

RESOLUTION NO. 10-21-2004-13.04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS DETERMINING THAT THE POSSESSION OF AN OPEN CONTAINER AND THE PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES IN THE NORTHGATE AREA ARE RISKS TO THE HEALTH AND SAFETY OF THE CITIZENS, DESIGNATING A CENTRAL BUSINESS DISTRICT IN THE CITY OF COLLEGE STATION, AND AUTHORIZING THE PETITION FOR AN ORDER FROM THE TEXAS ALCOHOLIC BEVERAGE COMMISSION PROHIBITING THE POSSESSION OF AN OPEN CONTAINER AND THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN SAID CENTRAL BUSINESS DISTRICT

WHEREAS, under § 109.35 of the Texas Alcoholic Beverage Code the City of College Station may petition the Texas Alcoholic Beverage Commission (the "Commission") for an order authorizing the City Council to adopt an ordinance prohibiting the possession of an open container or the public consumption of alcoholic beverages in the Central Business District of the City, and

WHEREAS, §109.35(d) of the Texas Alcoholic Beverage Code defines "central business district" as a compact and contiguous geographical area of a municipality in which at least ninety percent (90%) of the land is used or zoned for commercial purposes and that is the area that has historically been the primary location in the municipality where business has been transacted, and

WHEREAS, the unregulated possession of an open container and the public consumption of alcoholic beverages in the Northgate area has created numerous public safety and nuisance concerns, and

WHEREAS, the sometimes offensive and dangerous behavior of these individuals is often associated with their possession of an open container and public consumption of alcoholic beverages,

WHEREAS, the Northgate area, as described in the attached map, qualifies as a "central business district", and

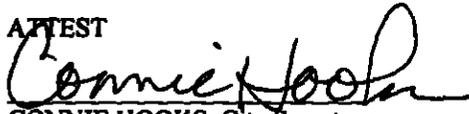
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS

- Part 1 That the City Council of the City of College Station, Texas, finds that the possession of an open container and the public consumption of alcoholic beverages in the Northgate area are risks to the health and safety of the citizens of College Station,
- Part 2 That the City Council of the City of College Station hereby designates as the Central Business District of the City the Northgate area identified in the attached map incorporated herein by reference for all purposes, as said area is a compact and contiguous geographical area in which at least ninety percent (90%) of the land is used or zoned for commercial purposes and is an area which has historically been the primary location in the City where business has been transacted,
- Part 3 That the City Council of the City of College Station finds that it is in the public's best interest to petition the Texas Alcohol Beverage Commission for an order authorizing the City Council to adopt an ordinance prohibiting the possession of an open container and the public consumption of alcoholic beverages in the College Station Central Business District,
- Part 4 That the City Council of the City of College Station hereby petitions the Texas Alcoholic Beverage Commission, by providing a copy of this resolution and attached map, and requests that at the earliest possible date the Commission adopt an order authorizing the City Council to adopt an ordinance prohibiting the possession of an open container and the public consumption of alcoholic beverages in the City of College Station's Central Business District

EXHIBIT A

PASSED and APPROVED this 21st day of October, 2004

ATTEST



CONNIE HOOKS, City Secretary

APPROVED



DENNIS MALONEY, Mayor Pro Tem

APPROVED



City Attorney

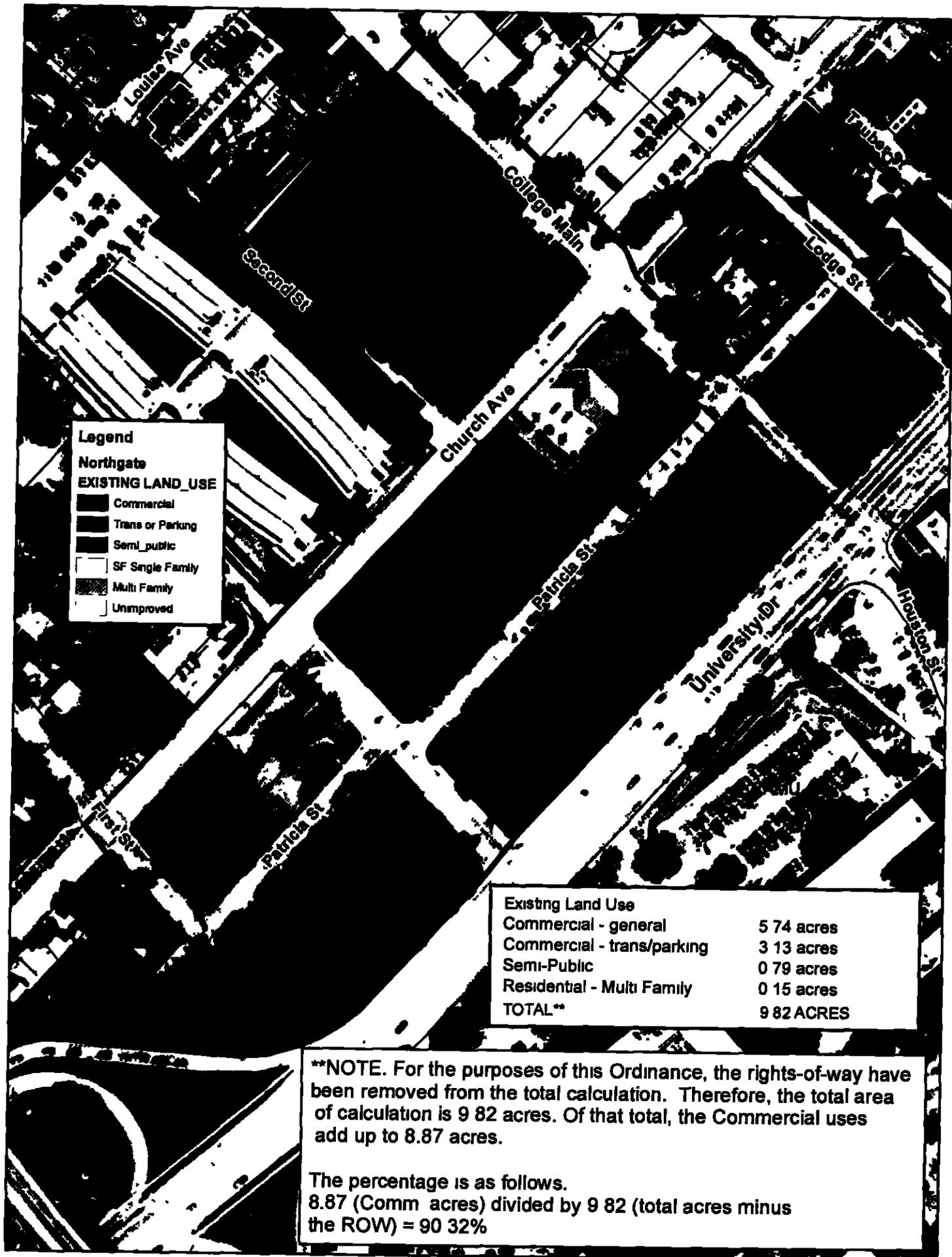


EXHIBIT A