

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

**AN ORDINANCE AMENDING CHAPTER 4, “ALCOHOLIC BEVERAGES” OF THE CODE OF THE CITY OF FORT WORTH (2015), AS AMENDED BY AMENDING SECTION 4-6 TO ADD A NEW SECTION RESTRICTING THE POSSESSION OF AN OPEN CONTAINER OR THE CONSUMPTION OF AN ALCOHOLIC BEVERAGE WITHIN A PROSCRIBED BOUNDARY IN THE WEST 7<sup>TH</sup> AREA, AND TO RENUMBER AND REVISE THE CURRENT SECTION 4-6 “PENALTY” TO SECTION 4-7; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 109.33 of the Texas Alcoholic Beverage Code, Chapter 4 of the City Code of the City of Fort Worth prohibits the sale of alcoholic beverages if the place of business is within three hundred feet of any church, school or hospital; and

**WHEREAS**, Section 109.35, Prohibition on Consumption, of the Texas Alcohol and Beverage Code (TABC) allows the governing body of a municipality to adopt an ordinance to prohibit the possession of an open container or public consumption of alcohol on public streets and sidewalks in the “central business district” if it is determined by the City Council that there is risk to the health and safety of citizens; and

**WHEREAS**, the TABC defines a “central business district” as a compact and contiguous geographical area of a city in which at least 90% of the land is used or zoned for commercial purposes and that the area has historically been one of the primary locations in the municipality where business has been transacted; and

**WHEREAS**, the West 7th area is a compact area for which 90% of the land is zoned for a mix of commercial uses and historically was zoned for industrial and commercial uses; and

**WHEREAS**, comparing January-October of 2021 to January-October 2022, the West 7th area has experienced an approximate 15% increase in overall crime which includes an 8% increase in public intoxication arrests; so far this year, approximately 12% of the total criminal offenses in the West 7th area involve alcohol; and

**WHEREAS**, the City Council has determined that there is risk to the health and safety of citizens and it is advisable to amend Chapter 4 of the City Code to add a new section to prohibit the possession of an open container or the consumption of an alcoholic beverage within the boundary of the West 7<sup>th</sup> area as depicted in Exhibit A.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:**

**SECTION 1.**

Chapter 4 of the Code of the City of Fort Worth, "Alcoholic Beverages" is amended to add a new section 4-6 "Possession or Consumption in the West 7<sup>th</sup> Urban Village," and to renumber the current Section 4-6, "Penalty" to Section 4-7 as follows:

**Sec. 4-6 Possession or Consumption of Alcohol in Certain Public Places**

- (a) Definitions. For the purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Open Container shall mean a container that is no longer sealed.

West 7<sup>th</sup> Area shall mean the area as depicted in Exhibit A, attached and incorporated into this section.

- (b) A person commits an offense if he possesses an open container of, or consumes, an alcoholic beverage in or on any public street, sidewalk, alley or pedestrian way located in the West 7<sup>th</sup> Area as defined in this section.
- (c) It is a defense to prosecution under subsection (b) if the person:
1. Was attending a special event that was authorized by the City and for which a valid permit or license to sell or serve alcoholic beverages was issued by the Texas Alcoholic Beverage Commission;
  2. Was inside a building not owned or controlled by the City;
  3. Was inside a residential structure;
  4. Was within the area of an establishment licensed by the Texas Alcoholic Beverage Commission for alcohol consumption on the premises;
  5. Was within the area authorized for a sidewalk café as described in Article IX, Chapter 20, evidenced by a properly issued permit.
- (d) Nothing in this section is intended to prohibit or otherwise control the manufacture, sale, distribution, transportation, or possession of alcoholic beverages, except to the extent allowed by state law.
- (e) Each violation of Section 4-6 is a Class C Misdemeanor and shall be punishable by a fine of not more than five hundred dollars.

**Sec. 4-7 Penalty.**

Any person who shall fail to pay any tax or fee prescribed by this chapter and secure a permit before engaging in any business for which the payment of any such fee and securing of any such permit is required by the terms of this chapter, or who shall engage in any such business

without holding an unrevoked or unexpired permit from the city authorizing the same shall be in violation of this chapter. Each violation is a Class C Misdemeanor and shall be punishable by a fine of not more than five hundred dollars, deemed guilty of a misdemeanor and, upon conviction as provided in § 1-6 of this code.

**SECTION 2.**

That this ordinance shall be cumulative of all other ordinances of the City of Fort Worth, Texas, and shall not repeal any of the provisions of such ordinances, except in those instances where provisions of such ordinances are in direct conflict with the provisions of this ordinance.

**SECTION 3.**

That all rights or remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the City Code, or any amendments thereto that have accrued at the time of the effective date of this ordinance; and as to such accrued violations, and all pending litigation, both civil and criminal, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

**SECTION 4.**

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such voidness, ineffectiveness or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

**SECTION 5.**

That the City Secretary of the City of Fort Worth, Texas, is hereby directed to publish this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by the V.T.C.A. Local Government Code Subsection 52.013.

**SECTION 6.**

This ordinance shall take effect after adoption and publication as required by law.

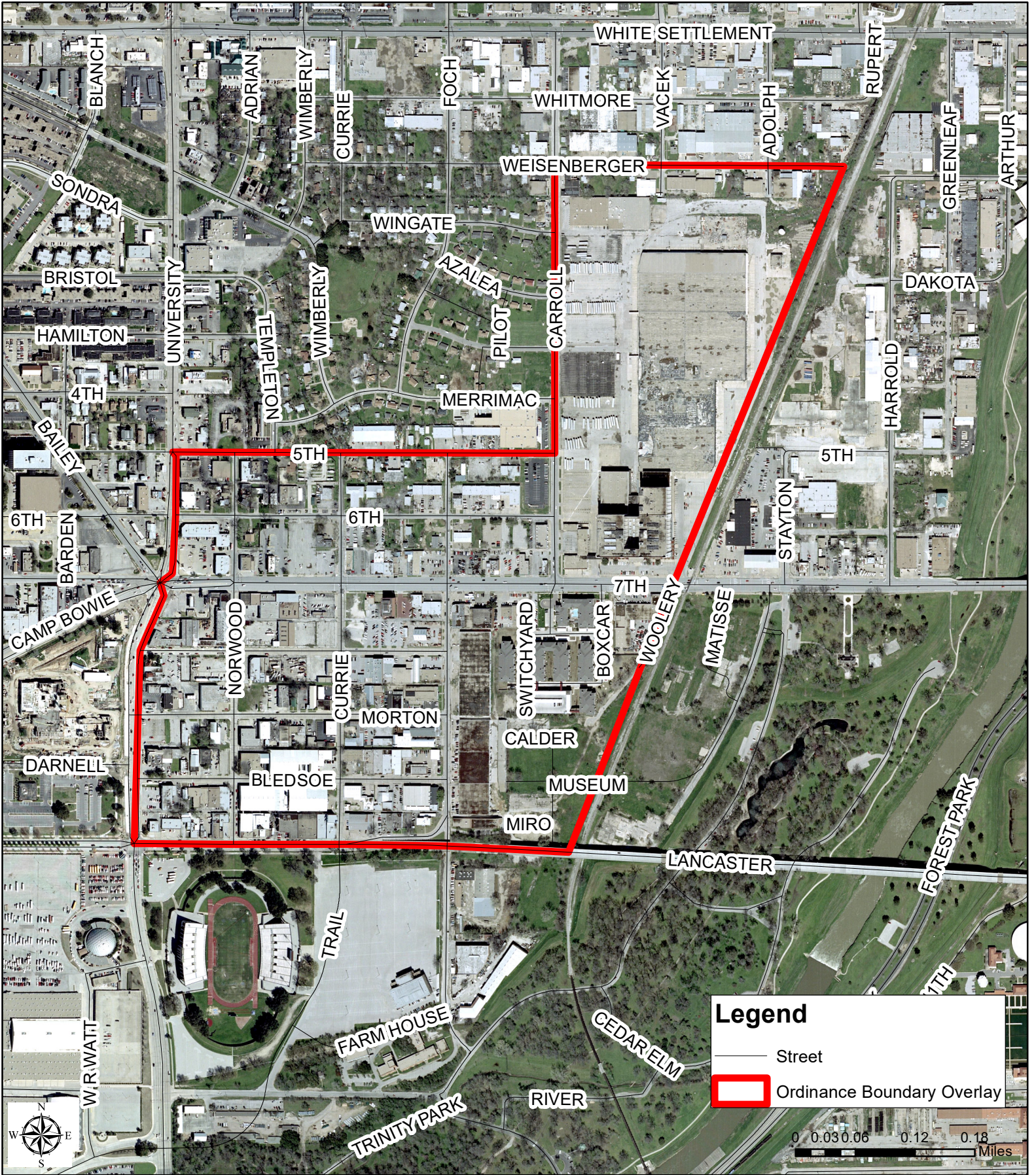
APPROVED AS TO FORM AND LEGALITY:

By: \_\_\_\_\_  
Melinda Ramos, Deputy City Attorney

\_\_\_\_\_  
Jannette S. Goodall, City Secretary

Adopted: \_\_\_\_\_

Effective: \_\_\_\_\_



**Fort Worth Police Department**  
**W. 7th Ordinance Boundary**

