

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AUTHORIZING THE AMENDING OF THE LEON VALLEY CODE OF ORDINANCE, CHAPTER 4 BUSINESS REGULATIONS, BY ADDING SECTION 4.13 HOURS OF OPERATIONS; NOT REPEALING ALL ORDINANCES IN PLACE FOR SPECIFIC TYPES OF ESTABLISHMENTS LISTED IN CHAPTER 4 OF THE CODE OF ORDINANCE THEREWITH; PROVIDING FOR SEVERABILITY; SAVING CLAUSE; EFFECTIVE DATE; NOTICE OF OPEN MEETING AND PROVIDING FOR A PENALTY.

WHEREAS, The City of Leon Valley City Council wishes to add Section 4.13 Hours of Operations.

WHEREAS, The City of Leon Valley City Council believes that it is in the best interest of the citizens of Leon Valley that establishments should not be allowed to operate past 2:30am, unless they have a SUP from the City.

WHEREAS, The City of Leon Valley City Council authorized the use of an SUP, at council discretion.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, THAT:

SECTION 1. All the above premises are hereby found to be the true and correct legislative and factual findings of the City of Leon Valley and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

SECTION 2. Chapter 4 business regulations, section 4.13 Hours of Operations; shall read as follows:

Sec.4.13- Hours of Operations

Sec. 4.13.01 - Definitions

Business- Any business that has been issued a certification of occupancy by the City of Leon Valley.

Director- The director of Planning and Zoning to enforce and administer this article.

Sec. 4.13.02 - Hours

No business shall be kept open to the public for the establishment's designed purpose, between the hours of 2:30am and 5:00am.

Sec. 4.13.021- Exemptions

1. An establishment may apply for a SUP from the Planning and Zoning Department authorizing an establishment to operate past 2am.
2. The director must take all approved SUP applications directly to the City Council for approval.
3. If approved by the City Council, the business must apply for an operations permit from the City, and it must be fully displayed at the approved establishment.
4. Permit Revocation-The City Council has full discretion to revoke the SUP at any point for any reason.

SECTION 3. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

SECTION 4. That it is hereby declared to be the intention of the City Council of the City of Leon Valley that phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, and section.

SECTION 5. The ordinance shall be effective upon passage and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 1st day of August, 2023.

APPROVED

CHRIS RILEY
MAYOR

Attest: _____
SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form: _____
NICOLE WARREN
City Attorney