

ORDINANCE NO. 2022-_____

AN ORDINANCE OF THE CITY OF MONTGOMERY, TEXAS TO APPROVE A LICENSE APPLICATION FOR "THE MONTGOMERY GROVE" LOCATED AT 22016 EVA STREET MONTGOMERY, TEXAS 77356 TO SALE ALCOHOLIC BEVERAGES AND OPERATE AS AN ON-PREMISE ESTABLISHMENT IN ACCORDANCE WITH CITY CODE; PROVIDING FOR PENALTIES; REPEALING ALL OTHER CONFLICTING ORDINANCE PROVISIONS; PROVIDING A SEVERABILITY CLAUSE.

WHEREAS, the City of Montgomery, Texas ("City") received an application for a TABC Wine and Malt Beverage Retail Dealers On-Premises Permit for the "Montgomery Grove" located at 22016 Eva Street, Montgomery, Texas ("Property"); and

WHEREAS, pursuant to Chapter 98-88 of City Code, "Alcoholic beverage sales on premises" requires City Council approval; and

WHEREAS, the building located on the Property does not comply with Sec. 6-61 of City Code building requirements for on-premises establishments; and

WHEREAS, the applicant intends to operate a mobile vending unit for the sale and consumption of alcoholic beverages on-premises; and

WHEREAS, City Council may grant a temporary exception to the requirements under Section 6-61 of City Code to applicant to operate a mobile vending unit for the sale and consumption of alcoholic beverages on-premises and in accordance with the conditions set forth herein.

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

Section 1. The City Council adopts the findings and recitals above as true and correct.

Section 2. The City Council approves the license application subject to the following conditions:

- i. On-premise sale and consumption of alcoholic beverages is restricted to the physical boundaries depicted in Exhibit "A"; and
- ii. Licensee agrees to comply with all applicable state, county, and City codes and regulations; and
- iii. Licensee acknowledges the license is temporary in effect and will automatically expire twelve (12) months after adoption by City Council.

Section 3. Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

Section 4. The provisions of this Ordinance will become effective immediately upon adoption by the City Council and automatically expire twelve (12) months after adoption by the City Council.

Section 5. 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.

PASSED AND APPROVED this the ____ day of _____, 2022.

Sara Countryman, Mayor

ATTEST:

Nicola Browe, City Secretary

APPROVED AS TO FORM:

Alan P. Petrov, City Attorney