

RER/jmb  
4/15/10  
#19b

AN ORDINANCE 2010-04-15-0327

**AMENDING CHAPTER 4, ALCOHOLIC BEVERAGES, OF THE CITY CODE OF SAN ANTONIO, TEXAS TO PROHIBIT POSSESSION OF AN OPEN CONTAINER OF ANY ALCOHOLIC BEVERAGE OR THE PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES IN THE CENTRAL BUSINESS DISTRICT OF THE CITY OF SAN ANTONIO AND DEFINING THE INTENDED AREA.**

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**WHEREAS**, the City Council has determined that the presence of open containers and the public consumption of alcoholic beverages in the central business district of the City of San Antonio is a risk to the health and safety of the citizens of San Antonio; and

**WHEREAS**, possession of open containers of alcoholic beverages and public consumption of alcoholic beverages is already prohibited in some, but not all areas of the central business district of the City of San Antonio; and

**WHEREAS**, the City Council recognizes the need to update and amend Chapter 4, Alcoholic Beverages, to change the boundaries of the designated central business district to regulate public consumption of alcoholic beverages throughout previously unregulated areas such as the library, Sunset Station, and the area surrounding the University of Texas at San Antonio Downtown Campus, as well as to bring the parameters of the central business district within the requirements of §109.35(a) of the Texas Alcoholic Beverage Code; and

**WHEREAS**, the City Council has determined to petition the Texas Alcoholic Beverage Commission and request an order approving its designation of a central business district where possession of open containers of alcoholic beverages and public consumption of alcoholic beverages will be prohibited in a manner which meets the requirements of state law; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** Sections 4-4 and 4-4.2 of Chapter 4 of the City Code of San Antonio, are repealed in their entirety.

**SECTION 2.** Chapter 4, *Alcoholic Beverages*, of the City Code of San Antonio, Section 4-4 shall read as follows:

Sec. 4-4 Consumption of alcoholic beverages in the central business district.

a) In this section, the following words and terms shall have the meanings ascribed in this subsection:

- 1) "Central business district" means the area depicted as the central business district of the city on the map attached to this ordinance, which is to be submitted for approval to the Texas Alcoholic Beverage Commission, and upon said approval, true copies of which map, resolution and order shall be placed on file in the office of the City Clerk and which describe the area as follows:

Beginning at South San Marcos Street at its intersection with West Commerce Street, south to its intersection with Matamoros Street, east to its intersection with the Union Pacific Railway, south to South Alamo Street, north to its intersection with East Durango Boulevard, east to South Cherry Street, north to its intersection with East Commerce Street, east to its intersection with North Mesquite Street, north to its intersection with Burleson Street, west to its intersection with Austin Street, north to its intersection with Casa Blanca Street, west to Newell Avenue, southwest to East Elmira Street, west to the intersection of West Elmira and the westbound service road of Interstate Highway 10, underneath Interstate Highway 10, then westbound from the intersection of the Interstate Highway 10 eastbound service road and Perez Street to its intersection with North Frio Street, south to its intersection with West Martin Street, west to its intersection with North San Marcos Street, south to its intersection with West Commerce Street.

- 2) "Licensed premises" means the premises of any place for which a Texas Alcoholic Beverage Commission permit or license has been issued that allows on-premises consumption of alcoholic beverages.
  - 3) "Open container" means an alcoholic beverage container that is no longer sealed.
- b) A person commits an offense if the person:
- 1) is within the central business district, as defined by subsection (a)(1); and
  - 2) possesses an open container or engages in the public consumption of any alcoholic beverage.
- c) It is a defense to prosecution under this section that the alleged offense took place in a motor vehicle, in a building not owned or controlled by the City, in a residential structure or on a licensed premise that is situated in the central business district.
- d) Except as set out herein, this section does not prohibit or otherwise control the manufacture, sale, distribution, transportation or possession of alcoholic beverages.
- e) The city manager is authorized to erect and post signs in and around the central business district area forewarning persons that possession of an open container or the public consumption of alcoholic beverages in the central business district is prohibited.
- f) An offense under this section may be subject to prosecution for a Class C misdemeanor and a fine not to exceed \$500.00.

**SECTION 3.** The City Manager is authorized to direct the City Attorney to prepare and present the City's petition for an order to the Texas Alcoholic Beverage Commission, appropriate to prohibit possession of an open container or public consumption of alcoholic beverages in the central business district.

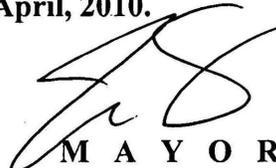
**SECTION 4.** The amendments adopted by this Ordinance shall not affect the remainder of Chapter 4, and said provisions shall remain in full force and effect.

**SECTION 5.** The City Clerk of the City of San Antonio is hereby directed to publish notice of this ordinance as required by Section 17 of the City Charter of the City of San

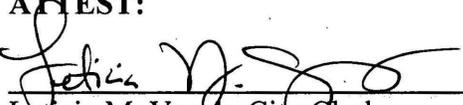
Antonio. The publication shall consist of the full text of this ordinance, or a substantive condensed statement of the nature and purpose of this ordinance, and the penalty for violation of its provisions.

**SECTION 6.** This ordinance shall take effect five days after the date of publication as provided above.

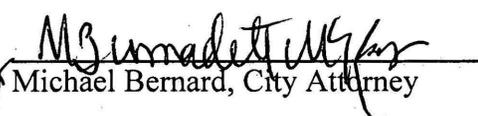
**PASSED AND APPROVED** this 15<sup>th</sup> day of April, 2010.

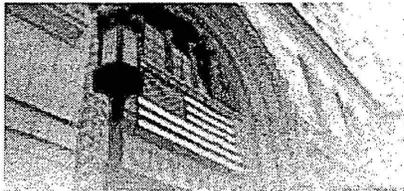
  
**M A Y O R**  
Julián Castro

**ATTEST:**

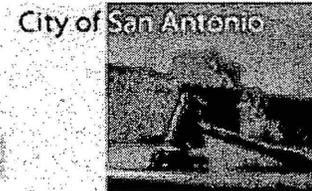
  
Leticia M. Vacek, City Clerk

**APPROVED AS TO FORM:**

  
Michael Bernard, City Attorney



Request for  
**COUNCIL  
ACTION**



## Agenda Voting Results - 19B

<b>Name:</b>	5, 6A, 6B, 7, 8, 9, 10, 11, 12, 13, 14, 15, 19A, 19B, 19C, 21, 22, 23, 24, 25						
<b>Date:</b>	04/15/2010						
<b>Time:</b>	09:50:23 AM						
<b>Vote Type:</b>	Motion to Approve						
<b>Description:</b>	An Ordinance amending Chapter 4, alcoholic beverages, of the San Antonio City Code to adjust the geographic boundaries to prohibit possession of an open container of any alcoholic beverage or the public consumption of alcoholic beverages in the central business district of the City of San Antonio and defining the intended area.						
<b>Result:</b>	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Julián Castro	Mayor		x				
Mary Alice P. Cisneros	District 1		x				
Ivy R. Taylor	District 2		x				
Jennifer V. Ramos	District 3		x			x	
Leticia Cantu	District 4		x				
David Medina Jr.	District 5		x				x
Ray Lopez	District 6		x				
Justin Rodriguez	District 7		x				
W. Reed Williams	District 8		x				
Elisa Chan	District 9		x				
John G. Clamp	District 10		x				