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ORDINANCE NO. 106

AN ORDINANCE PROHIBITING THE DRINKING OF ALCOHOLIC BEVERAGES IN PUBLIC PARKS, ON SIDEWALKS, STREETS AND ALLEYS, ON PUBLIC PARKING LOTS, ETC.; PROHIBITING THE POSSESSION OF AN OPEN CONTAINER OF ALCOHOLIC BEVERAGES; AND PROVIDING FOR A PENALTY OF NOT LESS THAN ONE AND NO/100 (\$1.00) DOLLAR, NOR MORE THAN TWO HUNDRED AND NO/100 (\$200.00) DOLLARS.

WHEREAS, there is a need for governing the drinking of alcoholic beverages in the City of Bells, Texas, and

WHEREAS, it is in the public interest that drinking of alcoholic beverages and possession of open containers of alcoholic beverages in the City of Bells, Texas, be regulated,

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

SECTION 1. Short Title. This ordinance shall be known and may be cited as the "Ordinance Prohibiting drinking of alcoholic beverages in public places".

SECTION 2. Definitions. For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number, the plural numbers. The word "shall" is always mandatory and not merely directory.

- (a) City is the City of Bells, Texas.
- (b) Public Place shall mean any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose.
- (c) Alcoholic Beverage shall mean alcohol and any beverage containing more than one-half of one per cent (1/2 of 1%) of alcohol by volume which is capable of use for beverage purposes, either alone or when diluted.

SECTION 3. Drinking of alcoholic beverages in public places. The drinking of any alcoholic beverages in any public park, on

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sidewalks, streets and alleys, on any public parking lot, on any private parking lot of any shopping center, or any private parking lot of any retail or commercial business, or at any place where an athletic event or contest is being conducted, or in, on, or at any public school campus or facility, or in any theater buildings within the corporate limits of the City of Bells, Texas, whether as a passenger in, or as operator of any vehicle is unlawful and is prohibited.

SECTION 4. Open containers. The finding in one's possession of any opened container of the type generally used to contain alcoholic beverages shall be prima facie evidence that the person, or persons, was or were then and there drinking alcoholic beverages in violation of this section.

SECTION 5. Penalties. Any person violating the provisions of this section, shall, upon conviction, be fined not less than ONE AND NO/100 (\$1.00) DOLLAR, nor more than TWO HUNDRED AND NO/100 (\$200.00) DOLLARS.

SECTION 6. Repeal of Conflicting Ordinances. All existing ordinances of the City of Bells, Texas, are hereby repealed in so far as they may be inconsistent with the provisions of this ordinance.

PASSED and APPROVED this 15 day of May, A.D. 1975.

  
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MAYOR

ATTEST:

  
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CITY SECRETARY