

Ordinance No. 07-55

AN ORDINANCE OF THE VILLAGE OF PLEAK ESTABLISHING LICENSE AND PERMIT FEES PURSUANT TO V.T.C.A. ALCOHOLIC BEVERAGE CODE; ESTABLISHING PENALTIES FOR VIOLATIONS.

WHEREAS the Village Council for the Village of Pleak, finds and determines that to promote the health, safety and welfare of the citizens of the Village of Pleak, that prior to conducting any business in the Village of Pleak for which a license or permit is required by V.T.C.A., Alcoholic Beverage Code § 61.36 and § 11.38, all persons must complete the Village application procedure for said license and permit and pay the levied fees to the Village of Pleak.

NOW, THEREFORE BE IT ORDAINED BY THE VILLAGE COUNCIL FOR THE VILLAGE OF PLEAK, that the following ordinance is hereby adopted:

Section 1. License required.

- a. The Village does hereby levy a license fee pursuant to V.T.C.A., Alcoholic Beverage Code § 61.36 which shall be one-half (1/2) of the state fee upon every person as permitted by V.T.C.A., Alcoholic Beverage Code § 61.36 unless prohibited by state law.
- b. It shall be unlawful to conduct any business in the Village for which a license is required by V.T.C.A., Alcoholic Beverage Code § 61.36 and this section without such license.

Section 2. Permit required.

- a. The Village does hereby levy a permit fee pursuant to V.T.C.A., Alcoholic Beverage Code § 11.38 on every person doing business in the Village as permitted by the state alcoholic beverage code which shall be one-half (1/2) of the state fee for each permit issued for premises located in the Village.
- b. It shall be unlawful to conduct any business in the Village for which a permit is required by V.T.C.A., Alcoholic Beverage Code, § 11.38 and this section without such permit.

Section 3. Prerequisite for Village license or permit State license or permit.

No license or permit required under the terms of this ordinance shall be issued to any person until he shows that he holds a state license or permit for the particular phase of the liquor and beer traffic in which he desires to engage in the Village, and until the fee required by the Village for such license or permit has been paid to the Village.

Section 4. Prerequisite for Village license or permit County license or permit.

No license or permit required by under the terms of this ordinance shall be issued to any person until he shows that he has procured his county license or permit for the particular phase of the liquor and beer traffic in which he desires to engage in the Village, and until the fee required by the Village for such license or permit has been paid to the Village.

Section 5. Each location requires separate license or permit.

No manufacturer, general distributor, local distributor or retail dealer in any alcoholic beverage business or operating under any of the licenses or permits herein set forth,

shall carry on any such business at more than one (1) place under the same license or permit, but separate permits or licenses must be obtained for each place of business.

Section 6. License and permit duration.

All licenses or permits issued under the terms of this chapter authorizing the distribution and sale of liquor, beer and wine shall terminate one (1) year from the date issued. No license or permit shall be issued for a longer term than one (1) year.

Section 7. Final approval by the Village council.

The Village council shall consider the application for a license or permit at the next regularly schedule council meeting after the applicant has provided the Village Secretary with all necessary payment of fees and documentation. The Village council shall either grant or deny the license or permit.

Section 8. Enforcement and penalty.

- a. Any person in violation of this ordinance shall be punished by a fine of not less than \$10.00 and not to exceed \$200.00.
- b. Each day of the occurrence of any such violation or failure to perform such act shall constitute a separate offense.
- c. The imposition of a fine under this ordinance shall not prevent the revocation or suspension of any permit or license granted by the Village of Pleak, nor shall it be deemed to prevent the Village to proceed in any other court of competent jurisdiction to secure equitable relief, including but not limited to, injunctions or file suits in the name of the Village or as a member of a class for damages or other relief provided for by law.
- d. Any person or corporation who permits, aids, assists or employs another person or corporation in doing any prohibited act or failing to do any act as shall be required in this ordinance shall be deemed in violation of this ordinance, as if such person or corporation had actually committed such act or failed to actually perform such act as herein required.

Section 9. Supplemental effect.

The provisions of this ordinance are supplemental and they shall be cumulative of all other laws, ordinances, and or permits that must be obtained.

Section 10. Severability clause.

If any provision of this ordinance or application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect with the invalid provision or application, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 11. Conflict.

Any ordinances of the Village of Pleak, which are in any manner in conflict with or inconsistent with this ordinance, shall be and are hereby repealed to the extent of such conflict or inconsistency.

PASSED AND APPROVED this _____ day of _____, 2007.

APPROVED:

Mayor Margie Krenek

ATTEST:

Ruth Elster, Village Secretary