

ORDINANCE NUMBER 253

AN ORDINANCE REGULATING, WITHIN THE CITY LIMITS OF THE CITY OF MAGNOLIA, TEXAS, THE SALE OF ALCOHOLIC BEVERAGES WITHIN 300 FEET OF CHURCHES, PUBLIC SCHOOLS, OR PUBLIC HOSPITALS.

WHEREAS the City Of Magnolia, Texas, pursuant to section 109.33 of the Texas Alcoholic Beverages Code, may enact regulations or prohibitions in conformity with said section, and

WHEREAS the City Of Magnolia, Texas, desires to enact regulations prohibiting the sale of alcoholic beverages within 300 feet of a church, public school or public hospital,

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

Article I.

Section 1.

Within the city limits of the City Of Magnolia, Texas, no retail dealer shall sell, or offer for sale, alcoholic beverages within 300 feet of any church, public school, or public hospital.

Section 2.

For the purposes of section 1, the measurement of the distance between a place of business where alcoholic beverages are sold and the 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 a place of business where alcoholic beverages are sold and the public schools shall be in a direct line from the property line of the public school to the property line of the place of business, and in a direct line across intersections.

Section 3.

(a) "Alcoholic beverages" means alcohol, or any beverage containing more than one-half of one percent of alcohol by volume, which is capable of use for beverage purposes, either alone or when diluted;

(b) "Retail Dealer" means a person or business which is the holder of a license provided for in the Texas Alcoholic Beverages Code, or any agent, servant, or employee of such person or business.

Section 4.

This ordinance does not regulate nor prohibit the sale of products containing alcohol which are sold solely for their medicinal or pharmaceutical use.


Section 5.

The governing body of the City Of Magnolia, Texas, may, upon application, allow variances to the prohibition against the sale of alcoholic beverages if the governing body determines that the enforcement of the prohibition 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, or is not effective or necessary in a particular instance, or for any other reason that the governing body, 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.

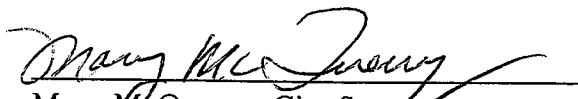
ENACTMENT

ORDINANCE, READ, PASSED and APPROVED as set forth at a regular meeting of the City Council of the City Of Magnolia, Texas on this 10th day of February, 1998.

Councilwoman Ogden:	<u>AYE</u>
Councilman Smith:	<u>ABSENT</u>
Councilman Clapp:	<u>AYE</u>
Councilwoman Cloyd:	<u>AYE</u>
Councilman Sutherland:	<u>AYE</u>


Hon. John Bramlett, Mayor

ATTEST:


Mary McQuerry, City Secretary