

Municipal Alcohol Regulations

Presented by: Claire E. Swann

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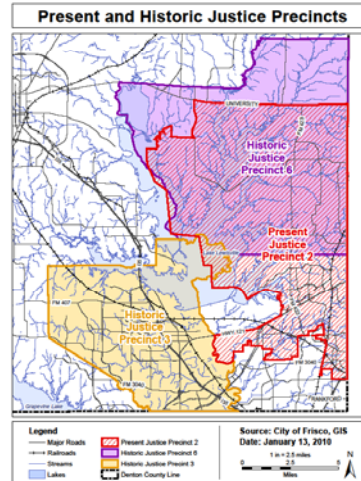
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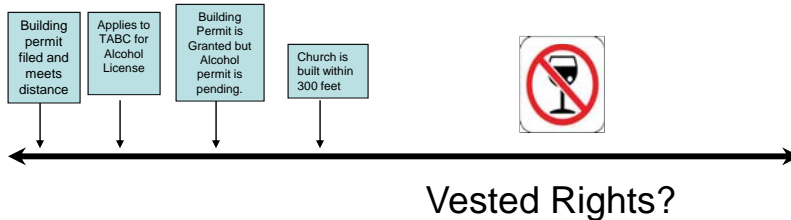
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CONFLICTS BETWEEN JURISDICTIONS

1. If one jurisdiction is wholly located within another, the smaller controls over the larger.
2. A local option status of a city controls over the local option status of a justice precinct if only part of the justice precinct is in the city limits.
3. A local option election may only be held in the same political subdivision boundaries that originally determined the wet or dry status, but may include any area added to the political subdivision after its creation.
4. If a city annexes area after a local option election, those areas are not governed by the local option election. This means that if an overlapping jurisdiction holds an election, it may affect the recently annexed area differently than the rest of the city.



VESTED RIGHTS?



Grandfathered at the time an original alcoholic beverage permit or license is **granted** for a premises?

OR

Vesting at time of submittal of original permit?

EXCEPTIONS TO SPACING

- Variance per TABC

“Enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reasons the city council determines is in the **best interest of the community.**”

- Waivers
- Exemptions – a large-scale variance.

Measurements

