

ORDINANCE NO. 5421

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS, AMENDING CHAPTER 3 “ALCOHOLIC BEVERAGES” OF THE CODE OF ORDINANCES OF THE CITY OF DENISON, SPECIFICALLY AMENDING SECTION 3-2 “LICENSE, PERMIT, OR CERTIFICATE TO MANUFACTURE, SELL, DISTRIBUTE, ETC.”; PROVIDING A PENALTY; PROVIDING SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVING FOR PUBLICATION; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING AND DETERMINING THE MEETING AT WHICH THIS ORDINANCE IS ADOPTED TO BE OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, the City of Denison (hereinafter referred to as “City”) is a Home Rule Municipality, acting under its Charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Texas Local Government Code; and

WHEREAS, the City Council of the City (the “City Council”) adopted Chapter 3 of the Code of Ordinances; and

WHEREAS, the Texas Legislature recently amended state law governing the fees the cities and other subdivisions of the State can charge for licenses to sell or distribute alcoholic beverages; and

WHEREAS, the City Council finds that it is prudent to amend the City’s Ordinance regarding fees for alcoholic beverage permits to align with state law and provide clarity to business owners.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DENISON, TEXAS:

SECTION 1. Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Amendment of Sec. 3-2. Section 3-2 “License, permit, or certificate to manufacture, sell, distribute, etc.” of Chapter 3 “Alcoholic Beverages” is hereby amended to read as follows:

“Sec. 3-2. – License, permit, or certificate to manufacture, sell, distribute, etc.

- (a) It shall be unlawful for any person to manufacture, brew, distill, sell or distribute any wine, malt beverage, liquor or other alcoholic beverage within the city, or engage in any other activity for which a license, permit, or certificate is required by the Texas Alcoholic Beverage Code, without first obtaining a license, permit, or certificate from the city. The annual fee charged by the city for a license, permit, or certificate shall be an amount equal

to one-half (½) the fee charged by the state for a license, permit, or certificate to engage in similar activity, with the exception that no fee shall be due when the premises to be licensed is a food service establishment, retail food store, mobile food unit, roadside food vendor, or temporary food service establishment that has already paid a fee to operate to any county, municipality, or public health district. The annual license fee shall be paid to the city clerk and the city clerk shall provide suitable and proper blanks for issuing receipts therefore referred and shall keep a duplicate copy of all license, permit, and certificate receipts issued as a part of the records of his/her office. All license, permit, or certificate receipts issued under the terms of this section shall terminate two (2) years from the date of issuance and no license, permit, or certificate receipt shall be issued covering a longer term than two (2) years.

- (b) No applicant shall be granted a license or permit under this section who has not first been approved by the county and who fails to present satisfactory evidence of the same.
- (c) It shall be unlawful for any person licensed to sell malt beverages at retail, other than a manufacturer or distributor, to use or display a license or permit or to exercise any privilege granted by a license or permit except at the place, address, premises and location for which the license is granted.”

SECTION 3: PENALTY. Any person, firm, corporation or entity violating this Ordinance or any provision of the City’s Code of Ordinances, as it exists or may be amended, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined a sum not exceeding Five Hundred Dollars (\$500.00). Each continuing days’ violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City from filing suit to enjoin the violation. The City retains all legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 4: SAVINGS & REPEALING CLAUSE. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 5: SEVERABILITY. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 6: PUBLICATION AND EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption and its publication as required by law.

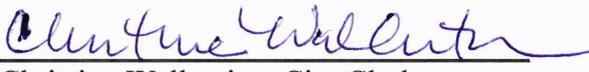
SECTION 7: OPEN MEETING. That it is hereby found and determined that the meeting at which this ordinance was passed was open to the public as required by law, and that public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

PASSED AND APPROVED BY THE CITY COUNCIL ON THE 15TH DAY OF DECEMBER 2025.



ROBERT CRAWLEY, MAYOR

ATTEST:



Christine Wallentine, City Clerk

