

ORDINANCE NO. 31

AN ORDINANCE OF THE CITY OF DANBURY, BRAZORIA COUNTY, TEXAS, REGULATING THE SALE OF BEER IN SAID CITY; PROVIDING DEFINITIONS; REQUIRING A LICENSE, APPLICATION, FEES, TERMINATION AND RENEWAL PROCEDURES, LIMITING LICENSE TO ONE PLACE OF BUSINESS, RECORDS, PENALTY AND DECLARING AN EMERGENCY.

WHEREAS, there is a need for the following Ordinance to protect the public health, safety, morals and welfare of the City of Danbury,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DANBURY, BRAZORIA COUNTY, TEXAS, duly assembled, with a quorum present, at a regular monthly meeting, as follows, to-wit:

Section 1. Definitions.

For the purpose of this article, the following definitions shall apply:

Beer. The word "beer" shall mean malt beverages containing one-half (1/2) of one per cent (1%) or more alcohol by volume and not more than four per cent (4%) of alcohol by weight.

General distributor. A "general distributor" is defined to be any person licensed to distribute or sell beer to local distributors, retail dealers or others in the original package.

Local distributor. A "local distributor" is hereby defined to be any person licensed to sell and distribute beer to retail dealers and ultimate consumers in the county of his residence in unbroken packages not to be consumed on the premises where sold.

Manufacturer. A "manufacturer" is defined to be any person licensed to manufacture or brew beer and to distribute and sell it to others in the original package.

Retail dealer. A "retail dealer" is hereby defined to be any person licensed to sell beer in bottles or from kegs, barrels or other containers to the ultimate consumer.

Section 2. License to sell required.

It shall be unlawful for any person to manufacture or brew beer for the purpose of sale or to sell or distribute any beer within the city without first having applied for and secured a license to do so.

Section 3. Application; contents.

Any person desiring to manufacture, sell or distribute beer within the city, before commencing the manufacture, sale or distribution of such beer, shall present to the city secretary a license duly issued to such person by the county tax collector of Brazoria County, Texas, authorizing such person to manufacture, sell or distribute beer in Brazoria County, Texas, which license shall be examined by the city secretary, shall be made on a form to be furnished by the city secretary and shall state his name, his address, the address where he desires to manufacture, sell or distribute beer. The applications shall show whether or not the principal business of the applicant is the sale of beer, whether or not the place of business is within three hundred (300) feet of any church, school, or other educational institution, the measurement to be along the property lines of the street fronts and from front door to front door in a direct line across intersections where they occur. The application will then be returned to him. In addition to presenting a license issued by the county such person shall file with the city secretary an application made under oath, for a license to manufacture, sell or distribute beer within the city. The application shall further state whether the applicant desires to do business as a manufacturer, a general distributor, a local distributor, or a retail dealer, as the terms are defined in Section 1.

Section 4. Issuance.

If it be determined by the city secretary that the applicant meets all the requirements of Section 3 and that the location of his proposed place of business is not within three hundred (300) feet of any church, school or other educational institution the license required by this article, shall be issued upon the payment of the fees required in Section 5.

Section 5. Fees

Before any license required by this article shall be issued, the license fee required shall be paid to the city secretary. The annual fees required for license authorized by this article shall be as follows:

- (1) For a license authorizing the manufacture and sale by a "manufacturer", one-half (1/2) the amount charged by the state.
- (2) For a "general distributor," one-half (1/2) the amount charged by the state.
- (3) For a "local distributor," one-half (1/2) the amount charged by the state.
- (4) For a license authorizing the sale of beer by a "retail dealer," for consumption on or off the premises where sold, one-half (1/2) the amount charged by the state.
- (5) For a license authorizing the sale of beer by a "retail dealer" in the original container direct to the consumer, but not for resale, and not to be consumed on the premises where sold, one-half (1/2) the amount charged by the state.

Section 6. Termination and renewal of license.

A. All applications for licenses under the terms of this article for the year 1968 must be applied for not later than March 31, 1968, and shall be issued for the last nine months of 1968. The fee for 1968 shall be three-fourths (3/4) of the fees prescribed in Section 5.

B. All licenses issued under the terms of this article during the year 1969, and each year thereafter, shall terminate at midnight on the thirty-first (31st) day of December of each year and no license shall be issued for a longer term than one year. Any person owning a license issued under the terms of this article may renew it by exhibiting to the city secretary his renewal license issued by the county tax collector and by making a written application in the same manner as provided

in Section 3, and by paying the annual license fee as set out in Section 5. The renewal license must be applied for not more than thirty (30) days prior to the first day of January. Upon complying with the foregoing regulations, it shall be the duty of the city secretary to issue the license as applied for in the same manner as the original license was issued.

Section 7. License limited to one place of business.

No manufacturer, general distributor, local distributor or retail dealer shall carry on such business at more than one place under the same license, but a separate license must be obtained for each place of business.

Section 8. Record of licenses to be kept.

The city secretary shall keep a permanent record of all licenses issued under the terms of this article, the records shall state the name and address of all persons being issued licenses, the address of the place of business of said licensee, the classification of the licensee, the date the license was issued and the amount paid therefore. The city secretary shall also keep a permanent record of all transfer of licenses and of all licenses cancelled and revoked and details thereof.

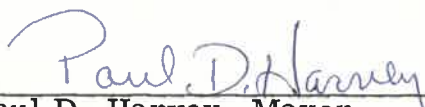
Section 9.

Any person, firm or individual who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined any sum not exceeding Two Hundred (\$200.00) Dollars, and each and every days violation shall constitute a separate and distinct offense.

Section 10.

Whereas, the possibility of a nuisance being inherent in the uncontrolled sale of alcoholic beverages, an emergency is created in behalf of public health, peace, safety and welfare, and is accordingly ordained that this Ordinance become effective immediately upon its passage and shall take effect and be in force from its passage.

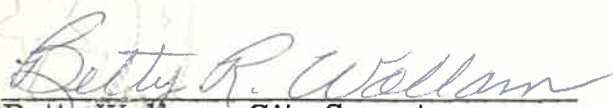
SIGNED AND APPROVED by the Mayor, and attested by the City Clerk
this the 22nd day of January, 1968.



Paul D. Harvey, Mayor

ATTEST:





Betty Wollam, City Secretary.