

ORDINANCE NO. I. (1)

AN ORDINANCE PROVIDING THAT NO PERSON IN CHARGE OF ANY PREMISES WHERE BEER OR OTHER INTOXICATING BEVERAGES ARE POSSESSED, SOLD OR CONSUMED SHALL PERMIT ANY DANCING UPON SAID PREMISES: MAKING IT A MISDEMEANOR TO DANCE AT ANY PLACE WHERE BEER OR OTHER INTOXICATING BEVERAGES ARE POSSESSED OR CONSUMED; PROVIDING THAT THIS ORDINANCE SHALL APPLY TO ANY PREMISES OF ANY NATURE WHATSOEVER WHETHER THE SAME BE A PRIVATE OR PUBLIC CLUB OR WHETHER THE SAME SHALL HOUSE A CLUB OR FRATERNAL ORGANIZATION; PROVIDING THAT IT SHALL BE UNLAWFUL FOR ANY CLUB OR FRATERNAL ORGANIZATION TO POSSESS BEER OR OTHER INTOXICATING BEVERAGES FOR THE USE OF ITS MEMBERS AND PROVIDING THAT IT SHALL BE UNLAWFUL FOR ANY PERSON ON THE PREMISES OF ANY CLUB OR FRATERNAL ORGANIZATION TO SERVE OR MAKE AVAILABLE TO ANOTHER PERSON ANY BEER OR OTHER INTOXICATING BEVERAGES; PROVIDING THAT THE ESTABLISHMENT OF CLUBS AND DANCING ESTABLISHMENTS, PUBLIC OR PRIVATE, WITHIN ONE-HALF (1/2) MILE OF ANY CHURCH WITHIN THE CITY OF PAYNE SPRINGS, TEXAS, OR WITHIN THE EXTRA TERRITORIAL JURISDICTION OF THE CITY OF PAYNE SPRINGS, TEXAS, SHALL BE UNLAWFUL; PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE IN ANY SUM NOT LESS THAN TEN DOLLARS (\$10.00), NOR MORE THAN ONE HUNDRED DOLLARS (\$100.00); PROVIDING THAT EACH AND EVERY DAY OR A FRACTION THEREOF DURING WHICH THIS ORDINANCE IS VIOLATED IS A SEPARATE OFFENSE.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAYNE SPRINGS, TEXAS.

Section I.

This entire ordinance is and shall be deemed an exercise of the police power of the State of Texas, and of the Town of Payne Springs, Texas, for the public safety, comfort, convenience and protection of the town and citizens of said town; and all of the provisions hereof shall be construed for the accomplishment of that purpose.

(1)

## Section 2.

The establishment of clubs, public or private or of any nature, be prohibited within one-half (1/2) mile of any Church in the City of Payne Springs, Texas or within the extraterritorial jurisdiction of the City of Payne Springs, Texas, and also the use of alcoholic beverages in any public place is prohibited and such beverages may not be sold, served, made available or consumed in such public place within one-half (1/2) mile of any Church as previously described herein.

Be it further ordained by the City Council of the City of Payne Springs, Texas that no establishment where dancing is allowed or permitted, whether same be public, private or of any nature is prohibited within one-half (1/2) mile of any Church within the City of Payne Springs or within the extraterritorial influence of said City.

It shall be unlawful for any person in charge of any premises where beer or other intoxicating beverages are possessed, sold or consumed, to permit any dancing upon said premises. This ordinance shall apply to any premises of any nature whatsoever whether the same be a private or public club or whether the same shall house a club or fraternal organization. It shall be unlawful for any club or fraternal organization to possess beer or other intoxicating beverages for the use of its members. Any person on the premises of a club or fraternal organization who shall serve or make available to another person any beer or other intoxicating beverage shall be in violation of this ordinance. It shall be unlawful for any person to dance upon the premises where any beer or other intoxicating beverage is possessed, sold or consumed.

## Section 3.

Any person, firm, or corporation violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) and each and every day or fraction of a day during which this ordinance or any part thereof shall be violated shall be deemed a separate offense and punishable as such.

## Section 4.

The Town of Payne Springs may enforce this ordinance by a suit for injunction and any place where this ordinance is violated is declared to be a public nuisance which may be enjoined by a suit for injunction and the District Court having jurisdiction.




Section 5.

Each and every provision, paragraph, sentence and clause of this ordinance has been separately considered and passed by the City Council of the City of Payne Springs, and each said provision, paragraph, sentence and clause would have been separately passed without any other provision, and if any provision, paragraph sentence or clause hereof should be ineffective, invalid, or unconstitutional for any cause, it shall not impair or affect the remaining portion nor any other part thereof, but the valid portion shall be enforced in the same manner as if it had been passed alone.

Section 6.

The fact that the City of Payne Springs, Texas, now has no ordinance governing the matter regulated herein so as to protect the citizens of the City of Payne Springs, Texas, in their property and persons, as aforesaid, creates an emergency, which is here and now declared, and this ordinance shall take effect and be in force, from and after its passage and publication, as provided by law.

APPROVED AND PASSED this 20th day of November, 1972.

  
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C. L. Thomas, Mayor

ATTEST:

  
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Mary Sorrells, Secretary