

**ORDINANCE NO. 3576**

**AN ORDINANCE OF THE CITY OF NORTH RICHLAND HILLS; AMENDING CHAPTER 6, ARTICLE I, ALCOHOLIC BEVERAGES CODE OF ORDINANCES AS THEY PERTAIN TO PERMIT REQUIREMENTS FOR ALCOHOL-RELATED USES; ESTABLISHING A PENALTY; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES AND REPEAL OF CONFLICTING PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, inconsistent language exists between the Comprehensive Zoning Ordinance and Chapter 6, Alcoholic Beverages as it relates to reporting requirements for certain establishments selling alcoholic beverages ; and

**WHEREAS**, an updated set of procedures and standards is being recommended to eliminate duplicate language and consolidate said procedures and standards into Chapter 6; and

**WHEREAS**, the City Council finds that revisions to the ordinance are necessary to protect the public health and safety and provide consistency in permitting and reporting requirements for certain establishments selling alcoholic beverages.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH RICHLAND HILLS, TEXAS, THAT:**

Section 1: The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct and are incorporated herein into this Ordinance.

Section 2: That Chapter 6, Alcoholic Beverages, Article I, In General, Section 6.2, Permit required for certain establishments selling alcoholic beverages, of the North Richland Hills Code of Ordinances shall be amended and restated to read as follows:

**Sec. 6.2. – Zoning compliance.**

- (a) A person may not sell alcoholic beverages and a license or permit to sell alcoholic beverages will not be certified by the City

unless the sale of alcoholic beverages at the location at which such activity is sought to be established and maintained is permitted under the North Richland Hills zoning ordinance, as amended, this chapter, and all other applicable ordinances, rules, and regulations of the City. Certification under this section does not make a nonconforming use conforming.

- (b) The sale of alcoholic beverages is prohibited for any establishment that is also a sexually oriented business.

Section 3: That Chapter 6, Alcoholic Beverages, Article I, In General, of the North Richland Hills Code of Ordinances shall be amended by adding the following:

**Sec. 6-3. – Reporting requirement.**

- (a) The owner, operator, or person in control of an establishment licensed by the State for on-premise alcoholic beverage consumption shall provide sales tax information to the City to verify compliance with zoning regulations no later than April 1<sup>st</sup> of each year. The information must include gross sales for the establishment, gross sales of alcoholic beverages, a copy of the filings supplied to the State of Texas for sales tax, and a copy of any mixed beverage sales tax returns. The information must cover the preceding calendar year.
- (b) The information may be marked ‘confidential’ and limited by the provider to use in enforcement of these requirements.
- (c) Penalty for violation. Any person, firm or corporation violating any provision of this chapter shall be deemed guilty of a misdemeanor and upon final conviction thereof fined in an amount not to exceed the limit set out in Section 1-13. Each day any such violation shall be allowed to continue shall constitute a separate violation punishable hereunder.
- (d) Rights and remedies. All rights and remedies of the city are expressly saved as to any and all violations of the provisions of any ordinances affecting health and safety which have accrued at the time of the effective date of the ordinance from which this section is derived; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected

by this section, but may be prosecuted until final disposition by the courts.

**Secs. 6-4 — 6-30. Reserved.**

- Section 4: Any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed the limit set out in Section 1-13. Each day any such violation shall be allowed to continue shall constitute a separate violation and be punishable hereunder.
- Section 5: This Ordinance shall be cumulative of all provisions of the Code of Ordinances of the City of North Richland Hills, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.
- Section 6: It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the city council without the incorporation in this ordinance of any such invalid phrase, clause, sentence, paragraph or section.
- Section 7: All rights and remedies of the City of North Richland Hills are expressly saved as to any and all violations of the provisions of any ordinances in the Code of Ordinances of the City of North Richland Hills that have accrued at the time of the effective date of this Ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.
- Section 8: The City Secretary is hereby authorized and directed to cause the publication of the descriptive caption and penalty clause of this ordinance two times.
- Section 9: This ordinance shall be in full force and effect upon publication as required by Section 8 herein.

**AND IT IS SO ORDAINED.**

**PASSED AND APPROVED** on this 25th day of March, 2019.

**CITY OF NORTH RICHLAND HILLS**

By: \_\_\_\_\_  
Oscar Trevino, Mayor

**ATTEST:**

\_\_\_\_\_  
Alicia Richardson, City Secretary

**APPROVED AS TO FORM AND LEGALITY:**

\_\_\_\_\_  
Maleshia B. McGinnis, City Attorney

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
Clayton Comstock, Planning Director