

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF SWEENY, TEXAS, AMENDING CHAPTER 113 OF THE CODE OF ORDINANCES OF THE CITY OF SWEENY ENTITLED ALCOHOL SALES; AMENDING SECTION 113.01 ET SEQ, REGULATING THE SALE OF BEER OR MALT BEVERAGES FOR ON OR OFF PREMISES CONSUMPTION, FOR THE SALE OF WINE FOR OFF PREMISES CONSUMPTION; FOR THE SALE OF MIXED BEVERAGES IN A RESTAURANT FOR ON PREMISES CONSUMPTION; PROVIDING A SAVINGS CLAUSE: PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES TO THE EXTENT OF CONFLICT ONLY; AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT AND BE IN FORCE AT THE DATE OF ITS PASSAGE.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF SWEENY, TEXAS:**

Section 1:

Section 113.01 of the Code of Ordinances of the City of Sweeny, Texas, which provides definitions for the regulation of alcohol sales is hereby amended and shall after the effective date of this ordinance read as follows:

Section 113.01 Definitions

Any and all terms used in this Chapter shall, unless otherwise expressly provided herein, be defined as provided in V.T.C.A., Alcoholic Beverage Code, Section 1.01 et seq.

Section 2:

Section 113.02 of the Code of Ordinances of the City of Sweeny, Texas, is hereby amended and shall after the effective date of this ordinance read as follows:

Section 113.02 Retail Sale of Beer and Wine for off premises consumption

The sale of beer or malt beverages and wine for off premises consumption is authorized upon compliance with the terms herein.

Section 3:

Section 113.03 of the Code of Ordinances of the City of Sweeny, Texas, is hereby amended and shall after the effective date of this ordinance read as follows:

113.03 Beer, wine and mixed beverages for On Premises Consumption

The sale of beer or malt beverages, wine and mixed beverages for on premises consumption is permitted in restaurants by food and beverage certificate holders only in accordance with the rules established by the Texas Alcoholic Beverage Commission and Texas Alcoholic Beverage Code.

Section 4:

Section 113.04 of the Code of Ordinances of the City of Sweeny, Texas, is hereby amended and shall after the effective date of this ordinance read as follows:

Section 113.04 Possession or consumption of alcoholic beverages in public places

- (a) It shall be unlawful for any person to possess or consume any alcoholic beverage upon any portion of any public playground or park inside any enclosure, field or stadium where athletic events or practices are being conducted or upon any portion of the campus of any public school in the city, or upon any other property owned or controlled by the city.
- (b) It is an exception to the application of division (a) above if: Alcohol shall be allowed on city-owned or controlled property if and only if the City Council grants a variance for the specific use being proposed or has adopted a written policy which otherwise regulates the possession or consumption of alcohol on the city owned or controlled property.

Section 5:

Section 113.05 of the Code of Ordinances of the City of Sweeny, Texas, is hereby amended and shall after the effective date of this ordinance read as follows:

Section 113.05 Prohibited near church, schools or hospital

- (a) A person may not sell or engage in the business of selling an alcoholic beverage at a place of business that is located within 300 feet of a church or public hospital except as provided in the Alcoholic Beverage Code.
- (b) A person may not sell or engage in the business of selling an alcoholic beverage at a place of business that has a property line located within 1000 feet of any building on a public school campus that is used for the education of students. Any building that is not used for educational purposes shall be excluded from the 1000 foot separation requirement.
- (c) A permit or license holder under Chapter 25 (Wine and beer retailer's permit), and 28 (Mixed beverage permit), of the Texas Alcoholic Beverage Code who does not hold a food and beverage certificate may not sell or engage in the business of selling an alcoholic beverage at a place of business that is located within 300 feet of a day care center or child care facility except as provided in the Texas Alcoholic Beverage Code.
- (d) Distances under this section shall be calculated using the method prescribed by the Texas Alcoholic Beverage Code.

Section 6:

Section 113.06 of the Code of Ordinances of the City of Sweeny, Texas, is hereby amended and shall after the effective date of this ordinance read as follows:

Section 113.06 License and permit fees

- (a) The City does hereby levy a license fee pursuant to the fee schedule of the City of Sweeny on every person permitted by the Texas Alcoholic Beverage Code unless prohibited by state law.
- (b) It shall be unlawful to conduct any unlicensed business to conduct any business in the City for which a license is required by the Texas Alcoholic Beverage Code and this section.
- (c) A permit fee shall be assessed on every person doing business in the City as set forth on the fee schedule of the City of Sweeny on every person permitted by the Texas Alcoholic Beverage Code unless prohibited by state law.
- (d) It shall be unlawful to conduct any unpermitted business to conduct any business in the City for which a permit is required by the Texas Alcoholic Beverage Code and this section.

Section 7:

Section 113.07 of the Code of Ordinances of the City of Sweeny, Texas, is hereby amended and shall after the effective date of this ordinance read as follows:

113.07 Penalty

- (a) Any person, firm or corporation who commits any of the following shall be guilty of a
 - (1) Any violation of this chapter; or

(2) Providing false information to a city official concerning licensing or permitting under this chapter or compliance with this chapter.

(b) Each day or portion of a day during which any violation occurs or continues shall be a separate offense.

Section 8:

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict only. Sections of the alcohol ordinance of the City not amended herein, shall remain in full force and effect.

Section 9:

If any part or portion of this ordinance shall be determined to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair any remaining portions or provisions of this ordinance

PASSED AND ADOPTED this ____ day of _____, 2023.

DUSTY HOPKINS, Mayor

ATTEST:

KAYDI SMITH, City Secretary