

ORDINANCE NO. 2020-11

AN ORDINANCE AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY, TEXAS ENTITLED "ALCOHOLIC BEVERAGES" TO UPDATE VARIOUS PROVISIONS TO BE COMPLIANT WITH STATE LAW; PROVIDING FOR CODIFICATION, PUBLICATION, AND AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. That the Code of Ordinances is hereby amended to AMEND Section 10-2 entitled "*Measurement of distance of place of sale from church, hospital or school.*" by deleting it in its entirety and replacing it with the following language:

Sec. 10-2. - Measurement of distance of place of sale from church, hospital or school.

(a) Churches and public hospitals. The measurement of the distance between a place of business where alcoholic beverages are sold and a church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

(b) Public and private schools. The measurement of the distance between a place of business where alcoholic beverages are sold and a public or private school shall be:

- (1) In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or
- (2) In a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base of the floor on which the business is located if the business is located on or above the fifth story or a multistory building; or
- (3) For any permit or license covering premises on September 1, 1983, pursuant to V.T.C.A Alcoholic Beverage Code § 109.33, the measurement of the distance between the premises and a public or private school shall be along the property lines of the street fronts and from front door to front door, and in a direct line across intersections.

Section 2. That the Code of Ordinances is hereby amended to AMEND Section 10-6 entitled “*Hours of consumption generally.*” by deleting it in its entirety and replacing it with the following language:

Sec. 10-6. - Reserved

Section 3. That the Code of Ordinances is hereby amended to AMEND Section 10-7 entitled “*Hours of consumption for private clubs holding late hour permit.*” by deleting it in its entirety and replacing it with the following language:

Sec. 10-7. - Reserved

Section 4. That the Code of Ordinances is hereby amended to AMEND Section 10-8 entitled “*Possession by minors.*” by deleting it in its entirety and replacing it with the following language:

Sec. 10-8. – Possession by minors.

(a) *Definitions.* For the purposes of this section the following words or terms shall have the meanings ascribed thereto.

Alcoholic beverage shall mean as defined in V.T.C.A., Alcoholic Beverage Code § 1.04, as amended.

Drug shall mean as defined in V.T.C.A., Health and Safety Code, § 481.002, as amended.

Minor shall mean any person under the age of 21 years.

Open party shall mean a social gathering at a residence or premises at which nonfamily or nonrelated persons are present.

Property line shall mean the line along the ground surface, and its vertical extension, which separates the real property owned, leased or occupied by one person from that owned, leased or occupied by another person and the imaginary line which represents the legal limits of property of any person who owns, leases or otherwise occupies an apartment, condominium, hotel or motel room, office or any other type of occupancy.

Residence or premises shall mean a motel room, hotel room, home, apartment, condominium or other dwelling unit, or a hall, meeting room or other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for social functions, and whether owned, leased, rented or used with or without compensation.

(b) Unlawful. It shall be unlawful for any person owning or having possession or control of a residence or premises to allow an open party to take place at such residence or premises if alcoholic beverages or drugs are possessed, consumed, or used by any minor thereat if such person knew or reasonably should have known of the existence of such possession, consumption or use. It shall be a defense to prosecution under this section that such person took reasonable measures to prevent or eliminate any prohibited possession, consumption or use of an alcoholic beverage or drug as set forth herein.

(c) Exceptions. The provisions of this section shall not apply to:

(1) The possession, consumption or use of an alcoholic beverage by a minor while in the presence of such minor's parent, legal guardian, grandparent, spouse, aunt or uncle if such parent, legal guardian, spouse, aunt or uncle is not a minor; or

(2) The possession, consumption or use of a drug by a minor pursuant to a lawful prescription issued by a medical doctor.

(d) Penalty. Any person who shall violate any provision of this section shall be deemed guilty of a class C misdemeanor and upon conviction, shall be fined in an amount not to exceed the maximum amount allowable by law.

Section 5. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 7. Repealer. All other ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 8. Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 9. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. The Ordinance shall take effect upon passage.

PASSED first reading the 14th day of April 2020.

PASSED second reading the ____ day of _____, 2020.

PASSED AND ADOPTED the ____ day of _____, 2020.

PAT HALLISEY
Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

NGHIEM V. DOAN
City Attorney