

MEMORANDUM

DATE: October 15, 2024

TO: Mayor & City Council
CC: Mercy Rushing, City Manager

FROM: David Madsen

SUBJECT: **Council Meeting Agenda Item:** Amendment to the alcohol ordinance

Background Information: The city's ordinance allowing the sale of beer and wine only allows for the product to be sold on property that was within the city limits at the time of the alcohol election which is per state law. State law allows a city to adopt an ordinance allowing the sale of beer and wine, per our regulations, on property annexed by the city after the date of the alcohol election. Our city attorney has drafted an ordinance for council adoption. Since the recent annexation of the right of way around the loop, it makes it easier to annex property upon request in those areas. This would allow the sale of beer and wine in those areas, if annexed.

Recommendation:

Final Disposition:

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF MINEOLA, TEXAS, AUTHORIZING THE SALE OF BEER AND WINE FOR OFF PREMISE CONSUMPTION IN AREAS ANNEXED BY THE CITY OF MINEOLA; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May _____, 14 _____, 2011 _____ the citizens of Mineola voted in favor of a local option election authorizing the legal sale of beer and wine for off premise consumption; and

WHEREAS, Texas Alcoholic Beverage Code Section 251.725 permits the City Council for the City of Mineola to authorize, by ordinance, the sale of beer and wine for off premise consumption in an area annexed by the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINEOLA, TEXAS, AS FOLLOWS:

I.

SALE OF BEER AND WINE FOR OFF PREMISE CONSUMPTION CONCERNING ANNEXED PROPERTIES

- A. Pursuant to Section 251.725 with the Texas Alcoholic Beverage Code, the sale of beer and wine for off premise consumption in areas annexed by the municipality shall be allowed when the following three conditions are met:
1. The area annexed is not more than 1% of the total area covered by the City;
 2. All of the land in the annexed area is zoned for commercial use only; and
 3. The annexed area is not adjacent to residential, church or school property.

B. In addition to the criteria referenced to in Section 1A, annexed property that desires to sell beer and wine for off premise consumption must also comply with all local ordinances concerning the sale of such alcoholic beverages for off premise consumption

II.

SEVERABILITY CLAUSE

If any provision, section, sentence, clause or phrase of this Ordinance, or the application of same, to any person or set of circumstances is for any reason held to be unconstitutional, void, or invalid, the validity of the remaining portions of this Ordinance shall not be affected thereby, it being the intention of the City Council of the City of Mineola that no portion hereof or provision or regulation contained herein shall become inoperative or failed by any reason of unconstitutionality or invalidity of any other portion, provision or regulation.

III.

REPEALER CLAUSE

Should any Ordinances, Resolutions and/or other Policies of the City of Mineola which may be in conflict with any of the provisions of this Ordinance are hereby repealed to the extent of any such conflict.

**IV.
EFFECTIVE DATE**

This Ordinance shall become effective immediately upon its passage and approval by the City Council for the City of Mineola, Texas.

PASSED and APPROVED by the City Council of the City of Mineola, Texas, on this _____ day of _____, 2024.

APPROVED:

Jayne Lankford, Mayor

ATTEST:

Cindy Karch, City Secretary