

ORDINANCE NO. 2012-3409

AN ORDINANCE AMENDING CHAPTER 1, "GENERAL PROVISIONS" BY AMENDING SECTION 13 "ALCOHOLIC BEVERAGES", B. "POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN NORTHGATE CENTRAL BUSINESS DISTRICT", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That CHAPTER 1, "GENERAL PROVISIONS" be amended by amending SECTION 13 "ALCOHOLIC BEVERAGES", B. "POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN NORTHGATE CENTRAL BUSINESS DISTRICT" of the Code of Ordinances of the City of College Station, Texas, as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this 26th day of April, 2012.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

City Attorney

EXHIBIT “A”

That **CHAPTER 1, “GENERAL PROVISIONS”** be amended by amending **SECTION 13 “ALCOHOLIC BEVERAGES”, B. “POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN NORTHGATE CENTRAL BUSINESS DISTRICT”** of the Code of Ordinances of the City of College Station, Texas and is to read as follows:

B. POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN NORTHGATE CENTRAL BUSINESS DISTRICT.

(1) Regulations Related to Alcohol.

(a) Public Safety. On October 21, 2004, the City Council adopted and declared that open containers and public consumption in the Northgate Central Business District was a risk to the health and safety of the citizens of the City.

(b) TABC Order. On December 20, 2004, the Texas Alcoholic Beverage Commission granted an order giving the City the authority to approve an ordinance regulating open containers and public consumption of alcoholic beverages in the Northgate Central Business District.

(c) Permit for Consumption. On April 26, 2012, the City Council passed ordinance in Chapter 4 “Business Regulations”, Section 21 Northgate Outdoor Dining and Entertainment”, for a business of the Northgate Central Business District to obtain a permit for its customers to publicly consume alcoholic beverages in a specifically defined and permitted public space.

(d) District Defined. The Northgate Central Business District is hereby defined as the area set out on the attached map that was approved by the Texas Alcoholic Beverage Commission Order of December 20, 2004.

(2) Public Consumption and Possession. In the Northgate Central Business District, it shall be unlawful to possess an open container or publicly consume an alcoholic beverage.

(3) A special event providing for alcohol sales and consumption or any area that is an exception to this ordinance shall have a valid permit or license to sell or serve alcoholic beverages issued by the Texas Alcoholic Beverage Commission.

(4) Exceptions.

- (a) Non-City Property.** This ordinance shall not be applicable to buildings not owned or controlled by the City of College Station, residential structures, or licensed premises located in the Northgate Central Business District or the possession of open containers or consumption of alcoholic beverages in motor vehicles.

- (b) Permitted Areas.** This ordinance shall not apply to:
 - (i)** Special Events Permits granted pursuant to Chapter 4 “Business Regulations”, Section 4 “Special Events” of the Code of Ordinances of the City of College Station, or
 - (ii)** Permitted Areas granted pursuant to Chapter 4 “Business Regulations”, Section 21 “Northgate Outdoor Dining and Entertainment” of the Code of Ordinances of the City of College Station.

- (5)** If a person possesses or has in his or her possession an open container specifically made for the purpose of containing an alcoholic beverage or is labeled as containing an alcoholic beverage, it shall be presumed that any content therein is an alcoholic beverage.