

ORDINANCE 2021 - 21

**AN ORDINANCE OF THE CITY OF COMMERCE, TEXAS
AUTHORIZING THE EXTENDED SALE OF ALCOHOL HOURS FOR
CURRENT AND FUTURE ESTABLISHMENTS IN THE CITY OF
COMMERCE; PROVIDING FOR A PENALTY FOR THE VIOLATION
OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY;
PROVIDING A SUNSET DATE; AND PROVIDING FOR AN
EFFECTIVE DATE**

WHEREAS, the City Council of the City of Commerce, Texas (herein the "City") desires to promote and incentivize economic development through the adoption of extended hours for the sale of alcohol; and

WHEREAS, the City is currently a 'standard hours area' for the sale of alcohol under Texas Alcoholic Beverage Code Section 105.06(a)(2), allowing permit holders to sell such alcoholic beverages only at the times designated by Section 105.03(b) and Section 105.05(b); and

WHEREAS, the City Council is the governing body of the incorporated City of Commerce and, as such, can adopt the extended hours of sale provided in Section 105.03 and Section 105.05 of the Texas Alcoholic Beverage Code by ordinance, as authorized by Texas Alcoholic Beverage Code, Chapter 105; and

WHEREAS, the City Council finds that extending establishments sale of alcohol hours, contingent on the requirements set forth in this Ordinance, will reasonably incentivize future development in the City, and

WHEREAS, the City Council finds that it is in the best interest of the City to approve the extended hours for the sale of alcohol;

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

SECTION 1. AMENDMENT. Chapter 6 (Alcoholic Beverages) is hereby amended to reflect the adoption of this Ordinance.

SECTION 2. ADOPTION OF EXTENDED HOURS BY CITY. All establishments in the City limits and in compliance with state laws and City Ordinances may operate with extended hours. The late hours permit holder may hereafter legally offer alcohol for sale between midnight and 2 a.m. on any day, as prescribed by Texas Alcoholic Beverage Code Sections 105.03 and 105.05.

SECTION 3. PENALTY. Any person, firm, association, delegation, or group who violates any provision of this article shall be guilty of a misdemeanor and, upon conviction, shall be punished according to the general penalties in accordance with Section 105.010 of the Texas Alcoholic Beverage Code. Each day any violation continues to exist shall constitute a separate offense.

SECTION 4 INCORPORATION OF RECITALS. The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct, factual and legislative findings of the City, and are fully incorporated into the body of this ordinance.

SECTION 5. NOTICE OF DETERMINATION. It is hereby found, determined and declared that a sufficient notice of the date, hour, place, and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times as required by the Texas Open Meetings Act, Section 551.001, et seq. of the Texas Government Code.

SECTION 6. SEVERABILITY. If any section, paragraph, clause or provision of this Ordinance shall for any reason be found to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 7. SUNSET PROVISION. This ordinance shall continue in effect for two years from the date of final passage and after said two years shall, on July 20, 2023, cease to be of effect, and the permission approved in this ordinance shall expire.

SECTION 8. EFFECTIVE DATE. This Ordinance shall take effect immediately from and after its passage by the City Council of the City of Commerce.

PASSED AND APPROVED on the **FIRST READING** at a regular meeting of the City Council of the City of Commerce, Texas on this the 15th day of June 2021.

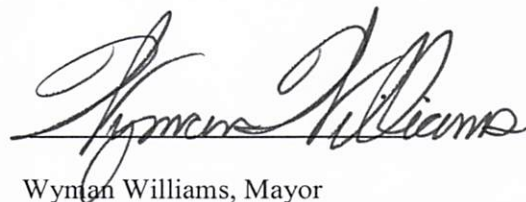
PASSED AND APPROVED on the **SECOND READING** at a regular meeting of the City Council of the City of Commerce, Texas on this the 20th day of July 2021.

ATTEST:

CITY OF COMMERCE:



Molly Jacobsen, City Secretary


Wyman Williams, Mayor

(seal)

(seal)

Approved as to form:

A handwritten signature in blue ink, reading "Charles R. Anderson", written over a horizontal line.

Charles Anderson, City Attorney

I, Molly Jacobsen, City Secretary of the City of Commerce, Texas, do hereby certify that the above is a true and correct copy of an ordinance, and that the same has not been repealed and is in full force and effect.

A handwritten signature in blue ink, reading "Molly Jacobsen", written over a horizontal line.

Molly Jacobsen, City Secretary