

ORDINANCE NO. 302-91

AN ORDINANCE AMENDING CHAPTER 12, SECTION 2, ZONING DISTRICTS AND BOUNDARIES, OF THE CODE OF THE CITY OF WILLOW PARK, TEXAS, RELATING TO THE LOCATION OF PRIVATE CLUBS IN ALL DISTRICTS; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR PENALTY; PROVIDING FOR PUBLICATION; AND, PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WILLOW PARK, TEXAS:

I.

CHAPTER 12, SECTION 2, of the Code of the Ordinances, City of Willow Park, Texas, is hereby amended by adding Section 2.09 which section is to read as follows:

SECTION 2.09 LOCATION OF PRIVATE CLUBS

(1) In all districts, a person commits an offense if such persons operates or causes to be operated a Private Club licensed by the Texas Alcoholic Beverage Commission as part of any business within 350 feet of:

- (a) A Church;
- (b) A public or private elementary or secondary school
- (c) Residentially zoned property, or;
- (d) A public park.

2. A person commits an offense if such operates or causes to be operated such a private club within 350 feet another such club.

3. For the purposes of subparagraph 1 above measurements shall be made in a straight line, without regard to intervening structures or objects from the nearest portion of the building or structures or objects or property, used as a part of the premises where a private club is conducted, to the nearest property line or the premises of a church, or public or private elementary or secondary school, or to the nearest boundary of an affected public park or residential zoning district.

4. For purposes of subparagraph 2 above, the distance between any two businesses containing private clubs shall be measured in a straight line, without regard to intervening structures or objects from the closest exterior wall of the structure in which such businesses are located.

II.

All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

III.

Should any section, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

IV.

Wherever in this Ordinance an act is prohibited or made or declared to be unlawful or an offense or a misdemeanor, or wherever the doing of an act is required or the failure to do an act is act is declared to be unlawful, the violation of any such provision of this ordinance shall be punished as provided in Chapter 1, Section 1F of the Code of the City of Willow Park, Texas, for each offense or for each day such offense shall continue if it is one classified as a continuing offense. No penalties shall be greater than the penalty provided for the same or similar offense under the laws of the State of Texas.

V.

This ordinance shall be in full force and effect from and after the date of its passage and publication as required by law.

PASSED AND ADOPTED this the 20th day of August, 1991.

APPROVED:

Sharon Riley Suarez
SHARON SUAREZ, Mayor

ATTEST:

Kathy Mitchell
City Secretary

APPROVED

Walter W. Leonard
WALTER W. LEONARD, City Attorney