

ORDINANCE NO. 212-85-9-10

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, PROVIDING FOR THE LEVY AND COLLECTION OF FEES FOR CERTAIN PERMITS AND LICENSES ISSUED UNDER THE AUTHORITY OF THE TEXAS ALCOHOLIC BEVERAGE CODE; PROVIDING FOR PENALTY UPON FAILURE TO PAY SUCH FEE TO THE CITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION OF NOTICE OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:

SECTION 1: There is hereby levied against each person, firm, or corporation to whom is issued a permit or license to sell alcoholic beverages which is subject to the imposition of a fee by the City of Pflugerville under the Texas Alcoholic Beverage Code, §§11.38 and 61.36, a fee equal to one-half ($\frac{1}{2}$) of the state fee for such permit or license.

SECTION 2: No application for a permit submitted to a designated officer of the City of Pflugerville pursuant to §11.41 of the Texas Alcoholic Beverage Code shall be favorably recommended by such officer unless, if otherwise entitled to such favorable recommendation, the appropriate fee under this ordinance has been paid by the applicant to the City. Said fee may be refunded if the permit being sought is not issued.

SECTION 3:

(a) All fees levied under this ordinance shall be paid to the City of Pflugerville at the office of the City Secretary prior to the conduct of any business or the doing of any act for which such permit or license is a legal prerequisite.

(b) The City Secretary, or her designate, shall, upon payment of such fee, issue a receipt to said permittee or licensee containing the following information:

- (1) date paid;
- (2) amount paid;
- (3) type of permit or license upon which fee is based;
- (4) location of premises; and
- (5) name of permittee or licensee.

(c) Receipt for payment of such fee shall be kept with the permit or license upon which the fee is based and shall be displayed in the same manner as is required by state law of the underlying permit or license.

SECTION 4: The City Secretary, or her designate, shall notify the Texas Alcoholic Beverage Commission of nonpayment of any fee levied under this ordinance.

SECTION 5: Any permittee or licensee who sells an alcoholic beverage without first having paid the fee levied under this ordinance shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not less than TEN (\$10.00) DOLLARS, nor more than TWO HUNDRED (\$200.00) DOLLARS. Each sale shall constitute a separate offense. Such penalty shall be cumulative and not exclusive of any other rights or remedies the City may have.

SECTION 6: This ordinance shall not apply to any person, firm, or corporation, holding a permit or license under the Texas Alcoholic Beverage Code on the date this ordinance is passed by the City Council with respect to such permit or license; however, this ordinance does apply with reference to all permits and licenses under said code, including renewals of same, which are issued after the date of passage hereof.

SECTION 7: If any provision, section, subsection,

sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this ordinance shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion thereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

SECTION 8: The descriptive caption of this ordinance is hereby ordered to be published in the official newspaper of the City of Pflugerville for ten (10) consecutive days.

PASSED by the City Council of the City of Pflugerville at a meeting on the 10 day of September, 1985, at which a quorum was present and for which due notice was given pursuant to Tex. Rev. Civ. Stat. Ann. art. 6252-17 (1970, Supp. 1984).

ATTEST:

Margaret A. Cathey
MARGARET A. CATHEY, City Secretary

APPROVED this 10 day
of September, 1985.

Ben Boyd
BEN BOYD, Mayor