

REPEALED
Date 2/10/22

ORDINANCE NO. 338

LATE HOURS PERMIT

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEVEN POINTS, TEXAS; TO REPEAL ORDINANCE NO. 330 AND AMEND CHAPTER 4, SECTION 5 C. 1 AND D. 1-2 (ALCOHOLIC BEVERAGES, HOURS OF SALE); PROVIDE FOR LATE HOURS PERMITS; PROVIDE FOR AN EFFECTIVE DATE; PROVIDE FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDE FOR A SEVERABILITY CLAUSE; AND PROVIDE FOR A PENALTY AS PROVIDED FOR IN CHAPTER 1, SECTION 5 OF THE CODE OF ORDINANCES AS AMENDED BY ORDINANCE NO. 188 FOR VIOLATIONS THEREOF.

WHEREAS, the City of Seven Points, Texas finds it to be in the interest of the City to re-establish Late Night Hours Permits for the sale of alcoholic beverages;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEVEN POINTS, TEXAS;

1. Definitions.

(a) Late Night Hours. Late Night Hours, for purposes of this Ordinance, shall mean the time between the hours of 12 midnight and 2:00 a.m.

(b) Alcoholic Beverage. Any drink, liquor or brew containing alcohol as the active agent.

2. Amendment.

(a) Sections 5 (C)(1) and 5 (D)(1) of Ordinance No. 330 of the City of Seven Points Code of Ordinances are hereby amended regarding the service of Alcoholic Beverages during Late Night Hours. The content and regulations found in these Sections regarding late night service of alcohol are hereby re-established in their entirety allowing for serving Alcoholic Beverages within the City of Seven Points, Texas between midnight and 2:00 a.m., Sunday through Saturday.

3. Permits. Late Night Hours Permits will be issued by the City following the passage of this Ordinance.

4. Penalty. Any person found to be in violation of this Ordinance shall be issued a citation punishable up to a fine of \$500.00. Any such individual found to be in violation of this Ordinance shall be issued a separate citation for each offense.

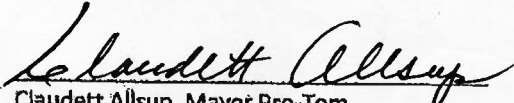
5. Repealer. All Ordinances or portions thereof in conflict with the provisions of this Ordinance, to the extent of such conflict, are hereby repealed. To the extent that such Ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

6. Severability. Any word, sentence, clause, paragraph or provision of this Ordinance held to be invalid or unconstitutional by a court of competent jurisdiction shall not affect the validity of the remaining provisions of this Ordinance, which shall remain in full force and effect.

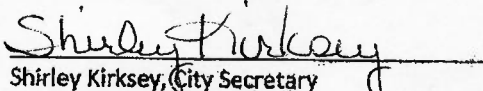
7. **Effective Date.** This Ordinance shall take effect after being passed and approved by the City Council of the City of Seven Points, Texas and published as required by law.

Duly PASSED and APPROVED by the City Council of the City of Seven Points, Texas on this 8th day of December, 2011.

APPROVED BY:

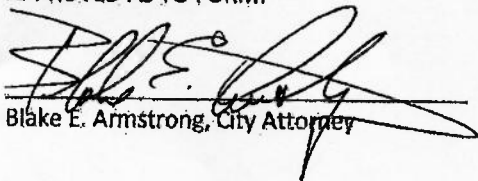

Claudett Allsup, Mayor Pro-Tem

ATTEST:


Shirley Kirksey, City Secretary



APPROVED AS TO FORM:


Blake E. Armstrong, City Attorney

REPEALED
Date 12-08-2011
338

See
Ord # 330 &
Ord # 338

ORDINANCE NO. 236

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF SEVEN POINTS, TEXAS; TO AMEND CHAPTER 4, SECTION 1 OF THE CODE OF ORDINANCES (DANCE PERMITS); TO AMEND CHAPTER 4, SECTION 5 OF THE CODE OF ORDINANCES (ALCOHOLIC BEVERAGES, HOURS OF SALE); PROVIDE FOR LATE HOURS PERMITS; PROVIDE FOR AN EFFECTIVE DATE; PROVIDE FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDE FOR A SEVERABILITY CLAUSE; AND PROVIDE FOR A PENALTY AS PROVIDED FOR IN CHAPTER 1, SECTION 5 OF THE CODE OF ORDINANCES FOR VIOLATIONS THEREOF.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SEVEN POINTS, TEXAS:

SECTION I

THAT CHAPTER 4, SECTION 1 OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

(DANCE PERMIT)

- G. Each application for a dance permit, as required by the CODE OF ORDINANCES, shall require an annual license fee of fifty dollars (\$50.00) which shall be payable to the City of Seven Points, and this annual fee shall be paid each year on the anniversary of a dance permit issued to any person, firm, or corporation in the City of Seven Points, Texas. Such permit shall be non-refundable and nontransferable.

SECTION II

THAT CHAPTER 4, SECTION 5 OF THE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SECTION 5: ALCOHOLIC BEVERAGES, HOURS OF SALE

C. HOURS OF SALE; MIXED BEVERAGES (SEC.105.03 ALCOHOLIC BEVERAGE CODE)

- (1) A mixed beverage permittee may sell and offer for sale mixed beverages between 7 a.m. and midnight on any day except Sunday. On Sunday he may sell mixed beverages between midnight and 1:00 a.m. and between noon and midnight, except that an alcoholic beverage, as defined in the Alcoholic Beverage Code and amended by Chapter 934 of the 73rd Legislature, served to a customer between 10 a.m. and 12 noon on Sunday may be provided during the service of food to the customer. A holder of a late hours permit (Chapter 1, Section 7 of the Code of Ordinances) may also sell mixed beverages between the midnight and 2:00 a.m. on any day.

D. HOURS OF SALE OF BEER AND WINE FOR ON-PREMISE CONSUMPTION ARE HEREBY MODIFIED AS FOLLOWS:

(1) HOURS OF SALE: BEER (AS PER SEC. 105.05 OF ALCOHOLIC BEVERAGE CODE)

(a) Retail establishments and persons, holding a valid license under the Texas Alcoholic Beverage Code for On-Premise consumption may sell, offer for sale, or deliver beer between 7:00 a.m. and midnight on any day except Sunday, and on Sunday between midnight and 1:00 a.m. and between noon and midnight. A holder of a late hours permit (Chapter 1, Section 7 of the Code of Ordinances) may also sell beer between midnight and 2:00 a.m. on any day.

(2) Should any provision within this Ordinance be in conflict with the laws of the State of Texas or the Texas Alcoholic Beverage Code then, and only then, shall the laws of the State of Texas or the Texas Alcoholic Beverage Code control.

**SECTION V
SEVERABILITY CLAUSE**

Should any section or provision of these amendments to the **CODE OF ORDINANCES** be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the **CODE OF ORDINANCES** as a whole, or any part thereof other than the part declared to be unconstitutional.

(Amending Ordinance No. 217 January 11, 1994)

**SECTION VI
EFFECTIVE DATE**

This ordinance will take effect November 14, 1995 from and after its passage and the publication of the caption, as the law in such cases provides,

PASSED AND APPROVED on this the 14th day of November, 1995

by the City Council of the City of Seven Points, Texas.

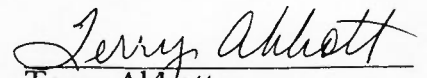
APPROVED:



Mayor, Marian Hill

ATTEST:





Terry Abbott
City Secretary

ORDINANCE NO. 330

AN ORDINANCE AMENDING ORDINANCE NUMBER 236; PROVIDING FOR A PROHIBITION REGARDING THE SERVICE OF LATE NIGHT HOUR ALCOHOLIC BEVERAGES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; A PENALTY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

WHEREAS, the City of Seven Points, Texas finds it to be in the interest of its citizens, and in order to protect the general health, welfare, and safety of its citizens, to prohibit the sale of Alcoholic Beverages during Late Night Hours;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Seven Points, Texas:

1. Definitions.

(a) *Late Night Hours.* Late Night Hours, for purposes of this Ordinance, shall mean the time between the hours of 12 midnight and 2:00 a.m.

(b) *Alcoholic Beverage.* Any drink, liquor, or brew containing alcohol as the active agent.

2. Amendment.

(a) Sections 5(C)(1) and 5(D)(1) of Ordinance No. 236 of the City of Seven Points Code of Ordinances are hereby amended regarding the service of Alcoholic Beverages during Late Night Hours. The content and regulations found in these Sections regarding late night service of alcohol are deleted in their entirety and amended with the following regulations and prohibitions found in subsection (b) below.

(b) Individuals, groups, entities, or any business establishment shall be prohibited from serving Alcoholic Beverages within the City of Seven Points, Texas during Late Night Hours, that being between 12 midnight and 2:00 a.m. Sunday though Saturday.

3. **Grandfather Policy.** Individuals, groups, entities and/or business establishments validly operating with a Late Night Hours Permit as of the passing of this Ordinance, shall be allowed to continue such service. Renewal of any such existing permit shall be \$75.00. However, once and if such an individual, group, entity and/or business establishment is sold, transferred, and/or assigned to a third party, the prohibitions against Late Night Hours service of Alcoholic Beverages found within this Ordinance shall apply and be in full force and effect as to the third party assuming ownership of said establishment.

4. **Permits.** No new Late Night Hours Permits will be issued by the City following the passage of this Ordinance.

5. **Penalty.** Any person found to be in violation of this Ordinance shall be issued a citation punishable up to a fine of \$500.00. Any such individual found to be in violation of this Ordinance shall be issued a separate citation for each offense.

6. **Repealer.** All Ordinances or portions thereof in conflict with the provisions of this Ordinance, to the extent of such conflict, are hereby repealed. To the extent that such Ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

7. **Severability.** Any word, sentence, clause, paragraph, or provision of this Ordinance held to be invalid or unconstitutional by a court of competent jurisdiction shall not affect the validity of the remaining provisions of this Ordinance, which shall remain in full force and effect.

8. **Effective Date.** This Ordinance shall take effect after being passed and approved by the City Council of the City of Seven Points, Texas and published as required by law.

Duly PASSED and APPROVED by the City Council of the City of Seven Points, Texas on this 10 day of June, 2008.

APPROVED BY:

[Signature]
_____, Mayor

ATTEST:

[Signature]
_____, City Secretary



APPROVED AS TO FORM:

[Signature]
Blake E. Armstrong, City Attorney