

ORDINANCE NO. 2023-02

AN ORDINANCE AMENDING SUBSECTION 8.01.005(b)(1) OF THE BRIDGEPORT CODE OR ORDINANCES REGARDING THE POSSESSION OR CONSUMPTION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGE IN THE DOWNTOWN BUSINESS DISTRICT; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bridgeport is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council previously adopted Section 8.01.005 "Possession or Consumption of Open Container Alcoholic Beverages in the Downtown Business District (DBD)" to permit and regulate the possession or consumption of open containers of alcoholic beverages in the Downtown Business District; and

WHEREAS, the City Council desires to amend Subsection 8.01.005(b)(1) to remove the requirement for a "clear" plastic cup, and to revise the term "cup" to "container", as contained herein.

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

SECTION 1.

Section 8.01.005 "Possession or Consumption of Open Container Alcoholic Beverages in the Downtown Business District (DBD)", Subsection (b)(1) only, of the Bridgeport Code of Ordinances is hereby amended to read as follows:

Sec. 8.01.005 Possession or consumption of open container alcoholic beverages in the Downtown Business District (DBD)

...

b) Open Container Possession or Consumption in DBD. Within the DBD, the following regulations shall apply:

"(1) Licensed Establishment. Any establishment within the DBD licensed by the Texas Alcoholic Beverage Commission (TABC) to dispense alcoholic beverages by the drink for on premise consumption and for off-premise consumption, is authorized to dispense an alcoholic beverage in a disposable plastic container for removal from the licensed establishment by a pedestrian. The name or logo of the licensed establishment must be on

the container itself or affixed to the container by a sticker. Additionally, the licensed establishment shall affix a DBD logo sticker to each open container alcoholic beverage container. It shall be unlawful for any person to consume or possess any open container alcoholic beverage in the DBD which was not purchased at a licensed establishment in the DBD. It shall be unlawful for any licensed establishment to dispense any open container alcoholic beverage in the DBD in any container except a disposable plastic container bearing the name or logo of the licensed establishment and with a DBD logo sticker attached thereto.”

...

The remaining Subsections of Section 8.01.005(b) are not amended hereby and remain in full force and effect.

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances and of the Code of Ordinances of the City of Bridgeport, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event the conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

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

SECTION 4.

All rights and remedies of the City of Bridgeport are expressly saved as to any and all violations of the provisions of the code of ordinances of the City of Bridgeport, Texas, as amended, regarding alcoholic beverages, which 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, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

SECTION 5.

This ordinance shall take effect on and after its passage as required by law, and it is so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BRIDGEPORT, TEXAS, BY A VOTE OF 4 TO 0, ON THIS THE 24th DAY OF April, 2023.



APPROVED:

Randy Singleton

Randy Singleton, Mayor

ATTEST:

Jean Dwinneil
Jean Dwinneil, City Secretary/CCO