

TOWN OF FAIRVIEW, TEXAS

ORDINANCE NO. 2019-27

AN ORDINANCE OF THE TOWN OF FAIRVIEW, TEXAS, AMENDING CHAPTER 4 (BUSINESS REGULATIONS), ARTICLE 4.02 (ALCOHOLIC BEVERAGES) BY REPEALING SECTION 4.02.003 (CLASSIFICATION OF BUSINESSES) OF THE FAIRVIEW CODE OF ORDINANCES; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the Town of Fairview, Texas, has in the past adopted regulations related to the sale of alcoholic beverages; and

WHEREAS, the Town Council of the Town of Fairview, Texas (the "Town Council") has investigated and determined that Section 4.02.003 of the Fairview Code of Ordinances, which classifies the types of establishments that can legally sell alcoholic beverages, is potentially incompatible with Section 11.37 and Section 61.37 of the Texas Alcoholic Beverage Code, which require certification as to certain prohibitions under municipal ordinances; and

WHEREAS, it is the intent of the Town Council to avoid said potential incompatibility by repealing said Section 4.02.003; and

WHEREAS, the Town Council further finds that the repeal of said Section 4.02.003 does not in any manner repeal, alter, modify, diminish or otherwise affect the Town's status with respect to the legality of alcohol sales as adopted by the citizens of the Town in the local option elections held on May 15, 2004.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRVIEW, TEXAS:

SECTION 1. Findings Incorporated. The findings and recitals set forth above are incorporated into the body of this ordinance as if fully set forth herein.


SECTION 2. Repeal of Section 4.02.003 (Classification of Businesses). Section 4.02.003 (Classification of Businesses) of the Fairview Code of Ordinances is hereby repealed in its entirety and said section of the Fairview Code of Ordinances shall be noted as "Repealed" in said code with a reference to this ordinance.

SECTION 3. Savings/Severability/Repealing Clause. All ordinances and provisions of the Code of Ordinances, Town of Fairview, Texas in conflict with the provisions of this ordinance are repealed to the extent of that conflict. If any provision of this ordinance shall be held to be invalid or unconstitutional, the remainder of such ordinance shall continue in full force and effect the same as if such invalid or unconstitutional provision had never been a part hereof. The Town declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or

phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional or invalid.

SECTION 4. Effective Date. This Ordinance shall be effective immediately upon its passage and publication as required by law.

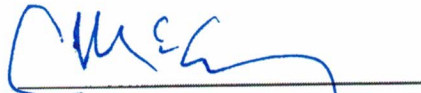
DULY PASSED AND APPROVED BY THE TOWN COUNCIL, OF THE TOWN OF FAIRVIEW, TEXAS on this 5th day of November, 2019.


Henry Dessner, Mayor
Town of Fairview

ATTEST:

APPROVED AS TO FORM:


Tenitrus Bethel, Town Secretary


Clark McCoy, Town Attorney

