

ORDINANCE NO: 99

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UHLAND TEXAS EXTENDING THE HOURS FOR THE SALE OF BEER AND MIXED BEVERAGES FOR ON- PREMISES CONSUMPTION; PROVIDING FOR PERIODIC REVIEW OF THE EFFECTIVENESS OF THIS ORDINANCE AND ITS IMPACT ON THE COMMUNITY; RESERVING THE CITY'S RIGHT TO REPEAL THIS ORDINANCE PROVIDING FOR AMENDMENT OF CONDITIONAL USE PERMITS PREVIOUSLY ISSUED FOR ON PREMISE CONSUMPTION OF ALCOHOLIC BEVERAGES TO ALLOW THE SALE OF BEER AND MIXED BEVERAGES DURING THE LATE HOURS HEREBY ADOPTED; INCLUDING PROCEDURAL PROVISIONS AND DECLARING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UHLAND TEXAS:

SECTION 1. In this ordinance the terms beer and mixed beverages shall have the same meanings as set forth in 104 of the Texas Alcoholic Beverage Code.

SECTION 2. The extended hours prescribed in 10c055 of the Texas Alcoholic Beverage Code is effective in the City of Umland Texas to allow the holder of a retail dealer's on premise late hours license to sell offer for sale and deliver beer between midnight and 2am on any day.

SECTION 3. The extended hours prescribed in 10c035 of the Texas Alcoholic Beverage Codes are effective in the City of Umland Texas to allow the holder of mixed beverages late hours permit to sell and offer for sale mixed beverages between midnight and 2 a.m. on any day.

SECTION 4. Unless specifically provided otherwise in a conditional use permit at the time of issuance or renewal each valid and unexpired conditional use permits for on-premises consumption of alcoholic beverages granted prior to the adoption of this ordinance shall be deemed amended to authorize the sale of beer or mixed beverages for premises consumption during the extended hours authorized by this ordinance if the holder there of obtains a late hours permit for that location from the Texas Alcoholic Beverage Commission.

SECTION 5. The City Council shall review and consider the effectiveness of this ordinance and its impact on the community at a regular meeting in February 2010 September 2010 and June 2011. The City Council may review this ordinance at any other time it deems appropriate.

SECTION 6. The City of Umland reserves the right to repeal this ordinance at any time This ordinance does not create and shall not be construed to create any enforceable right to the continuation of this ordinance or any right to receive compensation for any loss damages costs or expenses alleged to have been incurred in reliance upon its adoption or suffered as a result of its repeal the authorization to sell beer or mixed

beverages for on- premise consumption during the extended hours adopted by this ordinance under any conditional use permit expires upon the repeal of this ordinance.

SECTION 7. If any words phrase clause sentence or paragraph of this ordinance is held to be unconstitutional or invalid by a court of competent jurisdiction the other provisions of this ordinance will continue in force if they can be given effect without the invalid portion.

SECTION 8. All ordinances and resolutions or parts of ordinances or resolutions in conflict with this ordinance are repealed.

SECTION 9. This ordinance shall become effective upon passage on its adoption on first reading. First reading January 6, 2010. Approved and adopted on January 6, 2010.

ATTEST:

Mayor: Daniel Heideman

City Secretary: Karen Gallaher

