

ORDINANCE # 131

AN ORDINANCE SUPPLEMENTING CHAPTER 15, CREATING ARTICLE 3, SECTIONS 15-19 THROUGH 15-25 OF THE CODE OR ORDINANCES OF THE CITY OF WHEELER TEXAS, ENTITLED "ALCOHOLIC BEVERAGES-CONSUMPTION AND POSSESSION" MAKING IT UNLAWFUL TO CONSUME ANY ALCOHOLIC BEVERAGE IN ANY PUBLICLY OWNED PLACE OR TO POSSESS ANY ALCOHOLIC BEVERAGE FOR THE PURPOSE OF CONSUMING SAME IN SUCH PUBLICLY OWNED PLACE WITHIN THE CORPORATE LIMITS OF THE CITY OF WHEELER, TEXAS; DEFINING TERMS; DECLARING A VIOLATION OF THIS ORDINANCE TO BE A MISDEMEANOR AND PROVIDING A PENALTY UPON CONVICTION THEREOF; PROVIDING FOR A SAFINGS CLAUSE, AND PROVIDING FOR PUBLICATION.

WHEREAS, the City Council of the City of Wheeler has determined that the ordinance set forth below would be in the best interest of the citizens of the City of Wheeler, now, therefore:

BE IT ORDAINED BY THE CITY OF WHEELER, TEXAS:

Art. 3 Alcoholic Beverages-Consumption and Possession
Section 15-19. Definitions.

As used in this ordinance, the following definitions will apply;

(a) "Alcoholic Beverage" means alcohol, or any beverage containing more than one-half of one percent (1%) of alcohol by volume which is capable of use for beverage purposes, either alone or when diluted.

(b) "Possession means care, custody, control, or management. Ownership is unnecessary nor is the possession required to be exclusive.

Sec. 15-20

It shall be unlawful for any person within the corporate limits of the City of Wheeler to consume any alcoholic beverage in any publicly owned place or for any person to possess any alcoholic beverage for the purpose of consuming the same in such publicly owned place.

Sec. 15-21.

Any person who shall be convicted of a violation of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$1.00 nor more than \$200.00.

Sec. 15-22

Should any provision of this ordinance be declared invalid for any reason, such declaration shall not effect the validity of other provisions of this ordinance, it being the intent that the provisions of this ordinance to be severable and remain valid notwithstanding such declaration.

Section. 15-23

This ordinance shall become effective from and after its final passage and publication as provided by law.

Sec. 15-24

The City Secretary is hereby authorized to cause publication of the descriptive caption of this ordinance as an alternative method provided by law.

AND IT IS SO ORDERED

Passed by the Council on first reading this 15 day of July, 1985
Passed by the Council on second reading this 16 day of August, 1985
Passed by the Council on third reading this 19 day of August, 1985

Louis C. Stas
Mayor

Mildred Ramsey
Secretary