

# **SELLING BEER & WINE IN MIDLOTHIAN**



## **HELPING YOU UNDERSTAND THE NEW LAWS.**

*This information has been designed to assist you, and does not replace or substitute the City of Midlothian Zoning Ordinance 89-13 or other applicable laws.*

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## History

On November 6, 2007, City of Midlothian Citizens voted to approve the legal sale of beer and wine for off-premises consumption and the legal sale of mixed beverages within restaurants. The certification of these votes went before the Ellis County Commissioner's Court on Thursday, November 15, 2007. The sale of beer and wine only applies to the current (at the time of the 2007 election) corporate boundaries of the City of Midlothian. On Tuesday, November 13, 2007, the Midlothian City Council adopted amendments to the Zoning Ordinance, requiring certain uses to obtain a Specific Use Permit (SUP)..

## FAQ:

### 1. Who regulates the sale of alcohol?

Texas Alcoholic Beverage Commission (TABC)

### 2. How far away does an establishment that sells alcohol need to be from a church or school?

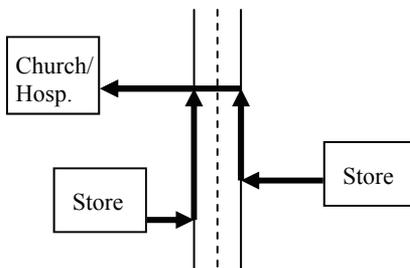
A minimum 300 foot distance is required from a public/private school, church or public hospital.

### 3. Are child care facilities included distance requirement by TABC?

No, and cities can not adopt such an ordinance. The spacing requirement only applies to public/private schools, churches and hospitals.

### 4. How is the distance measured?

- Distance from schools are measured in a straight line from property line to property line.
- The law requires that the distances from a church or hospital be measured from front door of the proposed establishment to the street front. If on the same side of the street, measurement continues along the along street frontage to a point perpendicular to the front door of the church or hospital, and then from the street frontage to the front door of the church or hospital (*see graph below*).



**5. Can churches and/or schools petition for an increased 1,000 foot distance requirement?**

No, State law only allows cities of over 900,000 in population to increase the buffer distance, per the Texas Education Code.

**6. What are the legal hours of sale/service of alcoholic beverages?**

**Bar or Restaurant:**

Monday-Friday: 7am-midnight

Saturday: 7am-1am

Sunday: Noon to midnight (10am to noon only in conjunction with the service of food)

**Convenience Store or Grocery Store:**

Monday-Friday: 7am-midnight

Saturday: 7am-1am

Sunday: noon to midnight

**Package Store:**

Monday-Saturday: 10am-9pm

Closed on Sunday, Thanksgiving Day, Christmas Day and New Year's Day

State law allows the City to adopt an ordinance which can extend the hours as late as 2am across the board.

**7. Can the City regulate the sale of alcohol or where it is sold?**

No, but the City can regulate the land use and establishments that might sell alcohol. (i.e. convenience stores, restaurants, etc.)

**8. In what ways can the City regulate such establishments?**

New/proposed uses that might serve alcohol will only be allowed once a Specific Use Permit (SUP) is approved. With an SUP the City can request upgraded architectural design and site improvements along with additional controls, such as signage.

**9. Will existing establishments be required to obtain a SUP if they choose to sell alcohol?**

Existing establishments are grandfathered from a SUP requirement, however any additional improvements to the building, site or change in use, may trigger the requirement for a SUP.

**10. What is the permitting process?**

- a. Complete application and submit to the Texas Comptroller's Office.
- b. City review
- c. TABC review
- d. County Judge vote
- e. Austin, Texas for final processing

**11. How can I track a permit that has been submitted?**

You can track permits on the TABC website: [www.tabc.state.tx.us](http://www.tabc.state.tx.us)

**12. What other types of permits are allowed now?**

- Beverage Cartage Permit (PE)
- Bonded Warehouse Permit (J)
- Brewer's Permit (B)
- Caterer's Permit (CB)
- Distiller's and Rectifier's Permit (D)
- Local Cartage Permit (E or ET if permit holder is a transfer company)
- Minibar Permit (MI)
- Mixed Beverage Restaurant Permit With FB (RM)
- Package Store Permit (Wine Only) (Q)
- Package Store Tasting Permit (PS)
- Private Carrier's Permit (O)
- Private Club Exemption Certificate Permit (NE)
- Private Club Beer and Wine Permit (NB)
- Private Club Registration Permit (N)
- Private Storage Permit (L)
- Public Storage Permit (K)
- Wholesaler's Permit (W)
- Wholesaler's (General Class B) Permit (X)
- Wholesaler's (Local Class B) Permit (LX)
- Wine Bottler's Permit (Z)
- Winery Permit (G)
- Winery Storage Permit (GS)
- Branch Distributor's License (BC)
- Brewpub License (BP)
- General Distributor's License (BB)
- Importer's License (BI)
- Importer's Carrier's License (BJ)
- Manufacturer's License (BA)
- Manufacturer's Warehouse License (MW)

**13. If property is annexed into the City, can alcohol be sold in these locations?**

The sale of beer and wine only applies to the current (at the time of the 2007 election) corporate boundaries of the City of Midlothian. Any areas that are annexed after the election date will be considered dry. Residents of those areas must vote themselves "wet" in order to sell alcohol.