

PROCESS FOR OBTAINING CITY OF MESQUITE APPROVAL OF A LICENSE FOR BEER AND WINE SALES FOR OFF-PREMISE CONSUMPTION (BQ, BF OR Q LICENSES):

1. Obtain an "Off-Premise Prequalification Packet" from the Texas Alcoholic Beverage Commission (TABC).
2. Have a one page survey map prepared on a maximum sheet size of 11" x 17" and which includes the following:
 - All property lines of the applicant building site with a 300-foot buffer from the property lines;
 - The measured distance from identified protected uses using the appropriate measurement found in Code of the City of Mesquite, Texas, Article XI, Sec. 8-840;
 - Address and business name ("Doing Business As" or DBA) of the applicant business and any identified protected uses;
 - All public entrances of the applicant business and any identified church or other place of worship;
 - All property lines of any identified public or private schools (any combination of K-12th grades with an enrollment of greater than 100 students);
 - A signature block that is signed, sealed, and prepared by a State of Texas licensed surveyor or professional engineer;
 - A date showing that the survey map was prepared within ten days of submitting a notarized Affidavit of Measurements;
 - A scale of the survey map; and
 - A statement that: "I have conducted (or caused to be conducted) a physical inspection of the area and a diligent search of public records to determine if the place of business is located near any protected uses. This survey map shows that the place of business where alcoholic beverages will be sold meets the location requirements in Code of the City of Mesquite, Texas, Article XI, Sec. 8-840."
3. Complete the notarized Affidavit of Measurements

4. Complete an application for a new Certificate of Occupancy or an application to amend an existing Certificate of Occupancy. After obtaining your TABC permit, you must complete the process of obtaining your Certificate of Occupancy prior to selling beer or wine.
5. Fill out a City of Mesquite "Checklist for TABC Applications".
6. Bring all completed documents, applications, and fees to the City of Mesquite Planning Division office at 1515 N. Galloway. One check may be written for all applicable fees.
7. The City of Mesquite will take your information and review it. When the City of Mesquite review is complete, you will be notified by the City Secretary's office to either pick up your completed forms or that the City is unable to approve your application.
8. Prior to selling beer or wine, you must obtain a Health Permit if you do not already have one.

FEES

Fees are due at the time of submittal of application to the City. All fees shall be paid at one time and are non-refundable.

Liquor Permit fee:	\$30 per location (to be prorated for retailers holding a valid Health Permit at the rate of \$2.50 per month, or any part thereof, from the date of application to the Health Permit renewal date). The \$30 fee will be charged annually per location.
Affidavit of Measurements fee:	\$325
Certificate of Occupancy (new or amended):	\$100

IMPORTANT:

An application will not be accepted for review by the City of Mesquite unless it is "complete". A "complete" application will consist of all the following:

- Off-Premise Prequalification Packet from the TABC
- Survey map
- Notarized Affidavit of Measurements
- Application for a Certificate of Occupancy
- Checklist for TABC Applications
- All required fees

CHECKLIST FOR TABC APPLICATIONS – BQ, BF, Q

Name of Business: _____ Phone No. _____

Address of Business: _____

Name & Phone No. of Representative/Title: _____

Application For: _____ New Application _____ Annual Renewal

_____ 1. BQ – Wine and Beer Retailer's Off-Premise Permit

_____ 2. BF – Beer Retail Dealer's Off-Premise License

_____ 3. Q – Wine Only Package Store Permit

FOR CITY USE ONLY:

Staff Review/Comments: (After reviewing, please forward to the next department.)

Planning & Zoning Office – Application Received on _____ by _____

Jeff Armstrong, Planning Division – Zoning Designation Reviewed by _____

Location is zoned: _____ CUP#, if any: _____

Separation Certification Approved: Yes No

Use is: Permitted-by-Right Requires CUP Not Permitted

Does application meet all City requirements: _____ Yes _____ No

Manager of Planning or Designee

Date

Comments: _____

Keith Smith, Building Inspection – Application Reviewed by _____

Does application meet all City requirements: _____ Yes _____ No

Building Official or Designee

Date

Comments: _____

Jeff McWhorter, Health Department – Application Reviewed by _____

Information added to database for annual renewals: _____ Yes _____ No

Manager of Health or Designee

Date

Comments: _____

City Secretary's Office – Application Approved: _____ Yes _____ No

City Secretary

Date

Notified Applicant of Completed Review on _____
Date

Affidavit of Measurements

State of Texas §

§

County of _____ §

BEFORE ME, the undersigned authority, the affiant personally appeared and, who, being duly sworn, deposes and says:

"My name is _____. I am the applicant to the Texas Alcohol and Beverage Commission ("TABC") for the following business:

Name of business: _____

Address: _____

Type of TABC permit or license: _____

"I understand and acknowledge that Mesquite City Code Section 8-840 prohibits the sale of alcoholic beverages near a church or a public or private school."

"I swear and affirm that I have conducted (or caused to be conducted) a physical inspection of the area and a diligent search of public records to determine if the place of business is located near a church or a public or private school."

"I have attached to this affidavit a signed and sealed survey map: (a) showing the place of business where alcoholic beverages will be sold and the measured distance from all church and public or private school uses using the appropriate measurement in the TABC; and (b) prepared by a state of Texas licensed surveyor or engineer within ten days of submitting a complete application to the City."

"I swear and affirm that the attached signed and sealed survey map shows that the place of business where alcoholic beverages will be sold meets the location requirements in Mesquite City Code Section 8-840."

"I understand and agree that the TABC shall revoke the permit or license and the city of Mesquite shall revoke the certificate of occupancy if they were issued on the basis of false, incomplete, or incorrect information supplied."

Signature: _____ Date: _____

Title: _____

This affidavit was acknowledged before me on _____ by _____ on behalf of

NOTARY PUBLIC

Sec. 8-840. - Sales near churches or schools.

- (a) It shall be unlawful for any owner or person to sell alcoholic beverages at a business:
- (1) That is within three hundred (300) feet of a public or private school, or a church which constitutes the primary use of the lot; or
 - (2) That shares a common wall with a church in a general retail, light commercial or commercial zoning district and where the front doors of the business and church are less than three hundred (300) feet apart.
- (b) The measurement of the distance between the place of business where alcoholic beverages are sold and a church or a public or private school shall be made as set forth in the Texas Alcoholic Beverage Code. The term "private school" shall have the meaning ascribed to it in the Texas Alcoholic Beverage Code.
- (c) This section shall not apply to restaurants holding a Food and Beverage Certificate from the Texas Alcoholic Beverage Commission.

(Ord. No. 3358, § 1, 4-17-00; Ord. No. 3904, § 1, 10-15-07)