus or anal cleft or cleavage.

(Code 1994, § 6-8; Code 2005, § 6-22; Ord. No. 98-9, § 1, 4-20-1998) Sec. 6-23. - Injunctive relief.

The city attorney is and shall be hereby authorized to seek compliance with this article by seeking injunctive relief in a court of proper jurisdiction to compel the operator, owner, or other violator of this article as the same shall be established, to comply with the terms and provisions thereof. The ability of the city to seek injunctive relief hereunder shall not be subject to, nor shall it be a prerequisite thereof, that the city has sought compliance with this article by application of penalties and sanctions as otherwise set out in this article.

(Code 1994, § 6-10; Code 2005, § 6-24; Ord. No. 98-9, § 1, 4-20-1998)