

**ORDINANCE NO. 951-21**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NAVASOTA, TEXAS, AMENDING CHAPTER 4 BUSINESS REGULATIONS, ARTICLE 4.02 SALE OF ALCOHOLIC BEVERAGES, OF THE CODE OF ORDINANCES OF THE CITY OF NAVASOTA, TEXAS REGARDING AUTHORIZING OPEN CONTAINERS OF ALCOHOL IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF NAVASOTA; PROVIDING FOR A SEVERABILITY AND REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; AND FINDING PROPER NOTICE OF MEETING.**

**WHEREAS**, the City of Navasota ("City") is a Texas home-rule municipality; and

**WHEREAS**, pursuant to Texas Local Government Code, Section 51.001, the City has the authority to adopt ordinances and regulations that are for good government, peace and order of the City; and

**WHEREAS**, as a home-rule municipality, Texas Local Government Code, Section 51.072 confirms that the City has the full power of local self-government; and

**WHEREAS**, Article 4.02 of the Code of Ordinances of the City of Navasota regulates alcoholic beverages within the City; and

**WHEREAS**, Section 109.35 of the Texas Alcoholic Beverage Code authorizes the City to regulate open containers and the public consumption of alcohol in the City's Central Business District; and

**WHEREAS**, the City Council desires to amend Article 4.02 of the Code of Ordinances of the City of Navasota to reflect changes in the regulations applicable to open containers and the public consumption of alcohol in the City's Central Business District;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NAVASOTA, TEXAS, THAT:**

**SECTION 1.**

Chapter 4, Business Regulations, Article 4.02, Sale of Alcoholic Beverages, Section 4.02.009 Reserved, of the Code of Ordinances of the City of Navasota, Texas, is hereby amended in its entirety to read as follows:

**Sec. 4.02.009 Regulations Applicable to Central Business District**

- (a) Notwithstanding any other section of this Article, a person may possess an open container or publicly consume an alcoholic beverage in the Central Business District of the City.
- (b) For the purposes of this section, the Central Business District shall be defined as the area of the City within the boundaries of the Central Business District as indicated on the Official Zoning Map of the City, which is on file in the office of the City Secretary and incorporated herein for all purposes. The Central Business District shall also be defined, for purposes of this section, to include Mance Lipscomb Park located at 140 N. La Salle Street, Navasota, Texas.
- (c) It shall be unlawful for any person to use, carry, or possess any glass container on any city street, sidewalk, alley, park, parking lot or other public property or rights-of-way when possessing an open container of alcohol or publicly consuming an alcoholic beverage in the Central Business District of the City. "Glass container" means a container of any configuration, with a capacity when empty of more than one-half (0.5) ounce, that is made of glass, crystal, ceramic, or any other material likely to shatter when dropped onto or struck by harder material.

**SECTION 2.**  
**REPEALER AND SAVINGS CLAUSE**

All provisions of any ordinance, resolution, or other action of the City in conflict with this Ordinance are hereby repealed to the extent they are in conflict. Any remaining portions of said ordinances, resolutions, or other actions shall remain in full force and effect.

**SECTION 3.**  
**SEVERABILITY**

Should any section, subsection, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentences and clauses and phrases remaining should any provision be declared unconstitutional or invalid.

**SECTION 4.**  
**EFFECTIVE DATE**

This Ordinance shall take effect immediately from and after its passage and publication, as may be required by governing law.

**SECTION 5.**  
**PROPER NOTICE AND MEETINGS**

It is hereby officially found and determined that the meetings at which this Ordinance was passed were open to the public as required and that public notice of the time and purpose of said meetings were given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**PASSED AND APPROVED THIS THE 25<sup>TH</sup> DAY OF JANUARY, 2021**


  
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**BERT MILLER, MAYOR**

**ATTEST:**

  
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**SUSIE M. HOMEYER, CITY SECRETARY**



**PASSED AND APPROVED THIS THE 8<sup>TH</sup> DAY OF FEBRUARY, 2021**

  
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**BERT MILLER, MAYOR**

**ATTEST:**

  
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**SUSIE M. HOMEYER, CITY SECRETARY**

