

ORDINANCE NO.

**AN ORDINANCE AMENDING CITY CODE SECTION 4-9-8 REGARDING
CERTIFICATION OF APPLICATIONS FOR A LIQUOR LICENSE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 4-9-8 (*Inspection and Certification*) is amended to read:

§ 4-9-8 [INSPECTION AND] CERTIFICATION.

(A) This section applies to:

- (1) an original application or a renewal application for a permit or license required by the Texas Alcoholic Beverage Code; and
- (2) a permittee seeking to change the place of business for which a permit or license is issued, if the Texas Alcoholic Beverage Code requires the city clerk to certify that the sale of alcoholic beverages at a place of business is authorized by City ordinance.

~~[(B) The applicant for a permit or license subject to this section shall file a completed and verified application with the city clerk on the form promulgated by the Texas Alcoholic Beverage Commission.~~

~~(C) An applicant shall make the place of business available for any investigation or inspection required by this section.~~

~~(D) Inspections under this section may relate to requirements established by the Land Development Code, Building Code, Plumbing Code, Electrical Code, and Fire Code, and to any provisions of the City Code administered or enforced by the Health and Human Services Department.~~

~~(E) The director of the Watershed Protection and Development Review Department, the director of the Health and Human Services Department, the fire chief, and the police chief shall review an application and certify the application through the City's automated application process.]~~

~~[(F)]~~(B) The director of the Planning ~~[Watershed Protection]~~ and Development Review Department shall certify an application if the director determines that[÷

- (1+) the sale of alcoholic beverages at the place of business is an authorized use at that location.[÷and

1 ~~(2) — the place of business complies with all applicable provisions of the~~
2 ~~Land Development Code.~~

3 ~~(G) — The director of the Health and Human Services Department shall certify an~~
4 ~~application if the director determines that the place of business complies with~~
5 ~~the provisions of the City Code enforced by the Health and Human Services~~
6 ~~Department.~~

7 ~~(H) — The fire chief shall certify an application if the fire chief determines that the~~
8 ~~place of business complies with applicable provisions of the Fire Code.~~

9 ~~(I) — The police chief shall investigate the applicant's moral character and police~~
10 ~~or criminal record. The police chief may require the applicant to provide a~~
11 ~~classifiable set of the applicant's fingerprints as part of the investigation~~
12 ~~under this subsection. The police chief shall report the chief's findings~~
13 ~~through the automated application process.~~

14 ~~(J) — Except as provided in Subsection (K), each City official required to review an~~
15 ~~application under Subsection (E) shall conduct an investigation and~~
16 ~~inspection as necessary to make the determinations required under this~~
17 ~~section.~~

18 ~~(K) — A City official reviewing application under Subsection (E) may certify an~~
19 ~~application under this chapter without re-inspecting a place of business if:~~

20 ~~(1) — the place of business was inspected by the City department over which~~
21 ~~the official is responsible in the 12 months preceding the date an~~
22 ~~application was filed, and~~

23 ~~(2) — the official determines there has been no material change that affects~~
24 ~~the certification required by this section since the previous inspection.~~

25 ~~(L) — The City officials reviewing an application under Subsection (E) may report~~
26 ~~an interim certification if the official's department is unable to provide the~~
27 ~~required certification because a structure or remodeling of a structure at the~~
28 ~~proposed place of business is incomplete.]~~

29 ~~[(M)](C) After the city clerk receives the certification[s] required under~~
30 ~~Subsection (B) of [by] this section, the clerk shall certify on the application~~
31 ~~that:~~

32 (1) the place of business is in a "wet" area and if the business is in a "late
33 hours" area; and

34 (2) the sale of alcoholic beverages is not prohibited at the place of
35 business by the City Charter or the City Code.

~~[(N) If requested by the applicant, the clerk shall certify an application based on interim certifications, provided that the place of business subject to the application may not be occupied and the business may not be operated until the applicant obtains a certificate of occupancy and food permit from the City.]~~

PART 2. This ordinance takes effect on _____, 2010.

PASSED AND APPROVED

_____, 2010

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Lee Leffingwell
Mayor

APPROVED: _____ **ATTEST:** _____
David Allan Smith Shirley A. Gentry
City Attorney City Clerk