

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COPPELL, TEXAS, BY AMENDING THE CODE OF ORDINANCES BY REPEALING CHAPTER 6 “BUSINESS REGULATIONS” ARTICLE 6-16 “ALCOHOLIC BEVERAGES’ IN ITS ENTIRETY AND REPLACING IT WITH A NEW CHAPTER 6, “BUSINESS REGULATIONS’, ARTICLE 6-16 “ALCOHOLIC BEVERAGES’ TO BE IN COMPLIANCE WITH THE TEXAS ALCOHOLIC BEVERAGE CODE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALING CAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY FOR VIOLATION OF THIS ORDINANCE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council for the City of Coppel finds that it is in the best interest of the city to amend its code of ordinances to provide revisions applicable to the Texas Alcoholic Beverage Code; and

**WHEREAS**, the City Council finds that adopting the changes provided herein will benefit the citizens of the City of Coppel.

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

**SECTION 1.** That the Code of Ordinances of the City of Coppel, Texas be and the same is hereby amended by repealing Chapter 6, “Business Regulations”, Article 6-16, “Alcoholic Beverages”, in its entirety, and replacing it with a new Chapter 6, “Business Regulations” Article 6-16 “Alcoholic Beverages” and shall herein read as follows:

**“CHAPTER 6 – BUSINESS REGULATIONS  
ARTICLE 6-16. ALCOHOLIC BEVERAGES**

**Sec. 6-16-1. Purpose and**

- A. The purpose of alcoholic beverage regulations is to protect the public health, safety and public welfare of the citizens within the jurisdiction of the City of Coppel in Dallas and Denton counties.

- B. All references use of words, phrases and terms shall have the same meaning as provided in the Texas Alcoholic Beverage Code.

**Sec. 6-16-2. Hours of Sale.**

- A. No person may sell or offer for sale beer and wine for off-premises consumption after 12 midnight or before 7:00 a.m. except for on Sunday where such legal sale shall not occur after 12:00 midnight or before 12 noon.
- B. No person may sell or offer for sale mixed beverage for on-premise consumption after 2:00 am or before 10:00 am, except that an alcoholic beverage served to a customer on Sunday, must be provided with food and beverage during the hours between 10:00 am and 12:00 noon.

**Sec. 6-16-3. Location**

- A. The sale of beer in residential areas or within residential zoning districts is prohibited.
- B. Alcoholic beverages shall not be sold by a dealer whose place of business is within 300 feet of a church, public or private school, or public hospital. This subsection does not apply to the holder of:
  - 1. A license or permit who also holds a food and beverage certificate covering a premise that is located within 300 feet of a private school; or
  - 2. A license or permit covering a premise where minors are prohibited from entering under Section 109.53 of the Texas Alcoholic Beverage Code, as amended, and that is located within 300 feet of a private school.
- C. A private school may request from the governing body of the City of Coppell that sales be prohibited within 1,000 feet of the property of said school.
- D. The measurement of the distance between the place of business where alcoholic beverages are sold and the church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.
- E. The measurement of the distance between the place of business where alcoholic beverages are sold and the 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. If the permit or license holder is located on or above the fifth story of a multistory building, 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 permit or license holder is located.
- F. Every applicant for an original alcoholic beverage license or permit for a location with a door by which the public may enter the place of business of the applicant that is within 1,000 feet of the nearest property line of a public or private school, measured along street lines and directly across intersections, must give written notice of the application to officials of the public or private school before filing the application with the Texas Alcoholic Beverage Commission. A copy of the notice must be submitted to the commission with the application. This subsection does not apply to a permit or license covering a premise where minors are prohibited from entering the premises.

#### **Sec. 6-16-4. Variance – Location**

The City Council may after a public hearing and a publication of a notice ten days prior to the Hearing in the official city newspaper, allow variances to the provisions of Section 16-6-3B of this article. In consideration of the variance, the City Council shall determine that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

#### **Sec. 6-16-5. Day cares/child care facilities**

Provisions of Section 6-16-2 relating to a public school also apply to a day-care center and a child-care facility as those terms are defined by Section 42.002, Human Resources Code for a permit or license holder under Chapter 25, 28, 32, 69, or 74 who does not hold a food or beverage certificate. This subsection does not apply to a permit or license holder who sells alcoholic beverages if:

1. The permit or license holder and the day-care center or child-care facility are located on different stories of a multistory building; or
2. The permit or license holder and the day-care center or child-care facility are located in separate buildings and either the permit or license holder or the day-care center or child-care facility is located on the second story or higher of a multistory building.

**Sec. 6-16-6. City facilities.**

- A. No person, firm, corporation, or business entity of any land shall sell, store, possess or consume an alcoholic beverage in any city, park, facility or city owned premises, except as provided in this subsection. The term "alcoholic beverage," as that term is used in this article, shall be defined as used in the Texas Alcoholic Beverage Code.
- B. The city manager or designee may, notwithstanding the prohibition in subsection (a) of this section, issue a permit to a person or entity for the consumption, possession and/or sale of alcoholic beverages for on premises consumption, for a period not to exceed 72 consecutive hours, for city facilities or city owned property. For such event, the city manager or designee may grant a special event permit to allow for the consumption, possession, and/or sale of beer and wine by a state licensed vendor or permit holder under the Texas Alcohol Beverage Code in accordance with state law and reasonable conditions as set forth herein.
- C. No permit shall be issued until satisfactory proof has been provided for liability insurance and compliance with the Texas Alcoholic Beverage Code, as amended, and rules issued by the appropriate state agency. The city manager is further authorized to implement such other appropriate safety and control regulations concerning location, hours of operations, security and other appropriate conditions to protect the health, safety and welfare of the general public and event attendees.
- D. The city by resolution may establish an appropriate fee for issuance of such permit.

**Sec. 6-16-7. Penalty**

- A. In addition to any other violations, a person commits an offense if the person, in violations of Section 16-16-2:
  - 1. sells or offers for sale an alcoholic beverage during prohibited hours; or
  - 2. consumes or permits the consumption of an alcoholic beverage on the person's licensed or permitted premises during prohibited hours.
- B. An offense under this section is a Class A misdemeanor.

**SECTION 2:** That all provisions of the Code of Ordinances of the City of Coppell, Texas, in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 3.** That should any word, phrase, paragraph, section or phrase of this ordinance or of the Code of Ordinances, as amended hereby, be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be unconstitutional, illegal or invalid, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 4.** An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

**SECTION 5.** That any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances, as amended hereby, shall be guilty of a misdemeanor and upon conviction in the Municipal Court of the City of Coppell, Texas, shall be subjected to a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense; and each and every day such violation is continued shall be deemed to constitute a separate offense.

**SECTION 6.** That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

**DULY PASSED** by the City Council of the City of Coppell, Texas, this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED:

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KAREN SELBO HUNT

ATTEST:

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CHRISTEL PETTINOS, CITY SECRETARY

APPROVED AS TO FORM:

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ROBERT E HAGER, CITY ATTORNEY