

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARROLLTON, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING TITLE XI, HEALTH, SAFETY AND PROPERTY MAINTENANCE BY ESTABLISHING A NEW CHAPTER 112 TO BE ENTITLED “BYOB BUSINESSES REGULATION” TO ESTABLISH A PERMIT PROGRAM FOR BUSINESSES THAT ALLOW BRING YOUR OWN BEVERAGE (BYOB); ESTABLISHING THE PURPOSE AND OTHER GENERAL PROVISIONS; ESTABLISHING PROVISIONS REGARDING BYOB PERMITS INCLUDING THE APPLICATION PROCESS, EXPIRATION, AND RENEWAL; ESTABLISHING PROVISIONS REGARDING DENIAL, SUSPENSION, REVOCATION OF THE PERMITS, AND AN APPEAL PROCESS TO THE PROPERTY STANDARDS BOARD OF SUCH ACTIONS; ESTABLISHING OTHER MISCELLANEOUS REGULATIONS INCLUDING HOURS OF OPERATION RESTRICTIONS, AND PREMISES AND PARKING AREA RESTRICTIONS; ESTABLISHING ENFORCEMENT PROVISIONS PROVIDING FOR CRIMINAL AND CIVIL PENALTIES; PROVIDING SAVINGS, SEVERABILITY, REPEALER, AND PENALTY CLAUSES; AND PROVIDING AN EFFECTIVE DATE ON AND AFTER ADOPTION AND PUBLICATION.

WHEREAS, the City of Carrollton, Texas (the “City”) is a Home Rule municipality possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter; and

WHEREAS, Section 54.004 of the Texas Local Government Code provides that a home rule municipality may enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants;

WHEREAS, the manufacture, sale, distribution, transportation, and possession of alcoholic beverages, and the permitting and licensing processes associated with these activities are regulated by the provisions of the Texas Alcoholic Beverage Code (“Texas Code”);

WHEREAS, the Texas Code grants specific powers and enforcement authority to the Texas Alcoholic Beverage Commission (“Agency”)

WHEREAS, the Code does not reference BYOB establishments, and therefore such establishments are not required to be permitted or licensed by the Agency;

WHEREAS, the City Council desires to enact an ordinance which regulates a permitting process for establishments that allow BYOB for alcoholic beverages;

WHEREAS, the City Council finds that it is necessary and proper for the good government, health and safety of the City to adopt regulations relating to a permitting process for BYOB establishments;

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

SECTION 1

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2

The Code of Ordinances of the City of Carrollton Title XI, Business Regulations, is hereby amended to add Chapter 112, Establishments Not Licensed By The Texas Alcoholic Beverage Commission, to read as follows:

“CHAPTER 112. - ESTABLISHMENTS NOT LICENSED BY THE TEXAS ALCOHOLIC BEVERAGE COMMISSION

ARTICLE I. GENERAL PROVISIONS

Sec. 112.01 SHORT TITLE AND PURPOSE.

(A) This chapter may be known and cited as "BYOB Businesses Regulation."

(B) The purpose of this chapter is to protect the health, safety, and welfare of the citizens of the City of Carrollton by monitoring and regulating BYOB businesses. This chapter establishes a permit program for BYOB businesses, imposes regulations of business operations of BYOB businesses, and imposes civil and criminal penalties for violations of this chapter.

(C) The restrictions of Sections 1.06 and 109.57 of the Alcoholic Beverage Code preempt the City's regulation of permitted or licensed establishments, and the regulation of the manufacture, sale, distribution, transportation, and possession of alcoholic beverages. The intent of this ordinance is not to regulate any of these activities or premises, but to establish a process by which Texas Alcoholic Beverage Commission (Agency) permitted or licensed businesses are not discriminated against regarding locations and operations within the City, to protect health, life, and property, and to preserve the good government, order, and security of the municipality and its inhabitants by establishing a city permitting process for businesses that are not regulated by the Agency.

Sec. 112.02 ADMINISTRATION

The City Manager or City Manager designee shall administer, implement, and enforce the provisions of this chapter. Any powers granted to, or duties imposed upon the City Manager or the designee, may be delegated to other city personnel or authorized representatives.

Sec. 112.03 DEFINITIONS.

(A) It is a common practice for an establishment not licensed or permitted by the Texas Alcoholic Beverage Commission (“TABC”) to sell or serve alcoholic beverages to allow its patrons to bring their own alcoholic beverages onto the premises for consumption. This practice is often referred to as "BYOB," an acronym commonly used for “bring your own bottle,” or “bring your own beverage.”

(B) In this chapter:

ALCOHOLIC BEVERAGE. Has the meaning assigned by the Texas Alcoholic Beverage Code.

BOARD. The Property Standards Board.

BYOB PERMIT. A permit, issued pursuant to this chapter, to operate a BYOB Venue.

BYOB VENUE. An establishment to which this chapter applies, as prescribed by section 112.03.

DCO. Designated City Official. The City Manager. The term may include the City Manager's designee or delegated staff or duly authorized representative of the City Manager.

PERMIT APPLICANT or APPLICANT. Any person listed on the BYOB permit application as an applicant, or the signatory of an application.

PERMIT HOLDER. The person to whom a permit has been issued. This term includes any agent or employee of the holder that has the responsibility for operating the BYOB Venue or acts as a person in charge of a BYOB Venue.

PERSON. Defined in the same manner as Texas Penal Code Section 1.07.

PREMISES. The grounds and all buildings, vehicles, and appurtenances pertaining to the grounds, including any adjacent premises if they are directly or indirectly under the control of the same person.

PUBLIC PLACE. any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops. A Public Place for purposes of this Chapter includes a BYOB Venue.

Sec. 112.04 APPLICABILITY.

(A) Except as provided in subsection (B), this chapter applies to an establishment that:

- (1) Is not licensed or permitted by the Texas Alcoholic Beverage Commission to sell or serve alcoholic beverages; and
 - (2) Allows patrons to bring alcoholic beverages onto the premises for possession and consumption.
- (B) This chapter does not apply to:
- (1) A residence;
 - (2) An establishment operated by a governmental entity;
 - (3) A private club permitted pursuant to Chapter 32 of the Texas Alcoholic Beverage Code;
 - (4) A fraternal organization or veteran's organization, as defined by the Texas Alcoholic Beverage Code;
 - (5) A Place of Worship as defined in the Carrollton Comprehensive Zoning Ordinance;

Sec. 112.05 NOTICE.

- (A) Notice may be provided by:
- (1) regular U.S. Mail,
 - (2) hand delivery,
 - (3) posting of a notice on a public entry door to the business, or
 - (4) email delivery, if consent for such method is given by the Permit Applicant.
- (B) Mailed notice is deemed to be delivered on the fifth day after it is mailed.
- (C) Emailed, hand delivered, and posted notice are deemed to be delivered on the date the notice is emailed, hand delivered, or posted.
- (D) If more than one manner of notice is utilized, the earliest date of notice shall be deemed the date notice was provided.
- (E) Notice to a Permit Holder may also be delivered to an employee if no person in charge is present at the BYOB Venue at the time of delivery, and is effective notice to the Permit Holder upon delivery.

Secs. 112.06—112.14. - Reserved.

ARTICLE II. PERMITS

Sec. 112.15 PERMIT REQUIRED.

- (A) A person shall obtain a BYOB Permit issued by the DCO before the person may operate a BYOB Venue.
- (B) A person must obtain a separate BYOB Permit for each BYOB Venue location.

Sec. 112.16 QUALIFICATIONS.

- (A) An individual must be at least 18 years of age to apply for or hold a Permit under this chapter.
- (B) There must be at least one individual Applicant, or at least one designated agent for a legal entity, that is able to establish residency in the state of Texas and within 150 miles of the territorial limits of the City of Carrollton. The address of said individual must be provided, and the individual must be a signatory on the application. The Applicant or designated agent may represent the BYOB Venue in matters before the Board, except where state law provides otherwise.
- (C) An individual Applicant or Designated Agent must not have a conviction for a felony or misdemeanor that directly relates to the duties and responsibilities for operating a BYOB Venue, including offenses that involve any regulated substances.

Sec. 112.17 PERMIT APPLICATION.

- (A) A person who seeks a permit to operate a BYOB Venue must submit an application to the DCO on a form provided by the DCO. The application must include:
 - (1) The names, addresses, and birth dates of all individuals who have an ownership interest in, or who will manage or otherwise exercise control over, the proposed BYOB Venue;
 - (2) The names, addresses, phone numbers and email addresses for all owners of the property upon which the BYOB Venue is located;
 - (3) Authorization for the city to conduct a criminal background check on each person described in division (A)(1);
 - (4) The name of the BYOB Venue and its physical address;
 - (5) For Applicants that are a legal entity:

- (a) Sufficient evidence from the Secretary of State that demonstrates the entity is authorized to transact business in Texas.
 - (b) Designation of an individual Permit Holder that resides in the state of Texas and within 150 miles of the territorial limits of the City of Carrollton, and the address of the residence of such individual.
 - (c) Designate an agent, who is a citizen of this state, to represent the person in matters before the Board and to be responsible for the proper conduct of any activity of a Permit Holder.
- (6) Proof that the Applicant has all other permits and approvals required to operate the establishment;
- (7) Scale drawings of the site, including:
 - (a) All site improvements;
 - (b) The floor plan of each building; and
 - (c) A designation of the areas where the consumption of alcohol is to be allowed;
- (8) An owner consent form signed and notarized by the owner of record of the property if an Applicant does not own the property upon which the BYOB Venue is located; and
- (9) Other information reasonably required by the DCO.
- (B) No person shall be required to pay a fee to apply for, or be provided, a BYOB permit.
- (C) An applicant or Permit Holder shall immediately supplement the information provided as part of the BYOB permit application if the information is, or becomes in any manner, inaccurate, incomplete, or misleading. This obligation continues after a BYOB permit is issued for as long as the BYOB is in effect, and shall also continue during any period of suspension or appeal period.

Sec. 112.18 PERMIT APPROVAL; DENIAL

- (A) Except as otherwise provided in this chapter, the DCO shall approve a BYOB permit application if the DCO determines that the applicant and the proposed BYOB Venue meet the requirements of this Chapter.
- (B) The DCO shall deny a BYOB Permit application if the DCO determines that:
 - (1) The BYOB venue as proposed would not comply with this chapter;
 - (2) A BYOB Permit required by this chapter was revoked within the preceding 12-month period for the same location with a similar or related use; or
 - (3) A BYOB Permit required by this chapter was revoked within the preceding 12-month period and the revoked BYOB Permit was issued to the same Applicant or Permit Holder as a current Applicant or Permit Holder.
- (C) The DCO may deny a BYOB permit application if the DCO determines that:
 - (1) The Applicant provided incorrect or incomplete information on the application; or
 - (2) An Applicant or Permit Holder has been convicted of a felony or misdemeanor that directly relates to the duties and responsibilities for operating a BYOB venue, including an offense involving a regulated substance.
- (D) The DCO shall give written notice of a determination of an application to the Applicant no later than 45 days from the submission of a complete application.
- (E) An Applicant may appeal a denial of a BYOB Permit application to the Property Standards Board in accordance with Sec.112.26 of this ordinance.
- (F) Notice of a determination of approval, suspension, denial, or revocation may be delivered as provided elsewhere for notices in this chapter.

Sec. 112.19 PERMIT NOT TRANSFERABLE.

A BYOB permit issued under this chapter is not assignable or transferable to any other person or entity.

Sec. 112.20 PERMIT NOT A RIGHT.

A BYOB permit issued under this chapter is a grant of a privilege and is not a property right.

Sec. 112.21 PERMIT EXPIRATION; RENEWAL.

A BYOB Permit issued under this chapter expires one year after the date it is issued. A renewal application for a BYOB Permit must be filed not sooner than the ninetieth day and not later than the forty-fifth day before the BYOB permit expires. An application that is not filed within the described time period shall be deemed a new application, and shall comply with all new application requirements.

Sec. 112.22. - Reserved.

ARTICLE III. SUSPENSION; REVOCATION; AND APPEAL

Sec. 112.23 PERMIT SUSPENSION; REVOCATION; GENERAL

- (A) The DCO may, in writing, suspend or revoke a BYOB Permit issued under the provisions of this ordinance whenever the BYOB Permit is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building, structure or use is in violation of any provision of this ordinance or the provisions of any other ordinance of the City of Carrollton.
- (B) Any BYOB Permit which has been suspended or revoked shall not be displayed at the BYOB Venue.
- (C) The BYOB Permit must be surrendered to the DCO immediately upon suspension or revocation.

Sec. 112.24 PERMIT SUSPENSION

- (A) The DCO may suspend a BYOB Permit issued under this chapter without prior notice or hearing if the DCO determines that:
 - (1) The BYOB Venue does not comply with this chapter;
 - (2) The BYOB Venue is not in compliance with all ordinances of the City of Carrollton and laws of the state of Texas;
 - (3) The BYOB Permit Holder of the BYOB Venue has violated a requirement of this chapter; or
 - (4) The BYOB Permit Applicant does not qualify for a permit under this chapter for a reason that may be remedied by the Applicant.
- (B) If the DCO suspends a BYOB Permit:

- (1) The DCO shall provide the BYOB Permit Holder with written notice of the BYOB Permit suspension that includes:
 - (a) the reason(s) the BYOB Permit is subject to suspension;
 - (b) the time period of the suspension;
 - (c) any items that require compliance or correction in order to lift a suspension; and
 - (d) a statement that a failure to comply with the items in the notice in the designated time period may result in a revocation of the BYOB permit.
 - (2) The BYOB Permit Holder shall immediately cease to allow BYOB at the location;
 - (3) The BYOB Permit Holder shall immediately surrender the BYOB Permit; and
 - (4) At the end of the period of suspension, in the absence of further violations or noncompliance, a surrendered BYOB Permit shall be returned to the BYOB Permit Holder and shall be valid under the provisions of this code. If a period of suspension extends beyond the normal expiration date of the BYOB Permit, the BYOB Permit Holder shall apply for renewal pursuant to the provisions of this chapter.
- (C) Suspension of a BYOB permit is effective on delivery of notice in accordance with this chapter.
- (D) A BYOB Permit Holder may appeal a BYOB Permit suspension pursuant to the provisions of this chapter.
- (E) If an appeal is not timely filed, the DCO's decision to suspend is final, and the suspension continues in effect.
- (F) The DCO may reinstate a permit if the reason for suspension no longer exists.

Sec. 112.25 PERMIT REVOCATION.

- (A) The DCO may revoke a BYOB permit issued under this chapter if the DCO determines that:
- (1) The Permit Holder, the manager, an employee, or other agent of the BYOB Venue has engaged in serious or repeated violations of this chapter;
 - (2) The BYOB Venue has repeatedly failed to comply with this chapter;
 - (3) The BYOB Venue is not in compliance with all health and safety ordinances of the City of Carrollton and laws of the state of Texas, including Chapter 150 of the Code of Ordinances.

- (4) The Permit Holder does not qualify for a permit under this chapter, and does not have the ability to qualify within a reasonable time period not to exceed 90 days.
 - (5) The calls for service to the BYOB Venue exceeds 3 calls within any 90 day period that involve:
 - (a) Weapons charges
 - (b) Violent crime
 - (c) Calls categorized as a “Major Disturbance” by Dispatch.
 - (d) Deadly conduct
 - (e) Any felony offense
 - (f) Human Trafficking related offenses
 - (6) The BYOB Permit was issued pursuant to false information provided on or with the application, renewal application, or supplemental information submitted as part of the application or renewal process or as required by this chapter.
- (B) The DCO shall provide the BYOB Permit Holder and Applicant with written notice of the BYOB Permit revocation that includes the reason(s) the BYOB Permit is subject to revocation.
 - (C) Revocation of a BYOB Permit is effective on delivery of notice.
 - (D) A BYOB Permit Holder may appeal a BYOB Permit revocation pursuant to the provisions of this chapter.
 - (E) If an appeal is not timely filed, the DCO’s decision to revoke is final.
 - (F) A revocation is not stayed pending the outcome of an appeal.
 - (G) An appeal of a revocation must be scheduled to be heard by the Board within 30 days of the notice of appeal.

Sec. 112.26 APPEAL.

- (A) An Applicant may appeal the DCO's determination to deny, suspend, or revoke a BYOB Permit pursuant to this chapter by filing a written notice of appeal to the Property Standards Board not later than ten calendar days after delivery of the notice of denial, suspension, or revocation.
- (B) If a BYOB Permit Holder timely files a written notice of appeal:
 - (1) A hearing before the Board shall be held at or before 7p.m. of the Thursday next after the expiration of 15 days after the written notice of appeal is filed.
 - (2) A suspension is stayed until the Board issues its decision on the appeal.
 - (3) A revocation is not stayed during the pendency of the appeal to the Board.
- (C) The notice of appeal shall set forth the following:
 - (1) The name and contact information of the person filing the appeal;
 - (2) The name and address of the BYOB Venue;
 - (3) A brief statement setting forth the material facts that are the bases for the appeal; and
 - (4) The verification (by declaration under penalty of perjury) by the Applicant to the truth of the matters stated in the appeal.
- (D) The Board shall sit as an appeal board for the purposes of hearing appeals under this chapter.
- (E) A hearing by the Board may proceed if a quorum of the Board is present. The Board shall hear and consider relevant evidence offered by the Applicant and by the DCO.
- (F) The Board shall not make findings on the merits of the individual events in determining whether an event or a type listed in section 112.25(A)(5) is properly relied on to suspend or revoke a BYOB Permit. The basic offense report, basic arrest report, or communication report without personal identifiers or other information that is not required to be released to the public pursuant to the Texas Public Information Act are sufficient to establish the existence and type of event for purposes of this chapter.
- (G) The formal rules of evidence do not apply.
- (H) Any dispute of fact must be decided on the basis of a preponderance of the evidence presented at the hearing.

- (I) The BYOB Permit Holder may present information and reasons, if any, to the Board that the BYOB Permit Holder believes shows the denial, suspension, or revocation is not warranted.
- (J) In deciding the appeal, the Board is limited to the issue of whether the decision of the DCO was made in accordance with this chapter to deny, suspend, or revoke the BYOB Permit.
- (K) The Board shall affirm the decision of the DCO if the Board finds that the DCO acted in accordance with the provisions of this chapter and the authority granted the DCO herein.
- (L) The Board may reverse the DCO's decision if the Board finds that sufficient evidence was presented in the hearing to show the decision of the DCO was not in compliance with the provisions or the authority granted in this chapter, or that the decision of the DCO was arbitrary or capricious.
- (M) The Board, and the Appellant, shall be provided the following information for the purposes of the appeal:
 - (1) For events relied on by the DCO of the type listed in section 112.25(A):
 - (a) The name of offender or subject of the investigation, except that in the case the offender is a juvenile, the name shall be provided only as "juvenile subject."
 - (b) Offense title.
 - (c) Date of offense.
 - (d) Address where offense occurred, including apartment number if applicable.
 - (e) Name of the reporting person, except that: (a) in the case the reporting person is a juvenile, the name shall be provided only as "juvenile complainant"; and (b) in a case where the name is confidential by statute or other law, the name shall be provided only as "confidential complainant."
 - (f) Name of the victim, except that: (a) in the case the victim is a juvenile, the name shall be provided only as "juvenile victim"; and (b) in a case where the name is confidential by statute or other law, the name shall be provided as "confidential victim."
- (M) The Board's decision must be by a majority vote of the members present at the hearing. In the case of an even vote such that a majority vote cannot be reached to uphold or reverse the DCO's decision, then the decision of the DCO shall remain unchanged. The decision of the Board is final, and no rehearing may be granted.

- (N) After the appeal hearing, the DCO shall give written notice to the BYOB Permit Holder of the determination by the Board.

Secs. 112.27—112.35. - Reserved.

ARTICLE III. REGULATIONS FOR OPERATION OF A BYOB ESTABLISHMENT

Sec. 112.36 PERMIT POSTING REQUIRED.

A BYOB Permit Holder shall post the BYOB permit required by this chapter in a prominent public location at the BYOB venue.

Sec. 112.37 MANAGER REQUIRED ON PREMISES.

A BYOB Permit Holder shall ensure that a Permit Holder is continuously on the BYOB Venue premises during the hours of operation.

Sec. 112.38 MINIMUM AGE FOR ADMITTANCE AND ALCOHOL CONSUMPTION.

A BYOB Permit Holder, a manager, or an employee of a BYOB venue may not allow a person under the age of 21 years to consume alcohol on the premises.

Sec. 112.39 DOORS TO REMAIN UNLOCKED.

During the hours of operation, a person may not lock or obstruct:

- (A) An exterior entrance door that is designated or available for use by patrons; or
- (B) An interior door that provides access to a portion of the premises that is designated or available for use by patrons.

Sec. 112.40 HOURS OF OPERATION.

- (A) A BYOB Permit Holder, a manager, or an employee of a BYOB Venue shall close a BYOB venue between 2:00 a.m. and 7:00 a.m. each day except Sunday, and between 2:00 a.m. and noon on Sunday. A patron who is on the premises at 2:00 a.m. may remain until not later than 2:15 a.m.
- (B) A person may not consume an alcoholic beverage on the premises of a BYOB venue between 2:15 a.m. and 7:00 a.m. each day except Sunday, or between 2:15 a.m. and noon on Sunday.
- (C) A BYOB Permit Holder, a manager, or an employee of a BYOB Venue may not allow a member of the public to remain on its premises, including a parking area, between 2:30 a.m. and 7:00 a.m. each day except Sunday, or between 2:30 a.m. and noon on Sunday.

This prohibition does not apply to a person who is providing a product or service directly to the BYOB venue.

Sec. 112.41 ALCOHOLIC BEVERAGE CONSUMPTION AREAS.

- (A) A Permit Holder shall designate, subject to the approval of the DCO, the portions of the premises on which the consumption of alcoholic beverages is permitted. A designated area:
 - (1) Must be located within the interior of a building or an enclosed deck, patio, or garden; and
 - (3) Must exclude parking areas.
- (B) A person may not consume, and a Permit Holder, a manager, employee, or other agent of a BYOB Venue may not allow the consumption of, an alcoholic beverage outside of a designated area.
- (C) The BYOB Permit Holder shall indicate the portions of the premises on which the consumption of alcoholic beverages is permitted on the floor plan provided with the BYOB Permit application. If the BYOB Permit Holder desires to change or modify the area where alcoholic beverages may be consumed, it must provide a revised floor plan to the DCO prior to the implementation of such change or modification.

Sec. 112.42 PARKING AREA RESTRICTIONS.

- (A) A BYOB Permit Holder, a manager, or an employee of a BYOB venue may not allow a person to consume an alcoholic beverage in a parking area that is within 50 feet of any entrance to the BYOB Venue, or that is within the control of the BYOB Venue in a manner that adversely affects adjacent or surrounding properties.
- (B) A BYOB Permit Holder shall post signs in each parking area located on the same property as the BYOB Venue within 50 feet of any entrance to the BYOB Venue, or that is within the control of the BYOB Venue stating that the outdoor consumption of an alcoholic beverage on the premises is prohibited.

Sec. 112.43 COMPLIANCE WITH OTHER LAWS

A BYOB Permit Holder, a manager, an employee, and any other agent of a BYOB Venue shall comply with the Texas Alcoholic Beverage Code and all other applicable state and local laws, including all ordinances of the City of Carrollton.

Secs. 112.44 – 112.59 Reserved.

ENFORCEMENT

Sec. 112.60 CRIMINAL PENALTY.

- (A) A person commits a Class C misdemeanor if the person:
 - (1) Operates a BYOB Venue without a permit required by this chapter; or
 - (2) Violates a provision of this chapter, other than Sec. 112.48 (Compliance with Other Laws).
- (B) Proof of a culpable mental state is not required to prove an offense under this chapter, except for Sec. 112.42(B) (Hours of Operation).
- (C) Each day that a violation occurs or continues is a separate offense.

Sec. 112.61 CIVIL REMEDIES.

- (A) The City Council has determined that this chapter is necessary to protect health, life, and property and to preserve the good government, order, and security of the city and its inhabitants.
- (B) A person who continues to violate this chapter after being notified of the offense in writing by an authorized city representative is subject to a civil penalty not to exceed \$1,000 for each day or part of a day the violation occurs.
- (C) The city may file suit to enforce this chapter to collect a civil penalty.
- (D) The city may seek to enjoin violations of this chapter.

Sec. 112.62 CUMULATIVE REMEDIES.

The remedies authorized under this subchapter are cumulative. If the city files a civil or criminal action, it is not precluded from pursuing any other action or remedy.

SECTION 3.

Subsection (A)(1)(h), of Section 10.99, General Penalty, of Chapter 10, General Provisions, of Title I of the Carrollton Code of Ordinances is amended to read as follows:

“Chapter 112 (BYOB Businesses Regulation)”

SECTION 4.

Except as herein amended, Title XI – Business Regulations, and Chapter 10, General Provisions, of the Carrollton Code of Ordinances, as amended, shall remain in full force and effect.

SECTION 5.

The provisions of this ordinance are severable in accordance with Section 10.07 of the Carrollton City Code.

SECTION 6.

This ordinance shall be cumulative of all provisions of ordinances of the City of Carrollton, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed; provided, however, that any complaint, notice, action, cause of action, or claim which prior to the effective date of this Ordinance has been initiated or has arisen under or pursuant to such other ordinance(s) shall continue to be governed by the provisions of that ordinance or those ordinances, and for that purpose that ordinance or those ordinances shall be deemed to remain and shall continue in full force and effect.

SECTION 7.

This Ordinance shall become and be effective on and after its adoption and publication.

DULY PASSED AND APPROVED by the City Council of the City of Carrollton, Texas, this 11 day of January, 2022.



Kevin W. Falconer, Mayor

ATTEST:

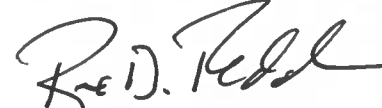

Laurie Wilson, City Secretary



APPROVED AS TO FORM:


Susan Keller
Assistant City Attorney

APPROVED AS TO CONTENT:


Rex Redden
Executive Director of Public Safety