

INFORMATION & PROCEDURES

The 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. Fill out a City of Mesquite "Checklist for TABC Applications".
5. 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.
6. 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.

7. Prior to selling beer or wine, you must obtain a Health Permit and a new or amended Certificate of Occupancy, if you do not already have one. The application for a Certificate of Occupancy can be submitted through the [Citizen's Access Portal](#).

SUBMITAL PROCESS

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:

- TABC Off-Premise Prequalification Packet
- Measurement Survey Map
- Notarized Affidavit of Measurements
- Checklist for TABC Applications
- All Applicable Fees

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.

Beer/Wine 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 Measurement Fee:	\$325
Certificate of Occupancy Fee (new or amended):	\$125 (To be paid through the Citizen's Access Portal upon approval of the Certificate of Occupancy after TABC approval.)



City of Mesquite
Checklist for TABC
Applications - BQ, BF, Q

Due to City Secretary by:
REVIEW MUST BE COMPLETED
WITHIN 30 DAYS AFTER RECEIPT

Name of Business:

Address of Business:

Name & Phone No. of Representative/Title:

Application For: New Application Change of Ownership

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.)

Stamp Date Received:

Planning & Zoning Office

Application Received by:

- Checklist for TABC Application
Application Fee(s)
Measurement Survey Map
Notarized Affidavit of Measurement
TABC Off-Premise Prequalification Packet

Notify Sonja Land, City Secretary of receipt of TABC application via e-mail

Date Notified:

Garrett Langford, 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:

Barry Jenkins, Health Department - Application Reviewed by:

Information added to database for annual renewals: Yes No

Manager of Health or Designee Date

Comments:

Sonja Land, City Secretary's Office - Application Approved: Yes No

City Secretary Date

Notified Applicant of Completed Review on: Date

SEPARATION REQUIREMENTS

CITY OF MESQUITE ORDINANCE REGARDING SEPARATION REGULATIONS

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 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)

TABC STATUTE FOR MEASUREMENT

1. How far away does a location that sells alcohol need to be from a church or school? How is that distance measured?

The state statute permits city councils or county commissioners courts to adopt a local ordinance prohibiting the sale of alcoholic beverages within 300 feet of a public or private school, church and/or public hospital. The distance from a school can be increased to 1000 feet under certain circumstances. [Section 109.33]

Generally, based on 109.33(b), distances from schools are measured in a straight line from property line to property line and in a direct line across intersections.

The law requires that the distance 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. If a street has to be crossed, then measurement continues from the street front point that is perpendicular to the front door of the establishment to the nearest intersection, across that intersection in a straight line and then back along the street frontage to a point perpendicular to the front door of the church or hospital and then from that point to the church or hospital's front door.

Cities and counties can also adopt ordinances requiring a 300-foot distance between certain types of permits and day-care centers or child-care facilities, [\[Section 109.331\]](#)

Cities and counties are not required to have these ordinances (the statute is merely permissive) and are free to grant variances as they see fit.

AFFIDAVIT OF MEASUREMENT

State of Texas §
 §
County of Dallas §

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 of business: _____

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 _____, 20____, by _____
on behalf of _____.

NOTARY PUBLIC