

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF BRYAN, TEXAS, AMENDING ARTICLE II. – DOWNTOWN BRYAN AREA, OF CHAPTER 6 – ALCOHOLIC BEVERAGES, OF THE BRYAN CODE OF ORDINANCES BY REPEALING SECTION 6-25 THROUGH SECTION 6-27 OF THE BRYAN CODE OF ORDINANCES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; FINDING AND DETERMINING THAT THE MEETING AT WHICH SAID ORDINANCE IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, unless otherwise specifically provided by law, the possession and consumption of alcoholic beverages is governed exclusively by provisions of the Texas Alcoholic Beverage Code; and

**WHEREAS**, Section 109.35 of the Texas Alcoholic Beverage Code authorizes a municipality by ordinance to prohibit the possession of an open container or the public consumption of alcoholic beverages in the central business district more strictly than state law if the governing body of the municipality determines there is a risk to the health and safety of the citizens of the municipality; and

**WHEREAS**, in the absence of a city ordinance under Section 109.35, existing state law provisions govern the possession and consumption of alcoholic beverages in a central business district; and

**WHEREAS**, City Council finds it is in the best interests of the citizens of the City of Bryan to amend this ordinance and allow existing state law to govern alcoholic beverages in the Downtown Bryan Area;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYAN:**

1.

That Article II. – Downtown Bryan Area, of Chapter 6 – Alcoholic Beverages, of the Bryan Code of Ordinances is hereby amended to repeal Section 6-25 through Section 6-27, and Sections 6-25 through 6-27 are RESERVED.

2.

That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

3.

The Code of the City of Bryan, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

4.

Should any section, paragraph, sentence, clause, phrase or word of this ordinance is declared unconstitutional or invalid for any purpose by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby, and to this end the provisions of this ordinance are declared to be severable.

5.

It is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001, et seq., of the Texas Government Code, and that advance public notice of the time, place and purpose of said meetings was given.

6.

This ordinance shall take effect immediately upon its first and only reading and passage.

**PASSED, ADOPTED, AND APPROVED** the \_\_ day of \_\_\_\_\_, 2024 at a regular meeting of the City Council of the City of Bryan, Texas, by a vote of \_\_\_ yeses and \_\_\_ noes.

ATTEST:

CITY OF BRYAN, TEXAS:

\_\_\_\_\_  
Mary Lynne Stratta, City Secretary

\_\_\_\_\_  
Bobby Gutierrez, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas A. Leeper, City Attorney