

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANOR, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANOR, TEXAS BY ADDING SECTION 4.02.002 AND 4.02.003 TO CHAPTER 4, ARTICLE 4.02, ALCOHOLIC BEVERAGES, ESTABLISHING REGULATIONS REGARDING THE SALE OF ALCOHOLIC BEVERAGES NEAR A CHURCH, PUBLIC SCHOOL OR PUBLIC HOSPITAL; PROVIDING FOR A SEVERABILITY, SAVINGS, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; AND PROVIDING FOR RELATED MATTERS.

Whereas, the City Council of the City of Manor (the “City”) finds that prohibiting the sale of alcoholic beverages near a church, public school or public hospital within the City will protect the general health, safety, and welfare of the City;

Whereas, the City Council of the City desires to adopt regulations regarding the sale of alcoholic beverages near a church, public school or public hospital within the City to protect the general health, safety and welfare of its citizens;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS, THAT:

Section 1. Findings. The forgoing recitals are incorporated into this Ordinance as true and correct findings of fact.

Section 2. Amendment of Code of Ordinances. The City Council hereby amends Chapter 4, Article 4.02 Alcoholic Beverages, of the City’s Code of Ordinances to add a new *Section 4.02.002 Sale of Alcoholic Beverages Near a Church, Public School, or Public Hospital*, and *Section 4.02.003 Variances to the Sale of Alcoholic Beverages* attached hereto as Exhibit “A” and incorporated herein for all purposes.

Section 3. Repealing All Ordinances in Conflict. All other ordinances or parts of ordinances inconsistent or in conflict herewith, or to the extent of such inconsistency or conflict are hereby amended to the extent of such inconsistency or conflict. In the event of a conflict between this Ordinance and another ordinance of the City, this Ordinance shall control.

Section 4. Savings Clause. This City Council of the City of Manor, Texas does hereby declares that if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this Ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event that it would have passed and ordained any and all remaining portions of this Ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declare that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

Section 5. Severability. If any provision of this Ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or

applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 6. Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

Section 7. Effective Date. This Ordinance shall take effect immediately upon its adoption by the City Council and publication as required by the Local Government Code.

PASSED AND APPROVED on this the ____ day of April, 2023.

ATTEST:

THE CITY OF MANOR, TEXAS

Lluvia T. Almaraz, City Secretary

Dr. Christopher Harvey, Mayor

Exhibit "A"

Sec. 4.02.002 Sale of Alcoholic Beverages Near a Church, Public or Private School, or Public Hospital

- (a) The sale of alcoholic beverages within 300 feet of a church, public or private school, or public hospital is prohibited.
- (b) The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.
- (c) (1) The measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be from the nearest property line of the public or private school to the nearest doorway by which the public may enter the place of business, along street lines and in a direct line across intersections.
(2) If the permit or license holder is located on or above the fifth story of a multistory building, the measurement of the distance between the place of business where alcoholic beverages are sold and the public or private school shall be in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the permit or license holder is located.
- (d) The provisions in this Section 4.02.002 relating to a public school also apply to a day-care center and a child-care facility as those terms are defined in the Texas Human Resources Code, Section 42.002.
- (e) In this Section 4.02.002, "private school" means a private school, including a parochial school, that offers a course of instruction for students in one or more grades from kindergarten through grade 12; and has more than 100 students enrolled and attending courses at a single location.

Sec. 4.02.003 Variances to the Sale of Alcoholic Beverages

The city council may allow variances to the provisions of section 4.02.002 above if the council determines that enforcement of that section is not in the best interest of the public, constitutes waste or inefficient use of the land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the city council, after consideration of the health, safety and welfare of the public and the equities of the situation, determines is in the best interest of the community.