



ORDINANCE NO. 3286

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING CODE OF ORDINANCES, CHAPTER 46 "MISCELLANEOUS OFFENSES," BY ADOPTING SECTION 46-2 "PROHIBITION OF BEER AND WINE IN RESIDENTIAL AREAS" RELATING TO THE PROHIBITION OF THE SALE OF BEER AND WINE IN RESIDENTIAL AREAS; CONTAINING A SAVINGS CLAUSE; CONTAINING A SEVERABILITY CLAUSE; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED \$500.00; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 10, 2014, a local option election was held on the question of whether to permit the sale of beer and wine for off-premises consumption within the City of Farmers Branch; and

WHEREAS, the proposition was approved by a large majority of those who voted in said election; and

WHEREAS, because beer and wine sales for off-premises consumption has heretofore been prohibited, there has been no need to adopt regulations prohibiting the sale of beer and/or wine within residential areas; and

WHEREAS, the City Council of the City of Farmers Branch, Texas, finds it necessary for the protection of the public health and safety to adopt an ordinance prohibiting beer and wine sales in residential areas and property used for residential purposes subject to certain defenses;

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

SECTION 1. Code of Ordinances, Chapter 46 "Miscellaneous Offenses," shall be amended by adding Section 46-2 "Prohibition of the Sale of Beer and Wine in Residential Areas; Defenses" to read as follows:

Sec. 46-2. Prohibition of the sale of beer and wine in residential areas; defenses.

- (a) The sale of beer and wine in a residential area is prohibited.
- (b) For purposes of this section, "residential area" means any location in the city located within a R-1, R-2, R-3, R-4, R-5, R-6, D-1, D-2, MF-1, MF-2, MF-3, or M-4 zoning district as defined in the Comprehensive Zoning Ordinance, or property used for residential purposes.

(c) It shall not be a violation of Sec. 46-2(a) if the sale occurring on property used for residential purposes is located within a planned development district that authorizes both residential and non-residential uses, the property is developed and/or used for both residential and non-residential uses, and the sale of beer or wine occurred from an area of the property developed and used only for a non-residential purpose which cannot directly access any residential unit by passing through the area from which the sale occurred.

SECTION 2. All ordinances or parts thereof expressly in conflict with this ordinance are hereby repealed.

SECTION 3. Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum not to exceed FIVE HUNDRED AND NO/100 DOLLARS (\$500.00) for each offense.

SECTION 4. An offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 5. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged to be invalid or unconstitutional by a court of competent jurisdiction, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than the portion so decided to be invalid or unconstitutional.

SECTION 6. This ordinance shall take effect from and after its passage and the publication of the caption of said ordinance as the law and the City Charter in such cases provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS, ON THE 17TH DAY OF JUNE, 2014.

ATTEST:

APPROVED:

Angela Kelly, City Secretary

William P. Glancy, Mayor

APPROVED AS TO FORM:

Peter G. Smith, City Attorney
(kbl:5/23/14:66327)