

ORDINANCE NO. 18-004

AN ORDINANCE OF THE CITY OF MARLIN, TEXAS AUTHORIZING THE SALE, OFFER FOR SALE, AND/OR DELIVERY TO ON-PREMISE CUSTOMERS OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF MARLIN DURING EXTENDED HOURS BY THE HOLDER OF A RETAIL DEALER'S ON-PREMISE LATE HOURS LICENSE, THE HOLDER OF A MIXED BEVERAGES LATE HOURS PERMIT, AND THE HOLDER OF A PRIVATE CLUB LATE HOURS PERMIT; PROVIDING FOR A SEVERABILITY CLAUSE AND REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR PERIODIC REVIEW AND RETENTION OF THE RIGHT TO REPEAL; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR PUBLICATION OF CAPTION

WHEREAS, the Texas Alcoholic Beverage Code authorizes the City to approve an extension of the hours during which alcoholic beverages may be sold or offered for sale, and/or served by: holders of a retail dealer's on-premise late hours license issued by the Texas Alcoholic Beverage Commission (hereinafter "TABC"); holders of a mixed beverage late hours permit issued by the TABC; and holders of a private club late hours permit issued by the TABC; and

WHEREAS, the extension provided for in the Code would allow the offer and sale of alcoholic beverages for on-premise consumption between 12:00 midnight and 2 a.m. on any day of the week; and

WHEREAS, the City Council finds that the extended hours should be adopted for the holder of late hours licenses and permits issued by the TABC.

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

Section 1 Application. This Ordinance only applies within the incorporated city limits of Marlin, Texas.

Section 2. Extended Hours Approved. The holder of a retail dealer's on-premise late hours license, a mixed beverages late hours permit, or a private club late hours permit issued by the

TABC may sell, offer for sale, and deliver to on-premises customers alcoholic beverages for which they are properly licensed or permitted by the TABC between the hours of 12:00 midnight and 2:00 a.m. on any day of the week.

Section 3. TABC Late Hours License/Permit Required. The extension approved hereby only applies to holders of late hours licenses/permits issued by the TABC as identified herein. Nothing herein shall authorize any person who does not hold a late hours permit or license issued by the TABC to sell, offer for sale or deliver to customers on-premises alcoholic beverages at times outside those set by the Texas Alcoholic Beverage Code for jurisdictions where no approval of extended hours has been adopted.

Section 4. Reservation. The City Council reserves the right to periodically review the effect of this Ordinance on the community, and the right to repeal this Ordinance at any time.


Section 5. Repealer. Any Ordinance or provision thereof in direct conflict with this Ordinance is hereby repealed.

Section 6. Severability. Should any provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the other provisions of this Ordinance shall continue in force if they can be given their intended effect without the invalidated provision.

Section 7. Effective Date and Publication. This Ordinance shall take effect upon passage and publication of the caption in the official city newspaper. The City Secretary is hereby directed to publish the caption of this Ordinance in the official city newspaper at the earliest possible date after passage allowing for any deadlines for submission of items for publication.

**PASSED AND APPROVED ON FIRST READING THIS THE 13TH DAY OF MARCH, 2018.**




  
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John Keefer, Mayor

  
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Sandra Herring, City Secretary

**PASSED AND APPROVED ON SECOND READING THIS THE 10TH DAY OF APRIL, 2018.**



  
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John Keefer, Mayor

  
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Sandra Herring, City Secretary