

ORDINANCE NO. 2022-0328-01

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF TROUP, TEXAS AMENDING SECTION 4.07.003(A) (SALE OF ALCOHOLIC BEVERAGES PROHIBITED NEAR PUBLIC SCHOOLS, PRIVATE SCHOOLS, CHURCHES OR HOSPITALS); SECTION 4.07.004(A) (SALE OF ALCOHOLIC BEVERAGES PROHIBITED NEAR DAY CARE CENTERS AND CHILD CARE FACILITIES; EXCEPTION); AND SECTION 4.07.005 (CONSUMPTION OF ALCOHOLIC BEVERAGES AND POSSESSION OF AN OPEN CONTAINER NEAR PUBLIC OR PRIVATE SCHOOLS); EXCEPTION) OF THE CITY OF TROUP CODE OF ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Troup, Texas has previously passed regulations concerning the sale of beer, wine, mixed beverages and pre-packaged alcoholic beverages for sale and consumption within the city limits of Troup; and

WHEREAS, the City Council has previously identified particular zoning districts wherein said sales are allowed; and

WHEREAS, the City Council has additionally placed distance restrictions for the sale of alcoholic beverages; and

WHEREAS, the City Council now finds that said regulations previously passed and codified in the Troup Code of Ordinances should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF TROUP, TEXAS AS FOLLOWS:

**I.
AMENDMENTS**

A. Section 4.07.003(A) (SALE OF ALCOHOLIC BEVERAGES PROHIBITED NEAR PUBLIC SCHOOLS, PRIVATE SCHOOLS, CHURCHES OR HOSPITALS) is hereby amended as follows:

- It shall be unlawful for any dealer to sell alcoholic beverages from or at a place of business within the City within 275 feet of a church or public hospital and within 750 feet of a public or private school, except in the area zoned H (Historic District) the legal sale of mixed beverages, beer and wine for on premise consumption shall be allowed by food and beverage certificate holders, with no such distance requirements being applicable.

B. Section 4.07.004(A) (SALE OF ALCOHOLIC BEVERAGES PROHIBITED NEAR DAY CARE CENTERS AND CHILD CARE FACILITIES; EXCEPTION) is hereby amended as follows:

- It shall be unlawful for any holder of a wine and beer retailer's permit, mixed beverage permit, retail dealer's on premise license or brew pub license who does not hold a food and beverage certificate to sell alcoholic beverages from or at a place of business within the City within 275 feet of a day care or child care facility, except in the area zoned H (Historic District), the legal sale of mixed beverages, beer and wine for on premise consumption shall be allowed by a food and beverage certificate holder, with no such distance requirements being applicable.

C. Section 4.07.005 (CONSUMPTION OF ALCOHOLIC BEVERAGES AND POSSESSION OF AN OPEN CONTAINER NEAR PUBLIC OR PRIVATE SCHOOLS; EXCEPTION) is hereby amended as follows:

A person commits an offense if the person possesses an open container or consumes an alcoholic beverage on a public street, public alley, public sidewalk or public park within 750 feet of the property line of a facility that is a public or private school, including a parochial school that provides all or any part of pre-kindergarten through twelve grade, unless it is on an enclosed outdoor patio attached to and operated by a business having a food and beverage certificate as specified in this Ordinance.

II. SEVERABILITY

Should any phrase, sentence or section of this Ordinance be deemed invalid or illegal by a court or tribunal having jurisdiction, such finding shall not affect the remaining phrases, sentences or sections of this Ordinance.

III. REPEALER

Any ordinance or section(s) of an ordinance in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

IV. PENALTY


A violation of any provision of this Ordinance shall be punishable by a fine not to exceed \$2,000.00. Every day in which a violation occurs shall be considered a separate offense.

V. EFFECTIVE DATE

This Ordinance shall become effective immediately upon its passage and approval by the City Council for the City of Troup, Texas and its publication as required by law.

PASSED AND APPROVED this 28 day of March, 2022 by the City Council for the City of Troup, Texas.

APPROVED BY:



Joe Carlyle, Mayor

ATTEST:



Buffie Deason, City Secretary