

ORDINANCE 2014 - 03

AN ORDINANCE ORDERING A SPECIAL LOCAL OPTION ELECTION TO BE HELD ON MAY 10, 2014, IN THE CITY OF CANTON, TEXAS, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS TWO PROPOSITIONS (1) FOR THE LEGAL SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION ONLY IN THE CITY OF CANTON AND (2) FOR THE LEGAL SALE OF MIXED BEVERAGES IN RESTAURANTS BY FOOD AND BEVERAGE CERTIFICATE HOLDERS ONLY IN THE CITY OF CANTON ; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR THE USE OF ES&S AUTOMARK VOTER ASSIST TERMINAL AND MODEL 100 COUNTING EQUIPMENT; PROVIDING FOR EARLY VOTING; DESIGNATING POLLING PLACES AND TIMES; PROVIDING FOR A LIMITED JOINT ELECTION WITH CANTON INDEPENDENT SCHOOL DISTRICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

**WHEREAS**, the City Council finds that on January 15, 2014 a petition was filed with the City Secretary's Office to legalize the sale of beer and wine for off-premise consumption only in the City of Canton; that the petition has been verified to contain the signatures of 323 qualified Canton voters meeting the requisites of Section 501.032 of the Texas Election Code; and that said petition was presented to the City Council on February 18, 2014 thereby necessitating the ordering of a May 10, 2014 local option election; and

**WHEREAS**, the City Council finds that on January 15, 2014 a petition was filed with the City Secretary's Office to legalize the sale of mixed beverages in restaurants by food and beverage certificate holders only in the City of Canton; that the petition has been verified to contain the signatures of 318 qualified Canton voters meeting the requisites of Section 501.032 of the Texas Election Code; and that said petition was presented to the City Council on February 18, 2014 thereby necessitating the ordering of a May 10, 2014 local option election;

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

**Section 1.** That a special election is hereby ordered to be held on Saturday, May 10, 2014, for the purpose of submitting to the voters two propositions relating to legalizing the sale of alcoholic beverages in the City of Canton.

**Section 2.** The following propositions shall be submitted and shall be printed on the ballots to permit voters to vote "FOR" (A FAVOR) or "AGAINST" (EN CONTRA) the following propositions:

- (1) "The legal sale of beer and wine for off-premise consumption only."  
*"Le venta legal de cerveza y vino para consumo solamente fuera del establecimiento."*
- (2) "The legal sale of mixed beverages in restaurants by food and beverage certificate holders only."  
*"La venta legal de bebidas alcoholicas mezcladas (cocteles) en restaurantes solo por los poseedores de un certificado de comidas y bebidas."*

**Section 3.** That the polls of said election shall be open from 7:00 a.m. to 7:00 p.m.

**Section 4.** That the polling place for Election Day shall be the Library, Canton Independent School District Junior High Building, 1115 South Buffalo, Canton, Texas.

**Section 5.** That Early Voting shall be conducted by the Office of the City Secretary. Early voting by personal appearance shall be conducted in the reception area at the City Office Complex, 24980 Hwy 64 East, Suite One, Canton, Texas, between the hours of 8:00 a.m. and 5:00 p.m. April 28, 2014, through May 2, 2014, and between the hours of 7:00 a.m. and 7:00 p.m. May 5, 2014, through May 6, 2014.

**Section 6.** That optical scan ballots and the ES&S AutoMark Voter Assist Terminal (Version 1.01.121), as approved by the Secretary of State to comply with HAVA requirements, is hereby adopted for use in early and Election Day voting in addition to marking ballots by hand. Ballots shall be counted by a Model 100 Percent Scanner (Version 5.0.0.0).

**Section 7.** That applications for ballot by mail shall be mailed to Julie Seymore, City Secretary, P.O. Box 245, Canton, Texas 75103, and must be received no later than the close of business on May 1, 2014.

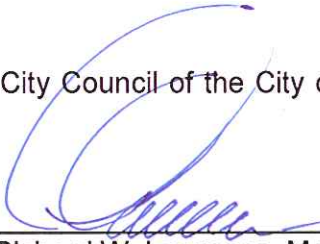
**Section 8.** That the Mayor is authorized to sign a Notice of General Election prescribed by the State of Texas on behalf of the City Council. The Notice of General Election shall be published in accordance with the provisions of the Texas Election Code for General Law A Cities.

**Section 9.** That the City shall enter into a Joint Election Agreement with Canton Independent School District for the purpose of sharing a polling place on Election Day and the Mayor is authorized to sign such agreement on behalf of the City Council.

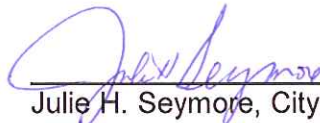
**Section 10.** Should any part, section, subsection, paragraph, sentence, clause or phrase contained in this ordinance be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this ordinance, but in all respects said remaining portion shall be and remain in full force and effect.

**Section 11.** That this ordinance shall be effective immediately upon adoption.

**APPROVED AND ADOPTED** by the City Council of the City of Canton this 18<sup>th</sup> day of February, 2014.

  
Richard W. Lawrence, Mayor

ATTEST:

  
Julie H. Seymore, City Secretary

