

**RESOLUTION NO. 2017-05**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIMONTON, TEXAS, SETTING AND ADOPTING FEE AMOUNTS FOR ORIGINAL AND RENEWAL APPLICATIONS FOR PERMITS AND LICENSES TO SELL ALCOHOL WITHIN THE CITY LIMITS OF THE CITY OF SIMONTON, TEXAS; MAKING PAYMENT OF FEES A REQUIREMENT BEFORE PROCESSING; AND PROVIDING AN EFFECTIVE DATE.**

\* \* \* \* \*

**WHEREAS**, the Texas Alcoholic Beverage Code §11.38(a) and §61.36(a) provides for the governing body of a city or town to collect a fee not to exceed one-half of the state fee for each permit or license issued for premises located within the city or town (except a temporary or agent's beer license), and that those authorities may not levy or collect any other fee or tax from the permittee except general and ad valorem taxes, the hotel occupancy tax levied under Chapter 351, Texas Tax Code, and the local sales and use tax levied under Chapter 321, Texas Tax Code; and

**WHEREAS**, Texas Alcoholic Beverage Code §11.38(b) and §61.36(d) provides that the commission or administrator may cancel a permit or license if it finds that the permittee or license holder has not paid a fee levied under this section; and

**WHEREAS**, Texas Alcoholic Beverage Code §11.38(d) provides that the following are exempt from permitting fees authorized by Section 11.38(a): (1) 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; (2) a wine and beer retailer's permit issued for dining, buffet, or club car; and (3) a mixed beverage permit during the three-year period following the issuance of the permit; and

**WHEREAS**, Texas Alcoholic Beverage Code §11.38(e) and §61.36(d) provides

that the commission or administrator may cancel or deny a permit or license for the retail sale or service of alcoholic beverages, including a permit or license held by the holder of a food and beverage certificate, if it finds that the permit holder or license holder or applicant has not paid delinquent ad valorem taxes due on that permitted premises or due from a business operated on that premises to any taxing authority in the county of the premises;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIMONTON, TEXAS:**

**Section 1.** The facts and recitations contained in the preamble of this Resolution are hereby found to be true and correct.

**Section 2.** Each original permit or license application and renewal permit or license application shall be assessed a permit fee of one-half of the state TABC application fee at the time of the filing of the application with the City.

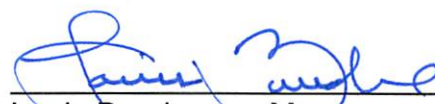
**Section 3.** Payment of the permit or license fee is required before the processing of any original permit application or renewal permit application.

**Section 5.** This Resolution and the fees and rules established herein shall be effective upon the date of its passage and approval by the City Council.

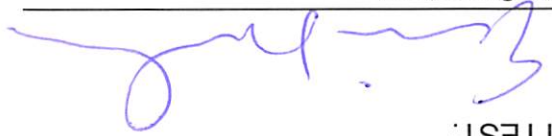
**PASSED, APPROVED, AND RESOLVED** this 22 day of MARCH 2017.

CITY OF SIMONTON, TEXAS

By:

  
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Louis Boudreaux, Mayor

City Secretary

A handwritten signature in blue ink, appearing to be "E. M. Jones", written over a horizontal line.

ATTEST: