

CITY OF SEGUIN

ORDINANCE NO.:

STATE OF TEXAS

ORDINANCE OF THE CITY COUNCIL OF SEGUIN, TEXAS, EXTENDING THE HOURS FOR THE SALE OF BEER, WINE AND MIXED BEVERAGES FOR ON-PREMISES CONSUMPTION IN ALL NON-RESIDENTIAL AREAS OF THE CITY; PROVIDING FOR PERIODIC REVIEW OF THE EFFECTIVENESS OF THIS ORDINANCE AND ITS IMPACT ON THE COMMUNITY; RESERVING THE CITY'S RIGHT TO REPEAL THIS ORDINANCE; AND DECLARING AN EFFECTIVE DATE

WHEREAS, one of the businesses in Seguin has requested that the City Council consider extended hours for the sale of alcoholic beverages; and

WHEREAS, the City of Seguin, Texas is a home rule city acting under its charter adopted pursuant to the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Section 105.03(d) and Section 105.03(d) of the Texas Alcoholic Beverage Code permit that a city may adopt an ordinance to extend the sale of mixed beverages, beer and wine for on-premises consumption from midnight until 2:00 a.m. each day; and

WHEREAS, Chapter 109, Subsection C of the Texas Alcoholic Beverage Code gives the City authority to limit the extension of late hours to areas defined by the City; and

WHEREAS, due to potential effects on other businesses and persons a review of any changes in the hours of on-premises consumption is warranted; and

WHEREAS, to give sufficient time to understand the effects, and consistent with the annual license granted by the TABC, a one year review is recommended.

NOW THEREFORE BE IT ORDAINED by the City Council of Seguin, Texas:

SECTION ONE: The City Council hereby adopts the extended hours prescribed in Chapter 105 of the Texas Alcoholic Beverage Code, specifically Sections 105.03 and 105.05 that allow a holder of a mixed beverage or beer and wine late hours permit to sell and offer for sale permitted beverages between the hours of midnight and 2:00 a.m. on any day in any area of the City that is not zoned as a residential area.

SECTION TWO. One year after the effective date of this Ordinance the City Council shall review the effectiveness and its impact on the community and businesses.

SECTION THREE. The City of Seguin, Texas reserves the right to repeal this Ordinance at any time. This Ordinance does not create and shall not be construed to create any enforceable right to the continuation of these extended hours or the right to receive compensation for any loss, damages, costs, or expenses alleged to have incurred in reliance on this Ordinance's adoption or suffered as a result of its repeal.

SECTION FOUR. If any word, phrase, clause, sentence, or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION FIVE. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION SIX. This Ordinance shall become effective ten days after the date of its publication.

PASSED AND APPROVED on first reading this 3rd day of April, 2018.

PASSED AND APPROVED on second reading this 17th day of April 2018.

DON KEIL, Mayor

ATTEST:

Naomi Manski, City Secretary