

**ORDINANCE NO. 2020-19**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF JERSEY VILLAGE “ALCOHOLIC BEVERAGES”, BY AMENDING SECTION 6.7 “CONSUMPTION PROHIBITED BETWEEN CERTAIN HOURS AT CERTAIN PLACES” TO ALLOW FOR CONSUMPTION AND SALES AT TIMES AND LOCATIONS IN ACCORDANCE WITH THE TEXAS ALCOHOLIC BEVERAGE CODE; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR PUBLICATION; AND, PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Texas Alcoholic Beverage Commission (the “TABC”) allows for the holders of certain permits to sell and serve alcohol at certain times and locations that may be in conflict with certain provisions of the Code of Ordinances of the City of Jersey Village; and

**WHEREAS**, the TABC allows for the consumption of alcohol at certain times and locations that may be in conflict with certain provisions of the Code of Ordinances of the City of Jersey Village; and

**WHEREAS**, the City Council of the City of Jersey Village desires that the Code of Ordinances of the City of Jersey Village should be amended to be in accordance with the TABC’s rules; and **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE:**

**SECTION 1. THAT**, the City Council of the City of Jersey Village, Texas (the “City Council”) hereby finds and determines that the statements set forth in the preamble of this Ordinance are true and correct and are incorporated herein for all purposes.

**SECTION 2. THAT**, Section 6-7 of the Code of Ordinances, City of Jersey Village, Texas is hereby amended by deleting the language shown below in struckthrough (~~deleted~~) and by adding thereto the language shown below as underscored and boldfaced (**added**) as follows:

**“Sec. 6-7. - Consumption prohibited between certain hours at certain places.**

**(a) Unless otherwise permitted by this section**, it shall be unlawful, between the hours specified in section 6-6, for any person to consume any alcoholic beverage ~~at any of the places designated in this section~~ **place** within the corporate limits of the city, or for any person who owns, operates, manages, or is in charge of any such place, either personally or by agent, servant, or employee, or for any agent, servant, or employee of any such person, to permit the consumption of any alcoholic beverage during such hours at any of the ~~places designated in this section~~ **following places** within the corporate limits of the city:

- (1) On the premises of any ~~person holding or required to have~~ **property for which a person is required to hold or have** a license under and by virtue of the Texas Alcoholic Beverage Code ~~and/or~~ or the ordinances of the city, **except as provided herein**;**

- (2) At any restaurant, café, or eating establishment;
- (3) At any public dancehall;
- (4) At any public house of amusement; or,
- (5) At any railway, interurban, or bus station, terminal, or depot.

**(b) Where the prohibitions on times and locations of consumption or sales provided in section 6-6 and section 6-7(a) conflict with the allowable hours and locations for consumption and sales provided for certain permit holders in the Texas Alcoholic Beverage Code Chapter 105, et. seq., the Texas Alcoholic Beverage Code shall apply.”**

**SECTION 3. THAT**, any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed two thousand dollars (\$2,000), with each day of violation constituting a separate offense.

**SECTION 4. THAT**, 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 or ordinances 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 declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**SECTION 5. THAT**, the City Council hereby directs the City Secretary to publish the caption of the Ordinance as required under and according to State law.

**SECTION 6. THAT**, this Ordinance shall be in full force and effect upon the date of its passage by the City Council.

**PASSED AND APPROVED THIS 17TH DAY OF AUGUST 2020.**

**S/ANDREW MITCHAM, MAYOR**

**ATTEST:**

**S/LORRI COODY, CITY SECRETARY**

