

**CITY OF EASTLAND, TEXAS
ORDINANCE NO. 24-902**

AN ORDINANCE OF THE CITY OF EASTLAND, TEXAS REVISING CHAPTER 3, ALCOHOLIC BEVERAGES, OF THE EASTLAND CODE OF ORDINANCES; AMENDING SECTION 3-3 "CONSUMPTION AND POSSESSION IN PUBLIC PLACES" TO PROHIBIT CONSUMPTION OF ALCOHOL WITHIN THE CENTRAL BUSINESS DISTRICT; PROVIDING EXCEPTIONS; MAKING RELATED CHANGES TO SECTION 3-1 "DEFINITIONS"; PROVIDING REPEALING AND SEVERABILITY CLAUSES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Eastland (the "City") is a Texas home-rule municipality operating pursuant to its Charter adopted by the electorate pursuant to Article XI, Section V of the Texas Constitution;

WHEREAS, the City Commission of the City (the "City Commission") adopted regulations concerning alcoholic beverages on December 17, 2012 and those regulations are codified as Chapter 3 of the Eastland Code of Ordinances;

WHEREAS, Section 109.35 of the Texas Alcoholic Beverages Code allows a city to prohibit "the possession of an open container or the consumption of alcoholic beverages in [a] central business district" under certain circumstances;

WHEREAS, pursuant to Section 109.35(a) of the Texas Alcoholic Beverages Code, the City Commission finds that the possession of an open container and the public consumption in the City's central business district is a risk to the health and safety of the citizens of the City; and

WHEREAS, the City Commission wishes to prohibit the possession and consumption of alcohol in the City's central business district but wishes to allow the City Manager to provide exemptions for pre-approved events.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF EASTLAND, TEXAS THAT:

I. **Incorporation of Premises**. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

II. **Findings**. After due deliberations, the City Commission has concluded that the possession and consumption of alcoholic in the Central Business District, as defined herein, is a risk to the health and safety of the citizens of the City and, as such, that the adoption of this ordinance is in the best interests of the City of Eastland, Texas, and of the public health, safety, morals, and welfare of its citizens.

III. **Designation of Central Business District**. The Central Business District of the City of Eastland shall be as depicted as described in Exhibit "A" and the City Commission hereby adopts

Exhibit "A" as the map of the Central Business District.

IV. **Amendment of Section 3-1.** Section 3-1 "Definitions" of Chapter 3 "Alcoholic Beverages" of the Eastland Code of Ordinances is hereby amended in the following, and all other articles, chapters, divisions, sections, paragraphs, sentences, phrases, and words not expressly amended hereby are hereby ratified and affirmed.

§ 3-1. Definitions.

The following words, terms and phrase, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage shall mean any beverage containing more than one-half of one percent of alcohol by volume which is capable of being used for beverage purposes, either alone or when diluted.

Central Business District shall mean the area in downtown Eastland designated by the City Commission as the Central Business District. A map of the Central Business District may be accessed on the City's website.

Church shall mean a building used for congregational public worship or education by an entity that is recognized as a church under state or federal law.

Illicit beverage is any alcoholic beverage consumed or possessed in violation of this chapter.

Open container means a container that is no longer sealed.

V. **Amendment of Section 3-3.** Section 3-3 "Consumption and possession in public places" of Chapter 3 "Alcoholic Beverages" of the Eastland Code of Ordinances is hereby amended in the following, and all other articles, chapters, divisions, sections, paragraphs, sentences, phrases, and words not expressly amended hereby are hereby ratified and affirmed.

§ 3-3. Consumption and possession in the Central Business District.

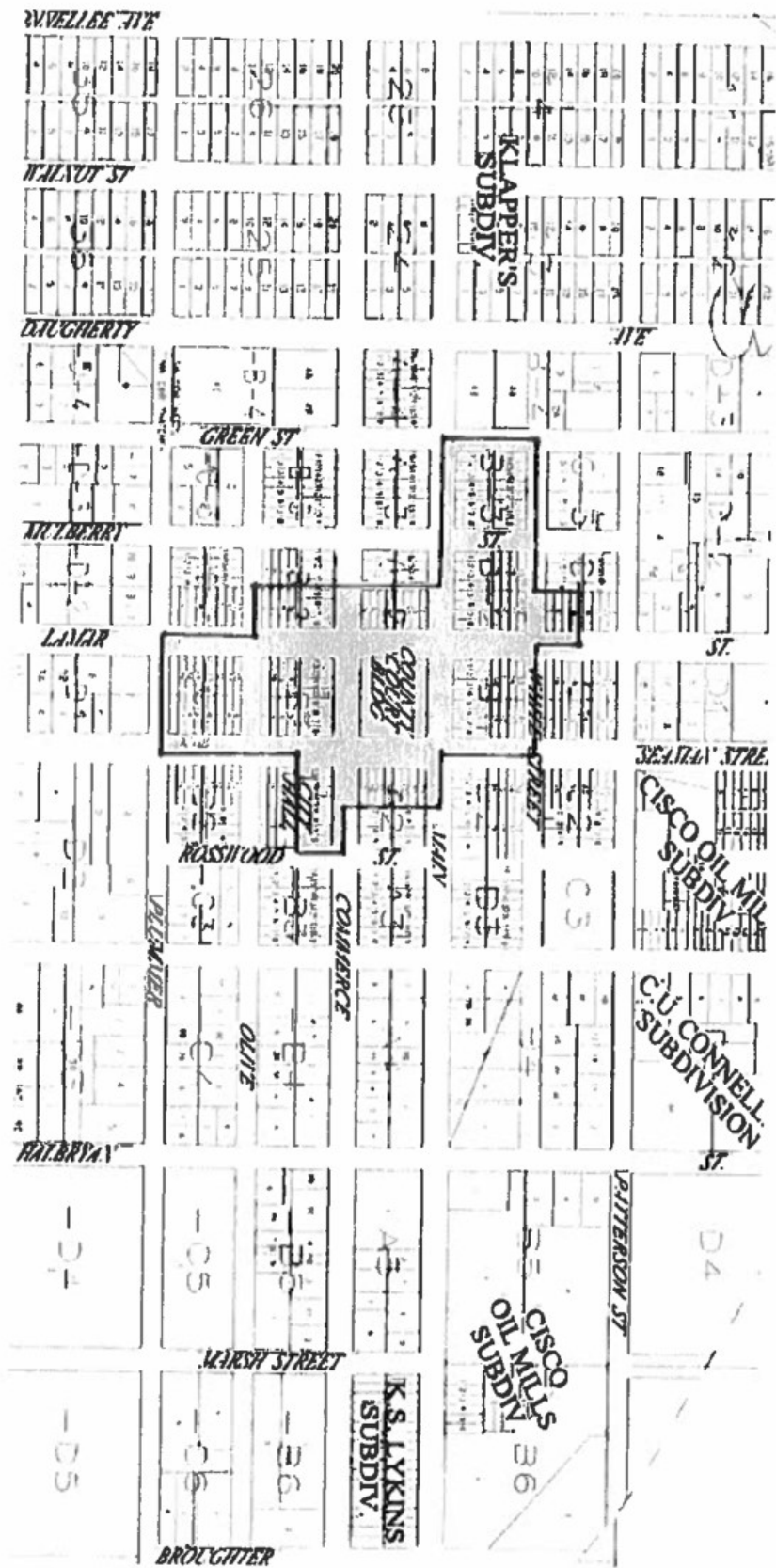
(a) Prohibited. The possession of an open container and the public consumption of alcoholic beverages in the Central Business District is prohibited.

(b) Exceptions. This section does not apply to:

(1) The possession of an open container or the consumption of alcoholic beverages in motor vehicles, buildings not owned or controlled by the City, residential structures, or premises within the Central Business District which are permitted or licensed by the Texas Alcoholic Beverages Commission.

(2) Persons attending events in the Central Business District which have been approved in advance and in writing by the City Manager.

EXHIBIT "A"



City of Eastland
 Central
 Business
 District


VI. **Severability**. The provisions of this Ordinance are declared to be severable. If any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this Ordinance, but they shall remain in effect notwithstanding the invalidity of any other part.

VII. **Repeal**. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

VIII. **Effective Date**. This Ordinance becomes effective upon the expiration of thirty (30) days after its adoption on second reading pursuant to Article 6, Section 1 of the City Charter.

Passed upon first reading this the 15th day of April, 2024.

Passed, approved, and adopted upon second and final reading this the 20th day of May, 2024.



Larry Vernon, Mayor
Chairman of the Board of Commissioners

ATTEST:



Roma Holley, City Secretary

