

CITY OF WILLOW PARK

ORDINANCE NO. 722-15

AN ORDINANCE PROVIDING AUTHORIZATION TO AMEND CHAPTER 4, "BUSINESS REGULATIONS" MUNICIPAL CODE OF ORDINANCES BY ADDING A NEW ARTICLE 4.1100 "ALCOHOL SALES" THAT AUTHORIZES LATE HOURS SALES FOR LAWFULLY PERMITTED SELLERS OF MIXED ALCOHOL BEVERAGES; SETTING PERMIT AND FEE REQUIREMENTS; PROVIDING A PENALTY CLAUSE, AND AN EFFECTIVE DATE

WHEREAS, the City of Willow Park, Texas (City) is a general law municipality located in Parker County, created in accordance with the Laws of the State of Texas; and

WHEREAS, it is intent of the City of Willow Park to protect the health, safety and welfare and well being 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 2005, a local option election was held in the City of Willow Park, Texas for the purpose of authorizing the legal sale of alcoholic beverages; and,

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

WHEREAS, pursuant to § 105.03 TEX 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.

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 WILLOW PARK THAT:

SECTION 1. AUTHORIZATION.

The Mayor, or the Mayor's designee, is hereby authorized and directed to implement the applicable provisions of this Resolution.

SECTION 2. AMENDMENT

Chapter 4, "BUSINESS REGULATIONS" is amended by adding a new ARTICLE 4.1100, as follows:

"ARTICLE 4.1100 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 Willow Park, 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 Willow Park, 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.

- c) Any person, firm or corporation found to be violating any term or provision of this Ordinance shall be subject to a fine in accordance with Section 1.105 of the Municipal Code of Ordinances for each offense. Every day a violation continues, shall constitute a separate offense.

SECTION 3. 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 Willow Park to which these rules and regulations relate.

SECTION 4. 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 5. 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 6. PUBLICATION

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

SECTION 7. EFFECTIVE DATE.

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

PASSED AND APPROVED this 19th day of November, 2015.

/s/ Richard Neverdousky
Mayor

ATTEST:

/s/ _____
City Secretary/Clerk

APPROVED AS TO FORM:
/s/ [Signature]
City Attorney

The Willow Park City Council in acting on Ordinance No. 722-15, did on the 19th day of November, 2015 did vote as follows:

	<u>FOR</u>	<u>AGAINST</u>
Richard Neverdousky, Mayor	_____	_____
Brian Thornburg, Place 1	✓ _____	_____
Gene Martin, Place 2	✓ _____	_____
Greg Runnebaum, Place 3	✓ _____	_____
James E. Mullins, Place 4	✓ _____	_____
Tim Griffiths, Place 5	✓ _____	_____