

ORDINANCE NO. 23-14

AN ORDINANCE OF THE CITY OF LYTLE AMENDING THE LOCATION RESTRICTIONS FOR ALCOHOL SALES UNDER CITY OF LYTLE CODE OF ORDINANCES, CHAPTER 4 – ALCOHOLIC BEVERAGES, ARTICLE 1 – IN GENERAL, SECTION 4-1 “LOCATION RESTRICTIONS”; INCORPORATING RECITALS; PROVIDING A REPEALER AND SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Lytle had adopted an ordinance establishing location restrictions for sale of alcoholic beverages for the public interest and to promote the general welfare of the public; and

WHEREAS, the city’s ordinance was intended to conform with the applicable state law and regulations promulgated by the Texas Alcoholic and Beverage Commission (“TABC”); and

WHEREAS, the Texas legislature has subsequently amended the Texas Alcoholic Beverages Code for location restrictions on alcoholic beverage sales and for measuring such location restrictions for hospitals, schools, and residences; and

WHEREAS, City now wishes to revise the City Code to conform with the revised state laws and TABC measurement instructions and standards.

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

Section 1: Recitals. That the foregoing recitals are hereby found to be true and correct findings of the City of Lytle, Texas, and are fully incorporated into the body of this ordinance.

Section 2. Amendment. City of Lytle Code of Ordinances, Chapter 4 – Alcoholic Beverages, Article V – In General, Sections 4-1 Location Restrictions is deleted in its entirety and replaced with the following:

Sec. 4-1. - Location restrictions.

A. An alcoholic beverage dealer is prohibited from selling alcoholic beverages within the city and where the dealer's place of business or any such dealer is located within 300 feet of a church, public or private school, or public hospital.

B. 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. 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.

C. Section 4-1A does not apply to the holder of:

(1) a license or permit holder 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 Texas Alcoholic Beverage Code Section 109.53 and that is located within 300 feet of a private school.

D. In this section, "private school" means a private school, including a parochial school, that:

(1) offers a course of instruction for students in one or more grades from kindergarten through grade 12; and

(2) has more than 100 students enrolled and attending courses at a single location.

SECTION 2. PUBLIC PURPOSE. The City Council finds that the amendments to the city code are in the public interest and are necessary to promote the general welfare.

SECTION 3. INCORPORATING RECITALS. The City Council approves the recitals hereto and incorporates them herein as findings of fact.

SECTION 4. REPEALING ORDINANCES IN CONFLICT AND SAVINGS CLAUSE. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict with all remaining portions not conflicting being saved from repeal herein.

SECTION 5. REMAINDER UNCHANGED. The remainder of Chapter 4 – Alcoholic Beverages Code will remain unchanged by this Ordinance and amendments herein.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void.

SECTION 7. EFFECTIVE DATE. The Ordinance shall be effective immediately following passage by City Council.

SECTION 8. CODE OF ORDINANCES. It is the intention of the City Council of the City of Lytle that this ordinance become a part of the Code of Ordinances of the City of Lytle and may be renumbered and codified therein accordingly.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LYTLE, TEXAS, THIS 27th DAY OF November 2023.

PASSED, APPROVED and ADOPTED this 27th day of November, 2023.



RUBEN GONZALEZ,
MAYOR

ATTEST:



PAOLA RIOS, City Secretary

