

**CITY ALCOHOLIC
BEVERAGE
PERMIT
WELCOME PACKET**



*Prepared by the
Office of the City Secretary*

Message from the City of Humble

The City would like to welcome you and your business to the City of Humble! We are most pleased that you have chosen to be a part of our community and we recognize your business presence in this ideal location will help our local economy continue to thrive.

The City Secretary's Office has prepared this Welcome Packet for licensing companies and business owners who have submitted a TABC pre-qualification packet to the City with the City rules and regulations for Alcoholic Beverages.

Section 5.03.031, Required, **“No person shall manufacture, sell, distribute or store any alcoholic beverage, or engage in any other activity with relation to the same for which a permit is required by the state Alcoholic Beverage Code, within the city without first obtaining a license so to do from the city.”**

Section 5.03.032, Fees established, **“Before any license is issued under the provisions of this division, the applicant therefor shall pay to the city a fee as set forth in the fee schedule in appendix A of this code.”**

Section 5.03.033, Payment of fees, **“All taxes, permits and/or license fees levied by this division shall be paid in advance for one year.”**

The City’s Alcoholic Beverage Permit will coincide with the TABC Alcoholic Beverage Permit. For example, if your TABC alcoholic beverage permit was renewed and expires in two years, your City Alcoholic beverage permit will expire on this same date.

The City of Humble will issue invoices at the request of licensing companies or business owners **WITH A COPY OF YOUR TABC LICENSE INFORMATION.**

Requests for a City invoice must be directed to AlcoholPermit@cityofhumble.net or you may submit payment to the City at the following address utilizing the TABC Licenses and Permits Maximum Local Fees for a two-year period for your license/permit type(s):

City Secretary's Office
RE: City of Humble Alcohol Permit
114 W. Higgins St.
Humble, Texas 77338

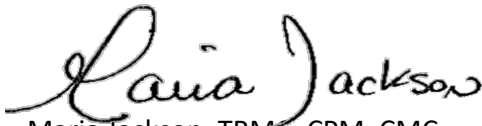
Again, **NO** person shall manufacture, sell, distribute or store any alcoholic beverage, or engage in any other activity with relation to the same for which a permit is required by the state alcoholic beverage code, within the city without first obtaining a license to do so from the city. **If you are not in receipt of an Alcohol Permit from the City, you will be in violation of the City’s Code of Ordinances and your business will be reported to the Code Enforcement division for further action.**

Once you receive your City Alcoholic Beverage Permit, a business **MUST** display their local permit in the establishment next to the state permit.

Further information on Chapter 5, Alcoholic Beverages, and Frequently asked Questions are also available to you below within this Welcome Packet.

The City Secretary's Office is open to help you. Your business presence in our City is appreciated and I trust that this will be a positive and exciting experience for you. If you have any concerns or if I may be of assistance, do not hesitate to contact me at 281-446-3061 or by email at: AlcoholPermit@cityofhumble.net. My best wishes to you!

Sincerely,



Maria Jackson, TRMC, CPM, CMC
City Secretary

**City of Humble
Code of Ordinances
Article 5.03 - Alcoholic Beverages**

DIVISION 1 -GENERALLY

§ 5.03.001 Definitions.

For the purposes of this article, all definitions of words, terms and phrases as set forth in the state Alcoholic Beverage Code are hereby adopted and made a part hereof.

(1973 Code, sec. 4-1; 1991 Code, sec. 5-1; 2007 Code, sec. 6-1)

§ 5.03.002 Late hours for consumption, sale or service.

It shall be unlawful for any person within the city to consume any alcoholic beverage in a public place or to possess any alcoholic beverage in a public place for the purpose of consuming the same in a public place; or for the holder of a retail dealer's on-premises late hours license to sell or offer for sale beer; or for the holder of a private club late hours permit to permit persons to consume or be served alcoholic beverages between the hours of 2:15 a.m. and 12:00 noon on Sundays and between the hours of 2:15 a.m. and 7:00 a.m. on all other days.

(1973 Code, sec. 4-2; 1991 Code, sec. 5-2; 2007 Code, sec. 6-2)

§ 5.03.003 Conduct of business.

The conduct of business of the holder of any license issued under this division shall be governed by and subject to all general state laws, civil or penal, and the provisions of this code and ordinances of the city.

(1973 Code, sec. 4-18; 1991 Code, sec. 5-25; 2007 Code, sec. 6-27)

§ 5.03.004 Sale near church, school or hospital.

Regardless of any other provision of this division, no sale of alcoholic beverages in any manner shall be legal or permitted within 300 feet of any church, school or other educational institution, the measurements to be made as provided in V.T.C.A., Alcoholic Beverage Code section 109.33.

(1973 Code, sec. 4-19; 1991 Code, sec. 5-26; 2007 Code, sec. 6-28)

§ 5.03.005 through § 5.03.030. (Reserved)

DIVISION 2 - LICENSE OR PERMIT

§ 5.03.031 Required.

No person shall manufacture, sell, distribute or store any alcoholic beverage, or engage in any other activity with relation to the same for which a permit is required by the state Alcoholic Beverage Code, within the city without first obtaining a license so to do from the city.

(1973 Code, sec. 4-14; 1991 Code, sec. 5-21; 2007 Code, sec. 6-23)

§ 5.03.032 Fees established.

Before any license is issued under the provisions of this division, the applicant therefor shall pay to the city a fee as set forth in the fee schedule in appendix A of this code.

(1973 Code, sec. 4-15; 1991 Code, sec. 5-22; 2007 Code, sec. 6-24; Ordinance adopting 2022 Code)

§ 5.03.033 Payment of fees.

All taxes, permits and/or license fees levied by this division shall be paid in advance for one year.

(1973 Code, sec. 4-16; 1991 Code, sec. 5-23; 2007 Code, sec. 6-25)

§ 5.03.034 Prerequisites to issuance; effect of issuance.

Upon the payment of the applicable tax or fee prescribed by this division to the city tax assessor-collector, and exhibition to him of a permit duly issued by the state to the applicant or person paying such tax or fee, the tax assessor-collector shall, in the name of the city, issue and deliver to such applicant or person a permit or license to engage in business in the city of the character described in and authorized by the permit from the state held by such applicant or person. The permit or license so issued in the name of the city shall authorize the conduct of such business upon the premises described in the permit from the state and shall remain in force only so long as such permit from the state remains in force or until revoked for cause.

(1973 Code, sec. 4-17; 1991 Code, sec. 5-24; 2007 Code, sec. 6-26)

§ 5.03.035 through § 5.03.060. (Reserved)

DIVISION 3
PROHIBITION OF NUDITY IN COMMERCIAL ESTABLISHMENTS SERVING OR PERMITTING
CONSUMPTION OF ALCOHOLIC BEVERAGES

§ 5.03.061 Purpose.

The purpose of this division is to prohibit certain acts of commercial exploitation of human sexuality in commercial establishments within the city limits where alcoholic beverages are served, offered for sale or consumption on the premises, or permitted to be consumed on the premises; to reduce the likelihood of criminal activity, moral degradation and disturbances of the peace and good order of the community; to prohibit lewd and unlawful activity such as prostitution and the proliferation of controlled substances, all of which may occur when such commercial exploitation is permitted in such places; and to promote the preservation of property values of neighborhoods and adjacent properties.

(1991 Code, sec. 20-150; Ordinance 98-528, sec. 1, adopted 5/14/98; 2007 Code, sec. 6-60)

§ 5.03.062 Prohibition.

- (a) It shall be unlawful for any person maintaining, owning or operating a commercial establishment located within the boundaries of the city, at which alcoholic beverages are served or offered for sale for consumption on the premises, or at which alcoholic beverages are permitted to be consumed:
- (1) To suffer or permit any female person, while on the premises of said commercial establishment, to expose that area of the human female breast at or below the top of the areola thereof;
 - (2) To suffer or permit any female person, while on the premises of said commercial establishment, to use any device or covering which is intended to give the appearance of or simulate such portions of the human female breasts as described in subsection **(a)(1)** of this section;
 - (3) To suffer or permit any person, while on the premises of said commercial establishment, to expose his genitals, pubic area, buttocks, anus or anal cleft or cleavage;
 - (4) To suffer or permit any person, while on the premises of said commercial establishment, to use any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus, anal cleft or cleavage.
- (b) It shall be unlawful for any female person, while on the premises of a commercial establishment located within the boundaries of the city, at which alcoholic beverages are served or offered for sale for consumption on the premises, or at which alcoholic beverages are permitted to be consumed, to expose that area of the human female breast at or below the top of the areola thereof, or to use any device or covering which is intended to give the appearance of or simulate such areas of the female breast as described herein.
- (c) It shall be unlawful for any person, while on the premises of a commercial establishment located within the boundaries of the city, at which alcoholic beverages are served or offered for sale for consumption on the premises, or at which alcoholic beverages are permitted to be consumed, to expose his genitals, pubic area, buttocks, anus or anal cleft

or cleavage, or to use any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus or anal cleft or cleavage.

(1991 Code, sec. 20-151; Ordinance 98-528, sec. 2, adopted 5/14/98; 2007 Code, sec. 6-61)

§ 5.03.063 Injunctive relief.

The city attorney is and shall be hereby authorized to seek compliance with this division by seeking injunctive relief in a court of proper jurisdiction to compel the operator, owner or other violator of this division, as the same shall be established, to comply with the terms and provisions thereof. The ability of the city to seek injunctive relief hereunder shall not be subject to, nor shall it be a prerequisite thereof, that the city has sought compliance with this division by application of penalties and sanctions as otherwise set out in this division.

(1991 Code, sec. 20-153; Ordinance 98-528, sec. 2, adopted 5/14/98; 2007 Code, sec. 6-62)

Frequently Asked Questions (City)

If I paid my **State** TABC License and **County** Alcoholic Beverage licenses and permit fees, would I need to also pay for a **City** permit?

Yes. Pursuant to Section 5.03.031 of the City of Humble Code of Ordinances, Required, "No person shall manufacture, sell, distribute or store any alcoholic beverage, or engage in any other activity with relation to the same for which a permit is required by the state Alcoholic Beverage Code, within the city without first obtaining a license so to do from the city."

If my license is pending with the TABC, will the City be able to issue a City Alcoholic Beverage Permit?

*No. The City of Humble will NOT issue a City Alcohol Permit until your TABC application is approved or renewed with TABC. The City Secretary's Office will determine eligibility based on information noted from this TABC webpage:
<https://apps.tabc.texas.gov/publicinquiry/Status.aspx>.*

If your results are pending, an Alcohol Permit will NOT be issued.

If my renewal payment to the City of Humble was missed for one or more years, would I have to pay the renewal fee for those years payment was not made?

Yes. During the years a City of Humble Alcohol Permit was NOT issued, your business was in violation of the City's ordinance. Your renewal payment is still due to the City of Humble for every year in which payment was not made. Further, your business or business owner may be issued a citation by the City's Code Enforcement Division for violating the City's Code.

How may I request a renewal invoice from the City?

You may submit a written request to AlcoholPermit@cityofhumble.net and a representative from the City Secretary's Office will contact you by email within 24-72 hours with your electronic invoice.

Ensure the name of your business, address and a copy of your T.A.B.C. License issued by the State of Texas is included with your email to the City.

Which payment methods are accepted by the City?

The City of Humble will accept the following methods of payment:

- 1. Electronic credit card payment, available to you by email from the City's iWorQ system.**
- 2. Mail a check payable to the City of Humble to:**
*City Secretary's Office
114 W. Higgins St.
Humble, Texas 77338*
- 3. By credit card in person at City Hall at:**
*Building Department & Permits
114 W. Higgins St.
Humble, Texas 77338*

Must I work with a third party company to pay for my City Alcohol Permit?

No. A third party company may be used but not required. Business owners may pay for their yearly permit without working directly with a third party company.

Frequently Asked Questions (TABC)

May a license or permit be used by or transferred to another person?

No. If the ownership of a business changes hands, the new owner must apply for their own license or permit. The license or permit cannot be transferred to the new owner.

May a license or permit be moved from one location to a new location?

Yes, but only upon approval of the TABC after the holder submits an application requesting such a change. A license to sell beer may only be transferred to a location within the county in which it was originally issued. A permit to sell liquor may be transferred to another location in Texas.

After a license or permit is issued, does the TABC have authority to cancel or suspend a license or permit?

Yes, for any violation of the Alcoholic Beverage Code after a hearing before the State Office of Administrative Hearings and possible appeal. See Code sections 5.35, 11.61 and 61.71.

Can an establishment give away free alcoholic beverages to customers without having a permit?

Yes. But to be truly “free,” it must be available to any adult who walks in the door and requests it. If it’s only available to paying customers, the assumption is that the cost of the alcohol is included in the price of the service. In this case, the retailer would be “selling” the wine, and a permit would be required. When the establishment provides the alcoholic beverage, there can’t be any expectation of receiving money. The establishment can’t ask for a “donation” or “tip.” If the alcoholic beverage will only be available to paying guests, the establishment will need a permit.

What can be searched without a warrant?

A peace officer may inspect the premises covered by a license or permit at any time without a search warrant to perform any duty imposed by the Texas Alcoholic Beverage Code. The premises include all of the grounds and related buildings, vehicles and appurtenances (items and accessories), as well as the adjacent premises under the control of the permittee or licensee when covered by the TABC license or permit.

In some cases, specific parts of the premises may be diagrammed off the licensed premises and not subject to search without a warrant. A copy of the TABC-approved diagram must be publicly posted with the license or permit. If living quarters are located on the premises and have not been diagrammed off the licensed premises, it is suggested that the officer get voluntary consent to search or secure a search warrant before searching this area.

Have a question?

For questions or concerns regarding the TABC licensing, enforcement, audit and investigations, you are encouraged to contact the TABC Houston Regional Office:

427 West 20th Street, Suite 600
Houston, TX 77008
Phone: (713) 426-7900
Hours: Please call ahead.
8:00 am - 5:00 pm
Monday – Friday

For questions or concerns regarding City Permit fees, renewals, or City rules and regulations, you are encouraged to send an email to AlcoholPermit@cityofhumble.net.