

ORDINANCE NO. 08-19

AN ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES OF THE CITY OF COMMERCE, TEXAS RELATING TO RESTRICTIONS ON THE POSSESSION OF OPEN CONTAINER OF ALCOHOLIC BEVERAGES DURING SPECIAL EVENTS IN THE CORRIDOR DISTRICT OF THE CITY OF COMMERCE, TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF COMMERCE, TEXAS:

WHEREAS, the Code of Ordinances of the City of Commerce, Texas currently prohibits the possession of open containers of wine and beer in public streets, parking lots and other public areas within the city limits; and

WHEREAS, the City intends to permit limited possession of such open containers in public areas during special events only within the Corridor District of the City of Commerce, Texas at times and under conditions as may be specified by the City Council; and

WHEREAS, the laws of the State of Texas, permit cities to enact such restrictions and ordinances for the good government, peace, order and welfare of the municipality; and

WHEREAS, it is the intent of this ordinance to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City of Commerce by strictly regulating the circumstances and conditions under which citizens may possess open containers of alcoholic beverages within the city limits.

NOW THEREFORE BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE, TEXAS:

That the Chapter 6, Sec. 6.2 of the Code of Ordinances of the City of Commerce is hereby amended by adding paragraph (c) to provide as follows:

CHAPTER 6.

Sec. 6-2. Possession of open container of alcoholic beverage.

(c) *Public street, parking areas, and other similar outdoor areas.* It shall be unlawful for any person to consume or to have in his/her possession any alcoholic beverages in a on any public street, thoroughfare, sidewalk (except in a licensed sidewalk cafe, or within the defined area of a properly issued boundary extension permit issued by the city manager/designee and operated in strict accordance with the regulations established therefore), or on any public or semi-public

parking facility in the city. The foregoing prohibitions shall not apply in the following areas on the occasions stated:

(1) The Corridor District only, upon approval of the City Manager or his designee for sale and consumption within said District only, of alcoholic beverages associated with a special event. Sale and consumption of alcoholic beverages shall be limited to beer and wine, and permitted by the city manager or designee only under the following conditions:

a. The special event shall be designated by the City Manager or his designee as an event during which temporary sales of beer and wine shall be permitted in outdoor areas. All sales of beer and wine shall be pursuant to policy developed by the City Council, during hours set pursuant to such policy.

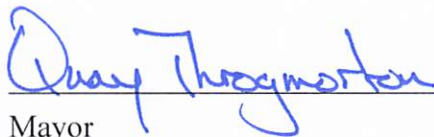
b. The persons responsible for the sale or dispensing of the alcoholic beverages shall comply with all local, state and federal laws related to the sale, dispensing and consumption of alcoholic beverages, including, but not limited to, procuring a license to sell alcoholic beverages from the state.

c. All sales of alcohol shall take place during such special event as specified by the City Manager or designee, and only between the hours of 9:00 a.m. and 11:00 p.m. on Friday and Saturday, 1:00 p.m. and 11:00 p.m. on Sunday, 9:00 a.m. and 1:00 a.m. New Year's Eve and 9:00 a.m. and 10:00 p.m. on any other day.

d. The organizations and persons responsible for the sale or dispensing of the alcoholic beverages shall stop such sale or dispensing upon determination of the City Manager or designee that continued sale and consumption of alcohol creates a clear and present danger of a riot or other general public disorder, and substantial injury to persons or to property.

e. Any organization or persons selling alcoholic beverages for sale or consumption during the special event shall indemnify the city, its elected and appointed officers, employees, agents, and attorneys from any claim for personal injury, including death, or property damage, including destruction, associated with the offering for sale and consumption alcohol beverage during the special event.

READ, PASSED, APPROVED AND AUTHENTICATED the 16th day of Sept., 2008.



Mayor

ATTEST:



City Secretary



City Attorney