



Dear Applicant,

Thank you for choosing the City of Watauga as the future location for your establishment! The City Secretary's Office welcomes you and hopes to make the application and permitting process clear and expedient.

Attached you will find the following: Chapter 4 of the Code of Ordinances, fee schedule, Alcohol Permit Application, and the Affidavit of Gross Sales. The information provided will give you an insight to the application, permitting and monthly affidavit process.

When determining the location of your establishment, you must follow the requirements outlined in Section 4-19 and 4-47 in the Code of Ordinances.

Pursuant to V.T.C.A., Alcoholic Beverage Code § 11.38, a fee for a license or permit issued for premises located within the city under the Texas Alcoholic Beverage Code, which fee shall be equal at all times to one-half of the fee assessed by the state for each license or permit issued pursuant to the Texas Alcoholic Beverage Code. The following, however, are exempt from the fee authorized above:

- a. Agents, airline beverage, industrial carrier's, private carrier's, private club registration, local cartage, storage and temporary wine and/or beer retailer's permit;
- b. A wine and/or beer retailer's permit issued for a dining buffet or club car; an
- c. A mixed beverage permit during a three year period following the initial issuance of the permit.

There will be no refund of a fee paid to the city except where the permittee or licensee is prevented from continuing in business by reason of a local option election or an amendment of the zoning regulations of the city concerning the property on which the place of business is located.

In following with section 4-48 of the Code of Ordinances, all establishments operating in the city shall, on a monthly basis, on a date coinciding with the date that the same information is furnished to the state, file with the city secretary an affidavit reflecting gross receipts and sales of the business. The affidavit shall contain a statement reflecting the gross sales attributable to food and gross sales attributable to alcoholic and mixed beverages. The affidavit shall contain the address and telephone number of the person executing the affidavit. The affidavit is available online for your convenience and a copy is also attached to this packet.

Please make sure all TABC applications are properly filled out before submitting to City of Watauga for approval. Please review the checklist provided prior to submitting your application and fee.

Once again, thank you for your interest in being part of the City of Watauga!

Please contact the City Secretary's Office with any questions that you may have at 817-514-5825 or via email at cso@wataugatx.org.



BEER & WINE PERMIT CHECKLIST

- City Alcohol Permit Application
- Beer and Wine Permit Fee per Section 12-4
 - ✓ Check
 - ✓ Cash
 - ✓ Money order
 - ✓ Credit/debit card (is accepted only if you pay in person)
- copy of valid identification for file

MIXED BEVERAGE/ALL OTHER PERMIT CHECKLIST

- City Alcohol Permit Application
- Mixed Beverage Permit Fee and All other Permit Fees per Section 4-47 (e)
 - ✓ Check
 - ✓ Cash
 - ✓ Money order
 - ✓ Credit/debit card (is accepted only if you pay in person)
- Completed fingerprint card of at least one applicant listed on TABC Application
- copy of valid identification for file

***Fingerprints**- Appointments must be made with the City Secretary's Office by calling 817-514-5825 or 817-514-5812. Watauga Police Department will provide fingerprinting services on:

- Tuesday from 9am-11am
- Thursday from 2pm-4pm

Chapter 4 - ALCOHOLIC BEVERAGES⁴¹

Footnotes:

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State Law reference— Regulation of alcoholic beverages generally, V.T.C.A., Alcoholic Beverage Code; local regulation of alcoholic beverages, V.T.C.A., Alcoholic Beverage Code §§ 1.06, 109.31 et seq.

ARTICLE I. - IN GENERAL

Secs. 4-1—4-18. - Reserved.

ARTICLE II. - SALE OF BEER AND WINE

Sec. 4-19. - Location.

- (a) No permit shall be issued for the sale of beer or wine in any residential section of the city. For the purpose of this article, the term "residential section" shall include all areas of the city presently zoned residential, including SF6, D or MF, and all land hereafter zoned residential; provided that this division shall not apply to any permit issued for premises zoned commercial at the time of such issuance and subsequently rezoned residential.
- (b) It shall be unlawful for any person who is engaged in the business of selling beer or wine to sell the same where the place of business of any person or entity is within:
 - (1) 300 feet of a church, public or private school, or public hospital;
 - (2) 1,000 feet of a public school, if the city council receives a request from the board of trustees of a school district under V.T.C.A., Education Code § 38.007; or
 - (3) 1,000 feet of a private school if the city council receives a request from the governing body of the private school.
- (c) 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 or private school shall be:
 - (1) In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
 - (2) If the permit or license holder is located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.
- (d) Every applicant for an original alcoholic beverage license or permit for a location with a door by which the public may enter the place of business of the applicant that is within 1,000 feet of the nearest property line of a public or private school, measured along street lines and directly across intersections, must give written notice of the application to officials of the public or private school

before filing the application with the city and the state alcoholic beverage commission. A copy of the notice must be submitted to the city and the state alcoholic beverage commission with the application. This subsection does not apply to a permit or license covering a location where minors are prohibited from entering the premises under V.T.C.A., Alcoholic Beverage Code § 109.53.

- (e) As to any dealer who held a license or permit on September 1, 1983, in a location where a regulation under this section was in effect on that date, for purposes of subsection (b), but not subsection (d), of this section, the measurement of the distance between the place of business of the dealer and a public or private school shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.
- (f) The city council may allow a variance to this division if it determines that the enforcement of the regulations in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land and resources, creates an undue hardship on the applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the city council determines, after consideration of the equities of such regulations, that the variance is in the best interest of the community. No variance may be granted hereunder except after a public hearing for which notice has been given to owners of real property within 300 feet of the location of said variance seeking a permit. Such notice must be provided, not less than ten days before the date set for hearing, to all such owners who have rendered said property for city taxes as the ownership appears on the last approved city tax roll.
- (g) Subsections (b)(2) and (3) of this section do not apply to the holder of:
 - (1) A retail on-premises consumption permit or license if less than 50 percent of the gross receipts for the premises is from the sale or service of alcoholic beverages;
 - (2) A retail off-premises consumption permit or license if less than 50 percent of the gross receipts for the premises, excluding the sale of items subject to the motor fuels tax, is from the sale or service of alcoholic beverages; or
 - (3) A wholesaler's, distributor's, brewer's, distiller's and rectifier's, winery, wine bottler's or manufacturer's permit or license, or any other license or permit held by a wholesaler or manufacturer as those words are ordinarily used and understood in V.T.C.A., Alcoholic Beverage Code ch. 102.
- (h) Subsection (b)(3) of this section does not apply to the holder of:
 - (1) A license or permit issued under V.T.C.A., Alcoholic Beverage Code ch. 27, 31, or 72 who is operating on the premises of a private school; or
 - (2) A license or permit covering a premise where minors are prohibited from entering under V.T.C.A., Alcoholic Beverage Code § 109.53 and that is located within 1,000 feet of a private school.
- (i) Subsection (b)(1) of this section does not apply to the holder of:
 - (1) A license or permit who also holds a food and beverage certificate covering a premise that is located within 300 feet of a private school; or
 - (2) A license or permit covering a premise where minors are prohibited from entering under V.T.C.A., Alcoholic Beverage Code § 109.53 and that is located within 300 feet of a private school.
- (j) In this section, the term "private school" means a private school, including a parochial school, that:
 - (1) Offers a course of instruction for students in one or more grades from kindergarten through grade 12; and
 - (2) Has more than 100 students enrolled and attending courses at a single location.

(Code 2001, § 4.201; Code 2010, § 4.01.031)

State Law reference— Regulation of the location of sales of alcoholic beverages, V.T.C.A., Alcoholic Beverage Code § 109.31 et seq.

Sec. 4-20. - Permit.

A fee, the amount of which is located in the fee schedule in appendix A of this Code, is hereby imposed upon each application for a permit to sell beer or wine. This fee shall be collected when the application for such permit is requested. Permits shall be available during regular business hours from the city secretary. Such permit must be presented to the city secretary for certification that such permit is in compliance with all city ordinances.

(Code 2001, § 4.202; Code 2010, § 4.01.032)

State Law reference— Local fee authorized on alcoholic beverage permits, V.T.C.A., Alcoholic Beverage Code § 11.38.

Sec. 4-21. - Hours of sale.

The hours permitted for the sale of beer shall be governed by V.T.C.A., Alcoholic Beverage Code §§ 105.04 and 105.05.

(Code 2001, § 4.203; Code 2010, § 4.01.033)

State Law reference— Hours of sale of wine and beer retailers, V.T.C.A., Alcoholic Beverage Code § 105.04; hours of sale of beer, V.T.C.A., Alcoholic Beverage Code § 105.05.

Secs. 4-22—4-45. - Reserved.

ARTICLE III. - SALE OF ALCOHOLIC AND MIXED BEVERAGES

Sec. 4-46. - Definitions.

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

Indoor commercial recreation establishment is defined and conceptualized as follows, and shall specifically be subject to each of the following stipulations:

- (1) An indoor commercial recreation establishment shall generally include establishments wherein the sale of food and alcoholic and mixed beverages is specifically secondary and incidental to its primary enterprise and activity on the premises and such sale of food and alcoholic and mixed beverages comprises no more than 40 percent of the gross sales from the establishment. Further, regarding the sale of food versus alcoholic and mixed beverages, such shall be in a ratio wherein the sale of alcoholic and mixed beverages does not exceed 75 percent of the gross sales attributable to food and alcoholic and mixed beverages.
- (2) The primary activity on the premises of the indoor commercial recreation establishment shall be family-oriented in nature, generally to mean a use which attracts a range of individuals from all age groups.

- (3) Uses on premises constituting indoor commercial recreation establishments may specifically include, but are not limited to, dinner theaters, bowling centers, skating rinks and other similar uses.
- (4) Outdoor commercial recreation is not included in the definition and concept of indoor commercial recreation establishment, nor shall concession sales of alcoholic and mixed beverages be permitted.
- (5) Bingo parlors, dance halls, nightclubs, taverns, billiard parlors, video arcades, adult entertainment and/or sexually related entertainment activities, and similar uses, are specifically excluded from this definition and concept of indoor commercial recreation establishments.

Restaurant, cafe, cafeteria or eating establishment means a business whose gross sales from food on an annual basis represent at least 25 percent of its total sales attributable to food and alcoholic and mixed beverages for on-premises consumption.

(Code 2001, § 4.302; Code 2010, § 4.01.061)

Sec. 4-47. - Permit; location.

- (a) Application. Any individual or entity applying for a permit or license issued by authority of the state alcoholic beverage code or a renewal of such permit or license, or to change the location of a place of business designated in such permit or license, shall deliver to the city secretary for filing one copy of the appropriate forms required by the state alcoholic beverage commission together with scale drawings reflecting the proposed location of the applicant's business in relation to streets, property lines, and the nearest church, public school or public hospital. Such person shall also provide a statement of his name, current address, addresses for the previous ten years, age, and all other city permits or licenses held in his name along with the names and addresses of all persons with an interest in such business, which statement shall include an affidavit that the information given is true and correct. The applicant shall further give authorization for his fingerprints, height, weight, coloring and other description to be obtained by the police department.
- (b) Investigation of applicant. The city secretary shall direct such information to the chief of police of the city, who shall cause an investigation to be made as to the applicant's reputation as well as those of his business associates and also as to the applicant's criminal record, if any. Upon completion of such investigation, the chief of police of the city shall forward such information together with his investigative findings to the official with primary responsibility for enforcing the zoning laws of the city. Such person shall determine the zoning district in which such business is located, the distance to the nearest church, public school and public hospital and any deficiency in the building proposed or planned for use. He shall forward his findings, together with all material received from the chief of police of the city, to the city attorney.
- (c) Zoning compliance; distance from church, school or hospital. The city attorney shall, upon receipt of the information specified in subsection (b) of this section, determine whether the applicant's place of business is to be located in a zoning district where such is prohibited and whether the use is prohibited to this applicant by any ordinance or statute at such location. The city attorney shall notify the city secretary of his determination and shall advise the city secretary to certify on the application that the sale of mixed beverages as applied for is or is not prohibited at the location of the applicant's place of business.
 - (1) Distance from church, school or hospital. It shall be unlawful for any person who is engaged in the business of selling mixed alcoholic beverages to sell such mixed alcoholic beverages where the place of business of any such person or entity is within 300 feet of any church, public school or public hospital. The measurement of the distance between the place of business where alcoholic beverages are sold and church or public hospital shall be along 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 school to the property line of the place of business, and in a direct line across intersections. The same method of calculating distance shall apply to any premises where minors are prohibited from entering pursuant to V.T.C.A., Alcoholic Beverage Code § 109.53.

- (2) Variances. The city council may allow a variance to this section if it determines that the enforcement of the regulations in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land and resources, creates an undue hardship on the applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the city council determines, after consideration of the health, safety and welfare of the public and the equities of such regulation, that the variance is in the best interest of the community. No variance may be granted hereunder except after a public hearing for which notice has been given to owners of real property within 300 feet of the location of said business seeking a variance. Such notice must be given not less than ten days before the date set for hearing, to all such owners who have rendered said property for city roll taxes as the ownership appears on the last approved city tax roll.
- (d) Filing of objections. If, from the city attorney's examination, it appears that the applicant is disqualified, or that the applicant's place of business is inadequate, unsafe, unsanitary or does not comply with the terms of this division or V.T.C.A., Alcoholic Beverage Code, or that any lawful reason exists for which the permit or license should not be issued, it shall be the duty of the city attorney to file objections to the issuance of the permit or license with the state alcoholic beverage commission or with the county judge.
 - (e) Fee established.
 - (1) No individual or entity shall engage in the business of the selling or serving of mixed alcoholic beverages without first having paid to the city the fee levied by this section. It shall be the duty of the city attorney to petition the state alcoholic beverage commission to cancel the permit or license of any individual or entity who shall engage in such business without having first paid the fee levied by this section.
 - (2) There is hereby levied, pursuant to V.T.C.A., Alcoholic Beverage Code § 11.38, a fee for a license or permit issued for premises located within the city under the Texas Alcoholic Beverage Code, which fee shall be equal at all times to one-half of the fee assessed by the state for each license or permit issued pursuant to the Texas Alcoholic Beverage Code. The following, however, are exempt from the fee authorized above:
 - a. Agents, airline beverage, industrial carrier's, private carrier's, private club registration, local cartage, storage and temporary wine and/or beer retailer's permit;
 - b. A wine and/or beer retailer's permit issued for a dining buffet or club car; and
 - c. A mixed beverage permit during a three year period following the initial issuance of the permit.
 - (f) Payment of fee. The occupation taxes required for licenses and permits as required by this section shall be paid in advance for one year. A separate license as required by this section shall be obtained for every place of business where the business of alcoholic beverages and mixed beverages is conducted, and occupation taxes for each license shall be paid.
 - (g) Fee nonrefundable. No refund of a fee paid to the city under the terms of this section shall be made for any reason except where the permittee or licensee is prevented from continuing in business by reason of a local option election or an amendment of the zoning regulations of the city concerning the property on which the place of business is located.
 - (h) Approval and issuance. Upon approval by the city attorney and payment of occupation taxes, the city secretary shall issue a permit in the name of the city, which shall acknowledge receipt of such amount and shall contain the number, name and expiration date of the state permit or license, the name of the permittee or licensee, the address of the business and the date of issuance.

- (i) Display. The license issued by the city secretary shall be displayed at all times in a conspicuous place within the licensed place of business.

(Code 2001, § 4.301; Code 2010, § 4.01.062)

State Law reference— Regulation of location of sales of alcoholic beverages, V.T.C.A., Alcoholic Beverage Code § 109.31 et seq.; local fee authorized on alcoholic beverage permits, V.T.C.A., Alcoholic Beverage Code § 11.38; local fee authorized on alcoholic beverage licenses, V.T.C.A., Alcoholic Beverage Code § 61.36.

Sec. 4-48. - Documentation of gross receipts and sales.

- (a) Affidavit. The party or entity operating the business shall, on a monthly basis, on a date coinciding with the date that the same information is furnished to the state, file with the city secretary an affidavit reflecting gross receipts and sales of the business. The affidavit shall contain a statement reflecting the gross sales attributable to food and gross sales attributable to alcoholic and mixed beverages. The affidavit shall contain the address and telephone number of the person executing the affidavit.
- (b) Tax figures. The party or entity shall also file with the city secretary, on a monthly basis, on a date coinciding with the date that such information is furnished to the state, the gross receipts and figures furnished to the state for sales tax and alcoholic beverage tax purposes. This provision applies to restaurants, cafes, cafeterias or eating establishments and to a permit fee of a federal or state agency.
- (c) Receipts from suppliers. The party or entity shall also furnish receipts from suppliers upon request of the city secretary. Such receipts shall, upon request, reflect current sales and operations for up to the previous 12 months from the date of request.

(Code 2010, § 4.01.063; Ord. No. 1494, 5-21-2012)

Sec. 4-49. - Zoning districts for on-premises sale.

No establishment that derives 75 percent or more of the establishment's gross revenue from the on-premises sale of alcoholic beverages may operate in the city unless the establishment is located in a use district of the city, as established by future and present zoning regulations of the city, in which such sale of mixed alcoholic beverages is permitted.

(Code 2001, § 4.304; Code 2010, § 4.01.064)

State Law reference— Food and beverage certificates, V.T.C.A., Alcoholic Beverage Code § 69.16.

Sec. 4-50. - Hours of sale for establishments selling only beer.

- (a) It shall be unlawful for any individual, entity or establishment that sells beer (as the only alcoholic beverage sold) to sell or offer to sell beer between the hours of 1:00 a.m. and 12:00 noon on Sunday.
- (b) It shall be unlawful for any person, entity or establishment that sells beer (as the only alcoholic beverage sold) to sell or offer to sell beer between the hours of 12:00 midnight and 11:00 a.m., Monday through Friday.

- (c) It shall be unlawful for any individual, entity or establishment that sells beer (as the only alcoholic beverage sold) to sell or offer to sell beer between the hours of 1:00 a.m. and 11:00 a.m. on Saturday.

(Code 2001, § 4.305; Code 2010, § 4.01.065)

State Law reference— City regulation of hours of sale of beer, V.T.C.A., Alcoholic Beverage Code § 109.32; hours of sale of beer, V.T.C.A., Alcoholic Beverage Code § 105.05.

Sec. 12-4. - Chapter 4, Alcoholic beverages.

Permit for sale of beer and wine. A fee of \$30.00 is hereby imposed upon each application for a permit to sell beer or wine. This fee shall be collected when the application for such permit is requested. Permits shall be available during regular business hours from the city secretary. Such permit must be presented to the city secretary for certification that such permit is in compliance with all city ordinances.

(Code 2010, § A6.001)



Alcohol Permit Application

7105 Whitley Road
Watauga, Texas 76148
(817) 514-5825

Name: _____

Assumed Name: _____

Address: _____

Phone Number: _____

Place of Birth: _____

Places of Former Residence:

From	To	Address
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

() Drivers License State/Number _____

() Fingerprint Card

List of Previous Permits/Licenses and applicable dates:



AFFIDAVIT OF GROSS SALES

Affidavit of Gross Sales for your establishment must be provided to the City Secretary's Office on a monthly basis. Please find below, the section from the City of Watauga Code of Ordinances which specifies as to what must be furnished to the City Secretary's Office.

Sec. 4-48- Documentation of gross receipts and sales

- a) Affidavit. The party or entity operating the business shall, on a monthly basis, on a date coinciding with the date that the same information is furnished to the state, file with the city secretary an affidavit reflecting gross receipts and sales of the business. The affidavit shall contain a statement reflecting the gross sales attributable to food and gross sales attributable to alcoholic and mixed beverages. The affidavit shall contain the address and telephone number of the person executing the affidavit.

Affidavit of Gross Sales may be submitted by mailing to the address below or by uploading via the City website at <http://www.cowtx.org/formcenter/affidavit-of-gross-sales-13/affidavit-of-gross-sales-submission-form-62>

City Secretary's Office
7105 Whitley Road
Watauga, Texas 76148

The affidavit must be notarized prior to mailing or uploading. The City offers free notary services if the affidavits are delivered in person. Failure to submit affidavits in a timely manner may lead to suspension or revocation of your city issued permit.

