

COPY

LATE NIGHT ORDINANCE NO. 12-01-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LYFORD, TEXAS AUTHORIZING THE SALE OF ALCOHOL BEVERAGES BY HOLDERS OF A MIXED BEVERAGE LATE HOURS PERMIT UNTIL 2:00 A.M. ON ANY DAY; PROVING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR SAVINGS, REPEALING AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LYFORD, TEXAS:

Section 1: Extension of Hours for Sale of Alcoholic Beverages to Holders of a Mixed Beverage Late Hours Permit. The holder of a state mixed beverage late hours permit may sell or offer to sell mixed beverages between midnight and 2:00 a.m. on any day, provided the holder complies with the State of Texas Alcoholic Beverage Code.

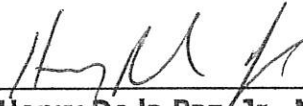
Section 2: Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason, held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. Lyford hereby declares that it would have passed this Ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

Section 3. Savings/Repealing Clause. That this Ordinance shall be cumulative of all other ordinances of the City relating to alcoholic beverages and shall not repeal any of the provisions of said ordinances except in those instances where provisions of those ordinances are in direct conflict with the provisions of this Ordinance.

Section 4. Penalty Provisions. Any person, firm, corporation or entity violating this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine not to exceed the sum of FIVE HUNDRED DOLLARS (\$500.00) or other such penalty as authorized by state law. Each continuing day's violation under this Ordinance shall constitute a separate offense. The penal provisions imposed under this Ordinance shall not preclude Lyford from filing suit to enjoin the violation. Lyford retains all legal rights and remedies available to it pursuant to local, state and federal law.

Section 5: Effective Date. This Ordinance shall become effective from and after its adoption and publication.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LYFORD,
TEXAS on this the 9th day of January, 2012.


Henry De la Paz, Jr., Mayor

Attest:


City Secretary

APPROVED AS TO FORM:

City Attorney