

ORDINANCE NO. 238

AN ORDINANCE AMENDING ORDINANCE #233, SECTION 9-6.08(B) OF THE CITY OF WHEELER CODE OF ORDINANCES TO ALLOW A RETAIL ESTABLISHMENT TO OFFER DRIVE-IN, DRIVE-UP, OR WALK-UP SALES OF PRE-PACKAGED, SEALED, UNOPENED BEVERAGES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Wheeler, Texas previously passed Ordinance #233 which governs the sale and distribution of alcoholic beverages in the City;

WHEREAS, the City Council of the City of Wheeler, Texas now wishes to amend Ordinance #233, by revising Section 9-6.08(B) to allow a retail establishment to offer drive-in, drive-up, or walk-up sales of pre-packaged, sealed, unopened beverages;

WHEREAS, the City of Wheeler has the authority under State law to regulate these matters in accordance with applicable law.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Wheeler, Texas that the Code of Ordinances is amended to read as follows:

SECTION I

Ordinance #233, Section 9-6.08(B) entitled “Convenience Store and Drive-through Sales of Beer and Wine for Off-Premise Consumption”, shall hereafter read as follows:

A retail establishment may offer drive-in, drive-up, drive-through, or walk-up sales or service of pre-packaged, sealed, unopened beverages.

SECTION II

Severability. The provisions of this ordinance are declared to be severable. If any section, sentence, clause or phrase of the ordinance shall for any reason be held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this ordinance, but they shall remain in full force and effect; it being the legislative intent that this ordinance shall remain in effect notwithstanding the validity of any part.

SECTION III

Effective Date. This Ordinance shall take effect immediately upon its adoption by the City Council and publication as may be required by governing law.

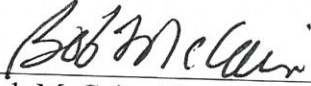
SECTION IV

Open Meetings. It is hereby officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the *Open Meetings Act, Chapter 551, Gov't. Code.*

SECTION V

Provisions Cumulative. All other terms and provisions of the Wheeler Code of Ordinances not in conflict herewith and not hereby amended shall remain in full force and effect. The passage of this Ordinance shall repeal any wording of any existing ordinance that is in conflict with the wording of this Ordinance.

PASSED, APPROVED AND ADOPTED this 19th day of September, 2016.



Bob McCain, Mayor

ATTEST:



Kelli Hampton, City Secretary