ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 1, "GENERAL PROVISIONS", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That Chapter 1, "General Provisions", of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars ($25.00) nor more than Five Hundred Dollars ($500.00). Each day such violation shall continue or be permitted to continue shall be deemed a separate offense. Said ordinance being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 34 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2005.

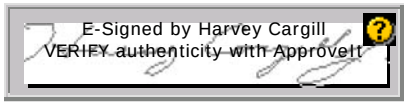
APPROVED:

_____
Ron Silvia, Mayor

ATTEST:

_____
Connie Hooks, City Secretary

APPROVED:



_____
City Attorney

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EXHIBIT "A"

That Chapter 1, "General Provisions", Section 13, "Alcoholic Beverages", of the Code of Ordinances of the City of College Station, Texas, is hereby amended by adding a new paragraph B, "Possession and Consumption of Alcoholic Beverages in Northgate Central Business District", as set out hereafter to read as follows:

"SECTION 13: ALCOHOLIC BEVERAGES

B. POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN NORTHGATE CENTRAL BUSINESS DISTRICT.

(1) On October 21, 2004, the City Council adopted and declared that open containers and public consumption in the Northgate Central Business District was a risk to the health and safety of the citizens of the City.

(2) On December 20, 2004, the Texas Alcoholic Beverage Commission granted an order giving the City the authority to approve an ordinance regulating open containers and public consumption of alcoholic beverages in the Northgate Central Business District.

(3) Public Consumption and Possession

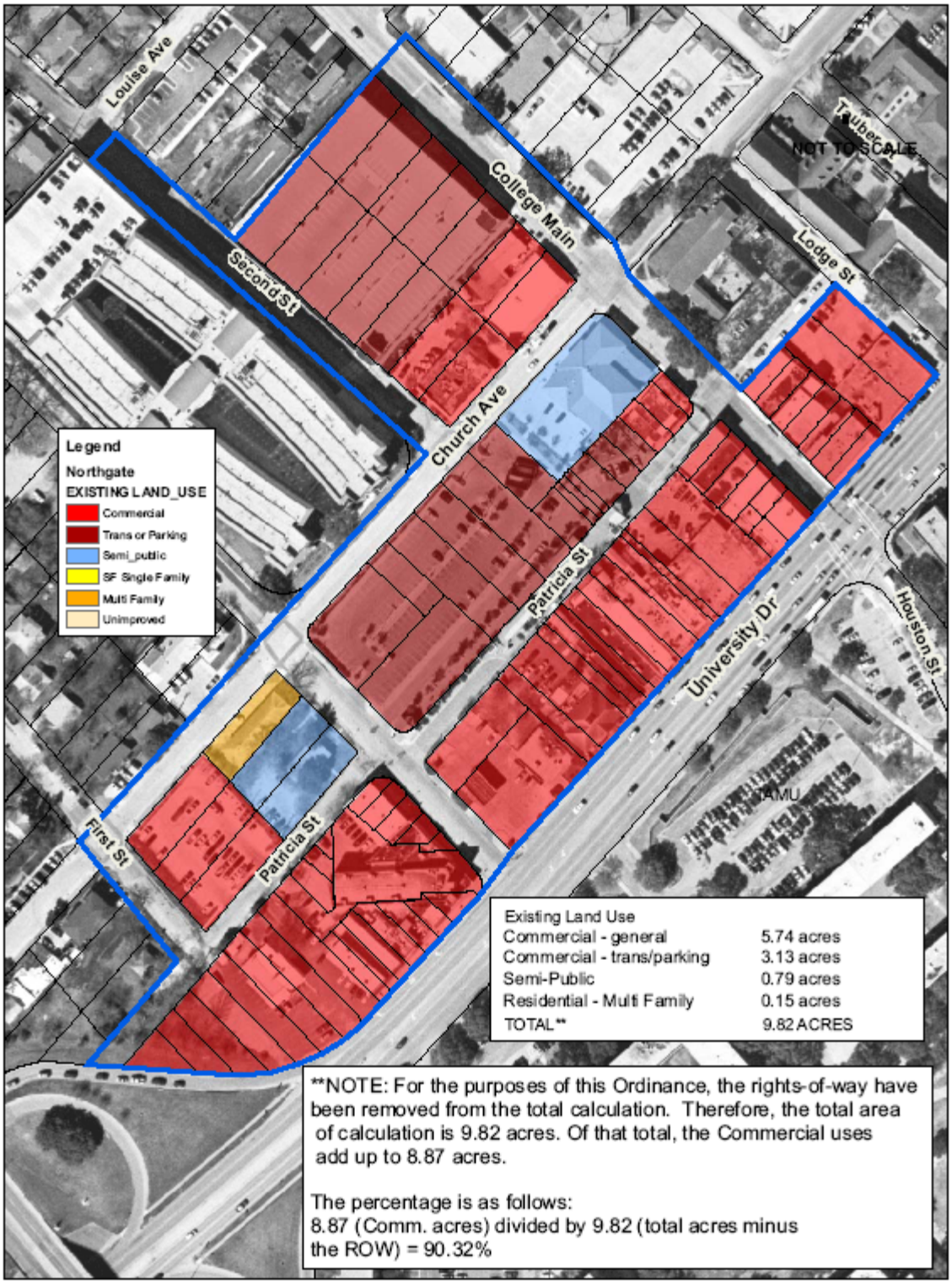
(a) In the Northgate Central Business District, it shall be unlawful to possess an open container or publicly consume an alcoholic beverage.

(b) This ordinance shall not be applicable to buildings not owned or controlled by the City of College Station, residential structures, or licensed premises located in the Northgate Central Business District or the possession of open containers or consumption of alcoholic beverages in motor vehicles.

(4) The prohibition of public consumption and possession shall not apply to special events granted pursuant to Chapter 4, Section 4, of the Code of Ordinances of the City of College Station. A special event providing for alcohol sales and consumption shall have a valid permit or license to sell or serve alcoholic beverages issued by the Texas Alcoholic Beverage Commission.

(5) If a person possesses or has in his or her possession an open container specifically made for the purpose of containing an alcoholic beverage or is labeled as containing an alcoholic beverage, it shall be presumed that any content therein is an alcoholic beverage.

(6) The Northgate Central Business District is hereby defined as the area set out on the attached map that was approved by the Texas Alcoholic Beverage Commission Order of December 20, 2004."


Louise Ave
Second St
College Main
Tubec
NOT TO SCALE
Lodge St
Church Ave
Legend
Northgate
EXISTING LAND_USE
Commercial
Trans or Parking
Semi_public
SF Single Family
Multi Family
Unimproved
Patricia St
University Dr
Houston St
TAMU
First St
Patricia St
Existing Land Use
Commercial - general 5.74 acres
Commercial - trans/parking 3.13 acres
Semi-Public 0.79 acres
Residential - Multi Family 0.15 acres
TOTAL** 9.82 ACRES
**NOTE: For the purposes of this Ordinance, the rights-of-way have been removed from the total calculation. Therefore, the total area of calculation is 9.82 acres. Of that total, the Commercial uses add up to 8.87 acres.
The percentage is as follows:
8.87 (Comm. acres) divided by 9.82 (total acres minus the ROW) = 90.32%