

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CROCKETT, TEXAS, AMENDING CHAPTER 13, LICENSES AND BUSINESS REGULATIONS, ARTICLE I, SECTION 13-1 OF THE CROCKETT CODE TO PROVIDE EXTENDED HOURS FOR THE SALE OF MIXED BEVERAGES AND MALT BEVERAGES FOR ON-PREMISES CONSUMPTION; PROVIDING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

THE COUNCIL OF THE CITY OF CROCKETT, TEXAS HEREBY ORDAINS:

Section I:

Section 13-1 of the Crockett Code is hereby amended to read as follows:

Section 13-1. Establishments in Which Alcoholic Beverages are sold.

A. Definitions.

(1) In this section "establishment" means any privately owned place of business operating for profit to which the public is invited in which alcoholic beverages are sold or have been sold within the past twenty-four (24) hours, including, but not limited to, any place of amusement or entertainment, including dance halls and music venues.

(2) In this section "malt beverages" mean a fermented beverage of any name or description containing one-half of one percent or more of alcohol by volume, brewed or produced from malt, in whole or in part, or from any malt substitute.

(3) In this section "mixed beverages" means one or more servings of a beverage composed in whole or part of an alcoholic beverage in a sealed or unsealed container of any legal size for consumption on the premises where served or sold by the holder of a mixed beverage permit, the holder of a private club registration permit, or the holder of certain retailer late hours certificates.

(4) In this section "hotel" means the premises of an establishment:

(A) where, in consideration of payment, travelers are furnished food and lodging;

(B) in which are located:

(I) at least 10 adequately furnished completely separate rooms with adequate facilities so comfortably disposed that persons usually apply for and receive overnight accommodations in the establishment, either in the course of

usual and regular travel or as a residence; or

(ii) at least five rooms described by Subparagraph (i) if the building being used as a hotel is a historic structure as defined by Section 442.001, Texas Government Code; and

(C) which operates a regular dining room constantly frequented by customers each day.

(5) In this section "hotel bar" means an establishment that is located in a hotel and holds a permit or license providing for the on-premises consumption of alcoholic beverages.

B. Hours of Sale of Mixed Beverages.

(1) A mixed beverage permittee may sell and offer for sale mixed beverages between 7:00 a.m. and midnight on any day except Sunday. On Sunday, a mixed beverage permittee may sell mixed beverages between midnight and 1:00 a.m. and between 10:00 a.m. and midnight, except that an alcoholic beverage served to a customer between 10:00 a.m. and 12:00 noon on Sunday must be provided during the service of food to the customer.

(2) The holder of a mixed beverage permit who holds a retailer late hours certificate may also sell and offer to sell mixed beverages between midnight and 2:00 a.m. on any day.

C. Hours of Sale for Malt Beverages.

(1) The holder of a retail dealer's on-premise license may sell and offer to sell malt beverages for on-premise consumption between 7:00 a.m. and midnight on any day except Sunday. On Sunday, the holder of a retail dealer on-premise license may sell malt beverages between midnight and 1:00 a.m. and between noon and midnight, except that:

(A) permittees or licensees authorized to sell for on-premises consumption may sell malt beverages between 10:00 a.m. and noon, if the malt beverages are served to a customer during the service of food to the customer, and

(B) holders of a retail dealer's on-premise license may also sell malt beverages for off-premise consumption between 10:00 a.m. and noon.

(2) The holder of a malt beverage permit who holds a retailer late hours certificate may also sell and offer to sell malt beverages between midnight and 2:00 a.m. on any day.

D. Exception for Hotel Bars.

A hotel bar may sell or offer for sale alcoholic beverages at any time to a registered guest of the hotel.

SECTION II: Penalty for Violation

A. Fine

Any person violating the provisions of this section is guilty of a Class C misdemeanor and upon conviction, shall be fined not more than allowed by law.

B. Injunctive Relief

In addition, or as alternative thereto, the City may, in the event of such violation, obtain injunctive relief in an appropriate court with jurisdiction in Houston County, Texas.

SECTION III: Severability.

The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION IV: Repealing Clause

All Ordinances, or parts of Ordinances, inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION V: Effective Date.

A descriptive caption of this Ordinance shall be published two (2) times in the Grapeland Messenger, the official newspaper of the City of Crockett, within fourteen (14) days after the date of passage thereof, and said Ordinance shall become effective _____, 2023.

PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Crockett, Texas, on the _____ day of _____, 2023.

CITY OF CROCKETT

BY: DR. IANTHIA FISHER, MAYOR

ATTEST:

MITZI STEFKA, CITY SECRETARY


WILLIAM R. PEMBERTON,
CITY ATTORNEY