

ORDINANCE NO. 2012 - 05

An Ordinance of the City of Canton, Texas, amending the Code of Ordinances of the City of Canton, Chapter 116, Alcoholic Beverages, § 116.05, to authorize the sale or offer for sale of alcoholic beverages in the City during extended hours by the holder of a retail dealer's on-premises late hours license, the holder of a mixed beverage late hours permit, and the holder of a private club late hours permit; providing for an effective date; and providing for publication.

Whereas, Sections 105.03(d)(2) and 105.05(d)(2) of the Texas Alcoholic Beverage Code (the "Code") provide that cities with population of less than 800,000, according to the last preceding federal census, may authorize the sale of mixed beverages and beer, respectively, by a holder of a retail dealer's on-premise late hours license during the hours of midnight and 2 a.m. on any day; and

Whereas, Section 105.04 of the Texas Alcoholic Beverage Code provides that the hours of sale of beverages under a wine and beer retailer's permit are the same as those provided for the sale of beer under § 105.05 of the Code; and

Whereas, Section 33.01 of the Texas Alcoholic Beverage Code provides that the holder of a private club late hours permit may allow persons to consume or be served alcoholic beverages on club premises during late hours if the consumption or service of alcoholic beverages has been authorized as provided in the Code; and

Whereas, the City Council has determined that the Code of Ordinances should be amended to authorize the extended hours for the holders of late hours permits issued by the Texas Alcoholic Beverage Commission;

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

Section 1: The Code of Ordinances of the City of Canton, Texas, Chapter 116, Alcoholic Beverages, § 116.05, be revised so that hereafter it shall read as follows:

§ 116.05 HOURS OF SALE OF ALCOHOLIC BEVERAGES.

The holder of any of the following licenses or permits issued by the Texas Alcoholic Beverage Commission may permit persons to consume or be served Alcoholic Beverages on premises on Sunday between the hours of 1:00 a.m. and 2 a.m., and on any other day between the hours of 12 midnight and 2 a.m.:

- (1) a retail dealer's on-premises late hours license,
- (2) a mixed beverage late hours permit, or
- (3) a private club late hours permit.

Section 2: The caption of this Ordinance shall be published in the official newspaper of the City as required by the City Ordinance and state law.

Section 3: This Ordinance shall take effect and shall be in full force from and after its adoption and publication as required by law.

APPROVED AND ADOPTED by the City Council of the City of Canton, this 20th day of March, 2012.



Cary S. Hilliard, Mayor

ATTEST:



Julie H. Seymore, City Secretary