



ORDINANCE 2018-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOM BEAN, TEXAS ESTABLISHING AN ORDINANCE PURSUANT TO REGULATIONS IN THE TEXAS ALCOHOLIC BEVERAGE CODE (TABC), ESTABLISHING REGULATIONS FOR THE PURPOSE OF THE SELLING OF BEER AND WINE AND ALCOHOLIC BEVERAGES WITHIN THE CITY, AND THE OBTAINING OF PERMITS AND LICENSES FOR SAID SALE, AND PROHIBITING AREAS FOR SAID SALE AND PERMITTING ARE AS FOR SAID SALE; REGULATING THE SALE OF ALCOHOLIC BEVERAGES NEAR PUBLIC SCHOOLS, PRIVATE SCHOOLS, CHURCHES, DAY-CARE CENTERS AND CHILD-CARE FACILITIES; REGULATING THE SALE OF BEER AND WINE IN RESIDENTIAL AREA; REGULATING THE POSSESSION AND CONSUMPTION OF ALCHOLIC BEVERAGES NEAR PUBLIC OR PRIVATE SCHOOLS, ESTABLISHING PERMITS AND APPLICATION FEES FOR THE PROCESSING AND GRANTING OF PERMITS AND LICENSES TO APPLICANTS AND/OR FEES TO APPLICANTS FOR SAID LICENSES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the existing Code of Ordinances of the City of Tom Bean does not provide sufficient means to regulate the sale of alcohol within the City's limits; and

WHEREAS, City Staff is recommending the creation of rules and regulations relating to the sale of alcohol within the city limits of, the City of Tom Bean; and

WHEREAS, a voter referendum would have to be held permitting "the legal sale of alcoholic beverages within the city limits of the City of Tom Bean, Texas; and

WHEREAS, Section 109.32 of the Texas Alcoholic Beverage Code authorizes the City of Tom Bean, Texas by ordinance to prohibit the sale of beer, wine and alcoholic beverages in residential areas; and

***WHEREAS,** Section 109.33 of the Texas Alcoholic Beverage Code authorizes the City of Tom Bean, Texas by ordinance to prohibit the sale of alcoholic beverages within three hundred (300) feet of a church, public school, private school or a public hospital; and*

***WHEREAS,** Section 109.331 of the Texas Alcoholic Beverage Code authorized the City of Tom Bean, Texas by ordinance to prohibit the sale of alcoholic beverages within three hundred (300) feet of a day-care and/or child-care facility; and*

***WHEREAS,** Section 101.755 of the Texas Alcoholic Beverage Code prohibits the possession of an open container or consumption of an alcoholic beverage on a public street, public alley or public sidewalk within one thousand (1,000) feet of the property line of a public school or private school; and*

***WHEREAS,** the City Council of the City of Tom Bean, Texas has determined that the following regulations are necessary in order to protect public health, safety and welfare; and*

***WHEREAS,** the City Council hereby finds that the creation of rules and regulations relating to the sale of alcohol within the city limits of the City of Tom Bean, Texas is in the best interest of the citizens of the City of Tom Bean, Texas; an*

***WHEREAS,** the City Council finds and declares that the meeting at which this ordinance is considered is open to the public as required by law, and that public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code;*

Sec. 100. General Provisions

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOM BEAN, TEXAS AS FOLLOWS:

That the recitals set forth above are hereby found by the City Council to be true and correct, and are incorporated by references herein and expressly made a part hereof as if copied verbatim.

SALE OF ALCOHOLIC BEVERAGES

Sec. 101. Definitions

- (a) For the purposes of this ordinance, when not inconsistent with the context, words used in the present tense include the future tense, words in the plural include the singular, and worded in the singular include the plural, and the use of any gender shall be applicable to all genders whenever the sense requires. Words and/or phrases not defined in this article shall be given the meaning attributed to them by the Texas Alcoholic Beverage Code, and if not defined therein, the words and/or phrases shall be given their common and ordinary meaning.

(b) For the purposes of this ordinance, the following words, terms, phrases and their derivations shall have the meaning given, except as amended by the Texas Alcoholic Beverage Code:

Alcoholic beverage, means alcohol, or any beverage containing more than one-half (1/2) of one (1) percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted.

Alcoholic beverage permit, an official certificate issued by the City Secretary certifying compliance with this ordinance.

Ale or malt liquor, a malt beverage containing more than four (4) percent of alcohol by weight.

Beer, means a malt beverage containing one-half (1/2) of one (1) percent of more of alcohol by volume and not more than four (4) percent of alcohol by weight, and does not include a beverage designated by label or otherwise by a name other than beer.

Beer and wine retail sales (no drive through), Businesses that engage in the sale of beer, wine and/or malt liquors containing alcohol in excess of one-half (1/2) of one (1) percent by volume but not more than seventeen (17) percent by volume, for off-premise consumption only, with no drive-through facility.

Beer and wine retail sales (drive through), businesses that engage in the sale of beer, wine and/or malt liquors containing alcohol in excess of one-half (1/2) of one (1) percent by volume but not more than seventeen (17) percent by volume, for off-premise consumption only, with a drive-through facility including a drive-up window, drive-through building or any other means of conducting sales without requiring customers to exit their vehicles.

Child-care facility, as those terms are defined by Section 42.002 of the Texas Human Resources Code means a certified facility licensed, certified, or registered by the Department of Family and protective Services to provide assessment, care, training, education, custody, treatment or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility for all or part of the twenty-four (24) hour day whether or not the facility is operated for profit or charges for the services it offers.

Church, religious building; a building for public worship.

City of Tom Bean, shall mean the City of Tom Bean, Texas.

Dealer, as that term is used in Section 109.33 Texas Alcoholic Beverage Code V.T.C.S. and shall include PERSON as that term is defined herein.

Licensee, a person who is the holder of a license provided in this ordinance, or any agent, servant, or employee of that person.

Liquor, means any alcoholic beverage containing alcohol in excess of four (4) percent by weight, unless otherwise indicated. Proof that an alcoholic beverage is alcohol, spirits of wine, whiskey, liquor, wine, brandy, gin, rum, ale, malt, liquor, tequila, mescal, habanero, or barreteago, is prima facie evidence that it is liquor.

Mixed beverage, one or more servings of a beverage composed in whole or part of an alcoholic beverage in a sealed or unsealed container of any legal size for consumption on the premises where served or sold by the holder of a mixed beverage permit.

Neighborhood convenience center, retail establishment which carries convenience goods, such as groceries, drugs, and some variety items, including grocery stores, markets, supermarkets and variety stores.

Off-premise consumption, the sale of sealed alcoholic beverages by an establishment permitted herein for the sale of consumption off-premise.

On-premises consumption, the sale of sealed alcoholic beverages for the consumption in a business establishment as permitted herein.

Open Container, a container that is no longer sealed.

Permittee, a person who is the holder of a permit provided for in this ordinance, or an agent, servant, or employee of that person.

Person, means a natural person or association of natural persons, trustee, receiver, partnership, corporation, organization, and entity or the manager, agent, servant, or employee of any of them.

Pre-packaged alcoholic beverage retail sales (no drive through), businesses that engage in the sale of pre-packaged alcoholic beverages for off-premise consumption, with no drive-through facility.

Pre-packaged alcoholic beverage retail sales (drive through), businesses that engage in the sale of prepackaged alcoholic beverages, for off-premise consumption, with a drive-through facility including a drive-up window, drive-through building or any other means of conducting sales without requiring customers to exit their vehicles.

Private school, means a private school, including a parochial school that:

- (1) offers a course of instruction for students in one (1) or more grades from kindergarten through grade twelve (12); and
- (2) has more than one hundred (100) students enrolled and attending courses at a single location.

Restaurant, a place where meals are prepared and served to the public for consumption on or off the premises.

Texas Alcoholic Beverage Code, means the Texas Alcoholic Beverage Code, as it exists or may be amended.

Wet area, means an area within the corporate limits of the City of Tom Bean where the sale of an alcoholic beverage of a particular type and alcoholic content is lawful in the area.

Wine and vinous liquor, means the product obtained from the alcoholic fermentation of juice of sound ripe grapes, fruits, berries, or honey, and includes wine coolers.

Sec. 102. Permit Required

- (a) A permit from the Texas Alcoholic Beverage Commission is required for any person to exercise any right or privilege granted by the Texas Alcoholic Beverage Code in the City of Tom Bean.

- (b) The City Secretary shall certify whether the location given in the application for a permit is in a wet area and whether the sale of the subject alcoholic beverage for which the permit is sought is allowed by the ordinances of the City of Tom Bean.

Sec. 103. Local Fee(s) Levied

- (a) Unless otherwise exempt by state law, the City Council of the City of Tom Bean shall levy and collect any and all fees authorized by state law for each premises issued a permit within the City of Tom Bean. The fee(s) levied and collected shall be equal to one-half (1/2) the state fee for each permit issued for premises located within the city. Said fee(s) shall be due and payable to the City of Tom Bean immediately upon the issuance or renewal of any permit issued or renewed by the Texas Alcoholic Beverage Commission. The following businesses are exempt from such fee:
 - (1) agent's, airline beverage, passenger train beverage, industrial, carrier's, private carrier's, private club registration, local cartage, storage, and temporary wine and beer retailer's permits;
 - (2) a wine and beer retailer's permit issued for a dining, buffet, or club car; and
 - (3) a mixed beverage permit during the three (3) year period following the issuance of the permit.
- (b) The Texas Alcoholic Beverage Commission, or its administrator, may cancel a permit if, among any other lawful reason, it finds that the permittee has not paid a fee levied under this Section.
- (c) A permittee who sells an alcoholic beverage without first having paid a fee levied under this section commits a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00).
- (d) The Texas Alcoholic Beverage Commission, or its administrator, may cancel or deny a permit for the retail sale or service of alcoholic beverages, including a permit held by the holder of a food and beverage certificate, if, among any other lawful reason, it finds that the permit holder or applicant has not paid delinquent ad valorem taxes due on that permitted premises or due from a business operated on that premises to any taxing authority in the county of the premises.

Sec. 104. City Permit Compliance Fee

- (a) Upon application for an Alcoholic Beverage Permit within the City of Tom Bean, a City Compliance Permit Fee shall be assessed.
- (b) A City Compliance Permit Inspection shall be conducted by a city official or law enforcement officer as designated by the Mayor. The purpose of this inspection is to verify the applicant's compliance with provisions of this code as they relate to the sale of alcoholic beverages.
- (c) This fee shall be paid by any applicant submitting an Alcoholic Beverage Permit Application at the time the application is submitted.
- (d) The amount of this fee is contained within the official city fee schedule, on file at the office of the City Secretary.

- (e) Upon completion of the inspection, the city official or law enforcement officer as designated by the Mayor, shall prepare and submit a report containing the findings of the inspection to the city secretary. The city secretary will use this inspection report to certify that the applicant's premises is in compliance with this codes.

Sec. 105. Hours of Sale

The hours of sale legally allowed within the City of Tom Bean conform to state law. The legal times are enumerated and defined within the following sections of the Texas Alcoholic Beverage Code.

Sec. 105.01. Hours of Sale: Liquor.

- (a) Except as provided in Sections 105.02, 105.03, 105.04, and 105.08, no person may sell, offer for sale, or deliver any liquor:
 - (1) on New Year's Day, Thanksgiving Day, or Christmas Day;
 - (2) on Sunday; or
 - (3) before 10 a.m. or after 9 p.m. on any other day.
- (b) When Christmas Day or New Year's Day falls on a Sunday, Subsection (a) of this section applies to the following Monday.

Sec. 105.02. Hours of Sale: Wholesalers and Local Distributors to Retailers.

- (a) A holder of a wholesaler's permit may sell, offer for sale, or deliver liquor to a retailer anytime except Sunday and Christmas Day.
- (b) A local distributor's permittee may sell, offer for sale, or deliver liquor to a retailer between 5 a.m. and 9 p.m. on any day except:
 - (1) Sunday;
 - (2) Christmas Day; or
 - (3) a day on which a package store permittee is prohibited from selling liquor.

Sec. 105.03. Hours of Sale: Mixed Beverages.

- (a) No person may sell or offer for sale mixed beverages at any time not permitted by this section.
- (b) A mixed beverage permittee may sell and offer for sale mixed beverages between 7 a.m. and midnight on any day except Sunday. On Sunday he may sell mixed beverages between midnight and 1:00 a.m. and between 10 a.m. and midnight, except that an alcoholic beverage served to a customer between 10 a.m. and 12 noon on Sunday must be provided during the service of food to the customer.
- (c) In a city or county having a population of 800,000 or more, according to the last preceding federal census, or 500,000 or more, according to the 22nd Decennial Census of the United States, as released by the Bureau of the Census on March 12, 2001, a holder of a mixed beverage late hours permit may also sell and offer for sale mixed beverages between midnight and 2 a.m. on any day.

- (d) In a city or county other than a city or county described by Subsection 105.03 (c), the extended hours prescribed in Subsection 105.03 (c) of this section are effective for the sale of mixed beverages and the offer to sell them by a holder of a mixed beverages late hours permit:
 - (1) in the unincorporated areas of the county if the extended hours are adopted by an order of the commissioners court; and
 - (2) in an incorporated city or town if the extended hours are adopted by an ordinance of the governing body of the city or town.
- (e) A violation of a city ordinance or order of a commissioner's court adopted pursuant to Subsection (d) of this section is a violation of this code.

Sec. 105.04. Hours of Sale: Wine and Beer Retailer.

The hours of sale and delivery for alcoholic beverages sold under a wine and beer retailer's permit or a wine and beer retailer's off-premise permit are the same as those prescribed for the sale of beer under Section 105.05 of this code, except that no sale shall be allowed between 2 a.m. and noon on Sunday.

Sec. 105.05. Hours of Sale: Beer.

- (a) No person may sell, offer for sale, or deliver beer at any time not permitted by this section.
- (b) A person may sell, offer for sale, or deliver beer between 7 a.m. and midnight on any day except Sunday. On Sunday he may sell beer between midnight and 1:00 a.m. and between noon and midnight, except that permittees or licensees authorized to sell for on premise consumption may sell beer between 10:00 a.m. and noon if the beer is served to a customer during the service of food to the customer.
- (c) In a city or county having a population of 800,000 or more, according to the last preceding federal census, or 500,000 or more, according to the 22nd Decennial Census of the United States, as released by the Bureau of the Census on March 12, 2001, a holder of a retail dealer's on premise late hours license may also sell, offer for sale, and deliver beer between midnight and 2 a.m. on any day.
- (d) In a city or county other than a city or county described by Subsection (c), the extended hours prescribed in Subsection (c) of this section, or any part of the extended hours prescribed in Subsection (c) of this section are effective for the sale, offer to sell, and delivery of beer by a holder of a retail dealer's on premise late hours license:
 - (1) in the unincorporated areas of the county if the extended hours are adopted by an order of the commissioners court; and
 - (2) in an incorporated city or town if the extended hours are adopted by an ordinance of the governing body of the city or town.
- (e) A violation of a city ordinance or order of a commissioner's court adopted pursuant to Subsection (d) of this section is a violation of this code.

Sec. 105.051. Sale of Beer by Distributor's Licensee.

The holder of a general, local, or branch distributor's license may sell, offer for sale, or deliver beer 24 hours a day Monday through Saturday and between midnight and 1 a.m. and between noon and midnight on Sunday.

Sec. 105.06. Hours of Consumption.

- (a) In this section:
 - (1) "Standard hours area" means an area which is not an extended hours area.
- (b) For the purposes of this section, a licensed or permitted premises is a public place.
- (c) In a standard hours area, a person commits an offense if he consumes or possesses with intent to consume an alcoholic beverage in a public place at any time on Sunday between 1:15 a. m. and 12 noon or on any other day between 12:15 a. m. and 7 a. m.
- (d) Proof that an alcoholic beverage was possessed with intent to consume in violation of this section requires evidence that the person consumed an alcoholic beverage on that day in violation of this section.
- (e) An offense under this section is a Class C misdemeanor.

Sec. 105.07. Hours of Sale and Consumption: Sports Venue.

- (a) In this section, "sports venue" means a public entertainment facility property, as defined by Section 108.73 that is primarily designed and used for live sporting events.
- (b) Notwithstanding any other provision of this code, in addition to any other period during which the sale and consumption of alcohol is authorized under this code:
 - (1) a licensed or permitted premises located in a sports venue may sell alcoholic beverages between 10 a.m. and noon; and
 - (2) a person may consume alcoholic beverages at a sports venue between 10 a.m. and noon.

Sec. 105.08. Hours of Sale and Consumption: Winery.

The holder of a winery permit may sell, offer for sale, and deliver wine, and a person may consume wine on the premises of a winery:

- (1) between 8 a.m. and midnight on any day except Sunday;
- (2) between 10 a.m. and midnight on Sunday; and
- (3) between midnight and 2 a.m. on New Year's Day.

Sec. 105.081. Hours of Sale and Consumption: Brewer or Manufacturer.

- (a) The holder of a brewer's permit may sell, offer for sale, and deliver ale or malt liquor and a person may consume ale or malt liquor on the brewer's premises:
 - (1) between 8 a.m. and midnight on any day except Sunday; and
 - (2) between 10 a.m. and midnight on Sunday.

- (b) The holder of a manufacturer's license may sell, offer for sale, and deliver beer and a person may consume beer on the manufacturer's premises:
 - (1) between 8 a.m. and midnight on any day except Sunday; and
 - (2) between 10 a.m. and midnight on Sunday.

Sec. 105.081. Hours of Sale and Consumption: Distillery.

- (a) The holder of a distiller's and rectifier's permit may sell and offer for sale distilled spirits for on-premises consumption and a person may consume distilled spirits on the permitted premises during the same hours mixed beverages may be sold and offered for sale by a mixed beverage permit holder under Section 105.03(b).
- (b) The holder of a distiller's and rectifier's permit may sell and offer for sale distilled spirits to ultimate consumers for off-premises consumption during the same hours as the holder of a package store permit may sell and offer for sale distilled spirits to ultimate consumers for off-premises consumption.

Sec. 105.09. Hours of Sale and Consumption: Certain Events.

Notwithstanding any other provision of this code, in addition to any other period during which the sale and consumption of alcohol is authorized under this code:

- (1) a licensed or permitted premises located at a festival, fair, or concert may sell alcoholic beverages between 10 a.m. and 10 p.m.; and
- (2) a person may consume alcoholic beverages at a festival, fair, or concert between 10 a.m. and 10 p.m.

Sec. 106. Sales near School, Church or Hospital

- (a) It shall be unlawful for any person to sell any alcoholic beverage, whether for consumption on or off the premises, by a dealer, license or permit holder whose place of business is within:
 - (1) Three hundred (300) feet of a church, public or private school, or public hospital; or
 - (2) One thousand (1,000) feet of a public school, if the City of Tom Bean receives a request from the board of trustees of a qualifying school district under Section 109.33(a)(2) of the Texas Alcoholic Beverage Code; or
 - (3) One thousand (1,000) feet of a private school if the City of Tom Bean receives a request from the governing body of the private school.
- (b) The measurement of the distance between the place of business where alcoholic beverages are sold and a 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 a 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) 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 one thousand (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 Texas Alcoholic Beverage 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 under Section 109.53 of the Texas Alcoholic Beverage Code.
- (d) As to any dealer who held a license or permit on September 1, 1983, in a location where a regulation under this Section was in effect on that date, for purposes of subsection (a), but not subsection (c), of this section, the measurement of the distance between the place of business of the dealer and a public or private school shall be along the property lines of the street fronts and from front door to front door, and in the direct line across intersections.
- (e) The City Council of the City of Tom Bean may allow variances to the distance regulation(s) if the City Council of the City of Tom Bean determines that enforcement of the regulation(s) 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 the City Council of the City of Tom Bean, 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.
- (f) Subsections (a)(2) and (3) do not apply to the holder of:
- (1) A retail on-premises consumption permit or license if less than fifty (50) percent of the gross receipts for the premises is from the sale or service of alcoholic beverages;
 - (2) A retail off-premises consumption permit or license if less than fifty (50) percent of the gross receipts for the premises, excluding the sale of items subject to the motor fuels tax, is from the sale or service of alcoholic beverages; or
 - (3) A wholesaler's, distributor's, brewer's, distiller's and rectifier's, winery, wine bottler's or manufacturer's permit or license, or any other license or permit held by a wholesaler or manufacturer.
- (g) Subsection (a)(3) does not apply to the holder of:
- (1) A license or permit issued under Chapter 27, 31 or 72 of the Texas Alcoholic Beverage Code who is operating on the premises 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 and that is located within one thousand (1,000) feet of a private school.
- (h) Subsection (a) (1) 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 three hundred (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 and that is located within three hundred (300) feet of a private school.

Sec. 107. Sales near Day-Care Center or Child-Care Facility

- (a) This section applies only to a permit or license holder under Chapter 25, 28, 32, 69, or 74 of the Texas Alcoholic Beverage Code who does not hold a food and beverage certificate.
- (b) Except as provided by this subsection, the provisions of section above, 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. Sections (a)(2) and (c), above, do not apply to a day-care center or child-care facility.
- (c) This section 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.
- (d) This section does not apply to a foster group home, foster family home, family home, agency group home, or agency home as those terms are defined by Section 42.002, Human Resources Code.

Sec. 108. Other Provisions

- (a) It shall be unlawful for any person to sell or offer for sale, any Alcoholic Beverage in any residential area.

Sec. 109. Penalty Provision

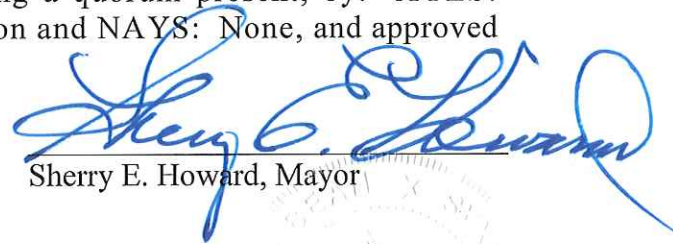
Any person, firm, corporation or business entity violating this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined a sum not exceeding five hundred dollars (\$500.00). Each continuing day's violation under this article shall constitute a separate offense. The penal provisions imposed under this article shall not preclude Tom Bean from filing suit to enjoin the violation. The City of Tom Bean retains all legal rights and remedies available to it pursuant to local, state and federal law.

Sec. 110. Repeal Provision

That all ordinances or any parts thereof in conflict with the terms of this ordinance shall be and are hereby deemed repealed and of no force or effect.

- (a) Severability Provision - If any section, provision, subsection, paragraph, sentence, clause, phrase, or word in this ordinance or application thereof to any person or circumstance is held invalid by any court of competent jurisdiction, such holdings shall not affect the validity of the remaining portions of this ordinance, and the City Council of the City of Tom Bean, Texas hereby declare it would have enacted such remaining portions, despite such invalidity.
- (b) Validity Provision - It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.
- (c) Publication Provision - This ordinance shall be in full force and effect after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED this 19th, day of March, 2018 at a special meeting of the City Council of the City of Tom Bean, Texas, there being a quorum present, by: AYES: Council Members Melton, Jones, Nitcholas, Harrison and NAYS: None, and approved by the Mayor on this date.


Sherry E. Howard, Mayor

Attest:


Cathy Pugh, City Secretary