

ORDINANCE 2016-0610

AN ORDINANCE OF THE CITY OF HARDIN, TEXAS, PROVIDING RULES AND REGULATIONS FOR ALCOHOL SALES FOR THE LEGAL SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION ONLY; PROVIDING PERMIT REQUIREMENTS FOR THE SAME; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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WHEREAS, the citizens of the City of Hardin, Texas (“City”) recently approved “the legal sale of beer and wine for off-premise consumption only” at an election on May 7, 2016; and

WHEREAS, the City Council of the City of Hardin is recommending the creation of rules and regulations regulating to the sale of alcohol within the city limits of the City of Hardin; and

WHEREAS, section 109.33 of the Texas Alcoholic Beverage Code authorizes the City by ordinance to prohibit the sale of alcoholic beverages within 300 feet of a church, public school, private school, or public hospital; and

WHEREAS, section 109.331 of the Texas Alcoholic Beverage Code authorizes the City by ordinance to prohibit the sale of alcoholic beverages within 300 feet of a day-care center or child-care facility; and

WHEREAS, the City Council of the City finds that the following regulations are necessary in order to protect public health, safety, and general welfare; and

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

Section 1. That the facts found in the preamble are true and correct and incorporated herein for all purposes.

Section 2. The following words and terms used in this Ordinance shall have the meaning set forth in the Texas Alcoholic Beverage Code and the Texas Human Resources code, except where the context clearly indicates a different meaning.

Section 3. APPLICATION, PERMIT, AND FEE REQUIRED; RENEWAL REQUIRED.

1. Any person or entity that desires to sell beer and wine for off-premise consumption shall complete an Alcohol Permit Application as promulgated by the City and provide all requested documents as part of the application. The

applicant shall also pay to the City a fee in the amount of one-half the fee established by the state for such off-premise sales.

2. The City shall issue a permit to the applicant to sell beer and wine for off-premise consumption only if all the provisions of this Ordinance, all other City ordinances, and all provisions of state law are met.
3. Permits issued under this chapter shall be renewed with the City no later than the fifteenth day (15th) day after the date a state permit or license is renewed. Renewal permits require the completion and submission to the City of an Alcohol Permit Application. If the City approves an Alcohol Permit Application, the City shall issue a renewal permit to the applicant after the applicant pays to the City a fee of one-half the state fee for each permit issued for premises located within the City.

Section 4. SALE OF ALCOHOLIC BEVERAGES PROHIBITED NEAR PUBLIC SCHOOLS, PRIVATE SCHOOLS, CHURCHES, PUBLIC HOSPITALS, DAY CARE CENTERS, AND CHILD CARE FACILITIES.

1. It shall be unlawful for any dealer to sell alcoholic beverages from or at a place of business within this city within 300 feet of a public school, private school, church, public hospital, day care center, or child care facility.
2. The measurement of the distance between the places 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 door to front door and in direct line across intersections.
3. The measurement of the distance between the places 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, day care center, or child care facility to the property line of the place of business and in a direct line across intersections.

Section 5. PENALTIES

Any person who violates or causes, allows or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500.00) unless such violation is governed by fire safety, zoning, or public health and sanitation including dumping of refuse in which case the fine amount shall not be more than two thousand dollars (\$2,000.00), except where state law provides otherwise, in which case the range of fine shall be as provided by in such state law. Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

Section 6. SEVERABILITY

In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Hardin, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

Section 7. EFFECTIVE DATE

This Ordinance shall become effective immediately and enforceable when published as required by law.

PASSED, APPROVED, and ADOPTED this 13th day of June, 2016.

Original Signature on File
Stephanie Blume, Mayor

ATTEST:

Original Signature on File
Lana Webb, City Secretary