

ORDINANCE NO. 08-01-91

AN ORDINANCE PROHIBITING THE SALE OR SERVICE OF ALCOHOLIC BEVERAGES FOR ON-PREMISES CONSUMPTION NEAR RESIDENCE, CHURCH, PUBLIC SCHOOL OR PUBLIC HOSPITAL; PROVIDING PENALTIES FOR VIOLATION; REPEALING ALL OTHER ORDINANCES IN CONFLICT; PROVIDING FOR PUBLICATION; DECLARING AN EMERGENCY; AND SAVING CLAUSE

BE IT ORDAINED BY THE CITY OF JEWETT, TEXAS:

1. It shall be unlawful for any person, whether a dealer or individual, whose place of business is within 300 feet from a residence, church, public school, or public hospital to sell or serve alcoholic beverages for on-premises consumption.
2. The measurement of the distance shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections.
3. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and the person, or any employee, agent, manager or officer thereof, who is guilty of violating any of the provisions shall, upon conviction thereof, be fined in any amount not to exceed TWO HUNDRED AND NO/100 DOLLARS (\$200.00) for each offense, and every violation of and each and every days failure or refusal to comply with the said provisions will constitute a separate offense.
4. The fact that the sale or service of alcoholic beverages for on-premises consumption near a residence, church, public school, or public hospital endangers the health and welfare of the citizens of the City of Jewett, Texas, and creates an emergency situation requiring mandates for their protection and well-being.
5. This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Jewett providing for the sale or service of alcoholic beverages for on-premises consumption near a residence, church, public school, or public hospital, and shall not operate to repeal or affect any such ordinances or ordinances except insofar as the provisions of such ordinances or ordinance are inconsistent or in conflict with the provisions of this ordinance, in which instance or instances such conflicting provisions in said other ordinance or ordinances shall be and are hereby

repealed.

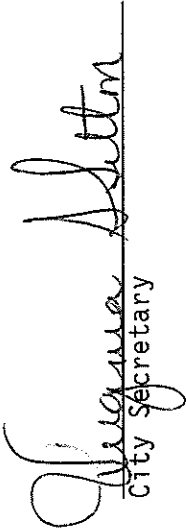
- 6. This ordinance grandfathered any business already licensed and in the daily conduct of business as of the date of passing and approval of this ordinance by the City Council, City of Jewett.
- 7. If any section, clause or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, and all the remainder of this ordinance not so declared to be invalid shall continue to be in full force and effect. The City Council of the City of Jewett, Texas, hereby declares that it would have passed this ordinance and each section, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, sentences, clauses or phrases be declared unconstitutional.
- 8. This ordinance shall be effective from and after its passage and IT IS ACCORDINGLY SO ORDAINED.

PASSED AND APPROVED THIS THE 19th DAY OF AUGUST, 1991.



 MAYOR HERMAN HAMMOND

ATTEST:



 City Secretary