

Ordinance No. 2004-32

AN ORDINANCE OF THE CITY OF MABANK, TEXAS LEGALIZING THE SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION ONLY AND LEGALIZING THE SALE OF MIXED BEVERAGES IN RESTAURANTS BY FOOD AND BEVERAGE CERTIFICATE HOLDERS ONLY; PROVIDING FOR NOTICE AND CERTIFICATION TO THE SECRETARY OF STATE AND THE TEXAS ALCOHOL AND BEVERAGE COMMISSION; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, applications were filed with the City Secretary on December 8, 2003 with the required number of signatures of qualified voters, to request that "Petitions for Local Option Election to Legalize" be issued for (1) "The legal sale of beer and wine for off-premise consumption only" and (2) "The legal sale of mixed beverages in restaurants by food and beverage certificate holders only"; and

WHEREAS, on December 11, 2003, the City of Mabank issued two petitions for Local Option Election to Legalize (1) "The legal sale of beer and wine for off-premise consumption only"; and (2) "The legal sale of mixed beverages in restaurants by food and beverage certificate holders only", pursuant to H.B. 1199 passed by the 78<sup>th</sup> Regular Session of the Texas Legislature in 2003; and

WHEREAS, on December 22, 2003, the petition signatures were validated at the Voter Registrar's offices of Kaufman and Henderson Counties. Two hundred Thirty One (231) petition signatures of qualified registered voters in the City of Mabank were validated for Issue 1 and Two Hundred Thirty Eight (238) petition signatures of qualified registered voters in the City of Mabank were validated for Issue 2. The minimum number of verified qualified registered voters required to sign each petition was at least 162 qualified voters or 35% of the number of qualified registered voters in the City of Mabank who voted in the last gubernatorial election (2002); and

WHEREAS, the City Council of the City of Mabank was required to order two (2) separate Local Option Liquor Elections for City of Mabank, Texas residents only, but who reside in Precinct 16, City of Mabank in Kaufman County and Precinct GB2, City of Mabank, Henderson County, Texas; and

WHEREAS, the City Council of the City of Mabank called an election for the two local option issues on May 15, 2004 by adopting Ordinance No. 2004-21 on March 2, 2004 pursuant to the laws of the Election Code of the State of Texas; and

WHEREAS, the election was held on May 15, 2004 to legalize (1) "The sale of beer and wine for off-premise consumption only" and (2) "The sale of mixed beverages in restaurant by food and beverage certificate holders only"; and

WHEREAS, the qualified registered voters in the City of Mabank approved the issue to legalize “The sale of beer and wine for off-premise consumption only” by a vote of 219 for and 87 against; and

WHEREAS, the qualified registered voters in the City of Mabank approved the issue to legalize “The sale of mixed beverages in restaurants by food and beverage certificate holders only” by a vote of 217 for and 85 against.

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

Section 1. “The sale of beer and wine for off-premise consumption only” and “The sale of mixed beverages in restaurants by food and beverage certificate holders only” is legal within the City of Mabank, Kaufman and Henderson Counties, Texas.

Section 2. The City Secretary is hereby directed to provide notice and certification of this order to the Secretary of State and the Texas Alcohol and Beverage Commission, pursuant to Section 251.51 of the Texas Alcoholic Beverage Code.

PASSED AND APPROVED this the 25<sup>th</sup> day of May 2004.

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Larry Teague, Mayor

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City Secretary/Administrator

ARTICLE 215.033

AN ARTICLE PERTAINING TO THE SALE OF BEER AND WINE FOR  
OFF-PREMISES CONSUMPTION ONLY AND LEGALIZING THE  
SALE OF MIXED BEVERAGES IN RESTAURANTS BY FOOD AND  
BEVERAGES CERTIFICATE HOLDERS ONLY.