

ORDINANCE NO. 2017-03-13-A

AN ORDINANCE OF THE CITY OF RANGER, TEXAS, ADOPTING EXTENDED OPERATING HOURS FOR LAWFULLY PERMITTED SELLERS OF MIXED ALCOHOL BEVERAGES; AUTHORIZING PERMIT AND FEE REQUIREMENTS; PROVIDING A PENALTY CLAUSE, AND AN EFFECTIVE DATE OF THIS ORDINANCE.

WHEREAS, the City of Ranger, Eastland County, Texas (City) is a home rule municipality acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, it is intent of the City of Ranger to protect the health, safety and welfare and wellbeing of its citizens; and

WHEREAS, the municipal offices of the City perform certain functions related to the preservation of health, safety and general welfare of its citizens; and

WHEREAS, in November 2016, a local option election was held in the City of Ranger, Texas for the purpose of authorizing the legal sale of all alcoholic beverages including mixed beverages; and,

WHEREAS, the majority of those voting in the local option election voted in favor of authorizing the sale of all alcoholic beverages including mixed beverages; and,

WHEREAS, pursuant to § 105.03 TEXAS ALCOHOL BEVERAGE CODE and existing Texas Alcoholic Beverage Commission ("TABC") rules and regulations, the holder of a mixed beverage permit may sell mixed beverages between 7:00 a.m. and midnight on any day except Sunday and on Sunday may sell mixed beverages between 12:00am and 1:00am, and between 10:00am and midnight; and,

WHEREAS, the holder of a mixed beverage "late hours permit" issued by TABC may sell mixed beverages on Sunday between 1:00 am and 2:00am, and on any other day between 12:00am and 2:00am; and,

WHEREAS, Section 105.03(d) of the Texas Alcoholic Beverage Code requires that the governing body of the City must adopt the extended hours by Ordinance before a mixed beverage permit holder may operate during extended hours; and,

WHEREAS, there is a request from mixed beverage and private club permit holders in the City to operate during extended hours; and,

WHEREAS, the City Council has determined that it is in the best interest of the City and its citizens to adopt extended hours for mixed beverages or private club permit holders located in the City.

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

SECTION 1. FINDINGS AND AUTHORIZATION.

The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The Mayor, or the Mayor's designee, is hereby authorized and directed to implement the applicable provisions of this Ordinance.

SECTION 2. "ALCOHOL SALES"

- A) The holder of a mixed beverage late hours permit issued by the state may offer mixed beverages for sale in the corporate city limits of the City of Ranger, Texas on Sunday between the hours of 1:00 a.m. and 2:00 a.m. and on any other day between the hours of 12:00 a.m. and 2:00 a.m. in accordance with the State Alcoholic Beverage Code.

- B) No person shall sell mixed beverages between 1:00 a.m. and 2:00 a.m. on Sunday, and on any other day between 12:00 a.m. and 2:00 a.m. within the corporate city limits of the City of Ranger, Texas without first paying the appropriate fee to the City secretary and obtaining a City certification of the adopted mixed beverage late hours Ordinance on the state permit application. The fee shall be equal to one-half of the fee charged by the state for a mixed beverage late hours permit. Following payment of the fee, the City secretary shall certify on an appropriate state form that the City has authorized by Ordinance the sale of mixed beverages between midnight and 2:00am. The certification for that location will be valid for a period of one year. Such permit fee shall be paid to the City secretary annually.

SECTION 3. PENALTY PROVISION.

Any person, firm, corporation or entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of FIVE HUNDRED DOLLARS (\$500.00) or other such penalty as authorized by state law. Each continuing day violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude the City of Ranger from filing suit to enjoin the violation. The City of Ranger retains legal rights and remedies available to it pursuant to local, state and federal law.

SECTION 4. SEVERABILITY.

If for any reason any section, paragraph, subdivision, clause, phrase or provision of this Ordinance shall be held invalid, it shall not affect any valid provisions of this or any other Resolution or Ordinance of the City of Ranger to which these rules and regulations relate.

SECTION 5. REPEALER.

To the extent any other Ordinance or Resolution is inconsistent with the provisions herein it is hereby repealed and superseded by the provisions herein.

SECTION 6. RECITALS.

The City Council hereby finds and declares all precatory language herein to be true and correct and approves and adopts the same herein as part of this Ordinance.

SECTION 7. PUBLICATION

The City Secretary is hereby directed to publish the caption of this Ordinance in a newspaper of general circulation.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall take effect from and after the date of its publication in a newspaper of general circulation.

FIRST READING PASSED AND APPROVED, FEBRUARY 13, 2017.

SECOND READING PASSED AND ADOPTED, this the 13TH day of MARCH, 2017.

CITY OF RANGER, TEXAS

ATTEST:


Jamie Steinman, City Secretary




Joe Pilgrim, Mayor