

CITY OF COOPER, TEXAS

ORDINANCE NO. 04-07-85

AN ORDINANCE DEFINING "PRIVATE CLUBS" AND PROVIDING FOR THE ISSUANCE OF A SPECIFIC USE PERMIT FOR A PRIVATE BEVERAGE CLUB INTENDING TO PROMOTE FACILITIES WITHIN THE CITY FOR LEISURELY DINING WITH AVAILABILITY OF ALCOHOLIC BEVERAGES TO ACCOMPANY MEALS.

BE IT ORDAINED by the City Commission of the City of Cooper, Texas;

That WHEREAS the City of Cooper has heretofore failed to regulate Private Clubs located within the City limits of the City of Cooper, Texas, licensed or permitted by the Alcoholic Beverage Commission of the State of Texas;

That WHEREAS, numerous Clubs have been licensed or permitted by the Alcoholic Beverage Commission of the State of Texas to the extent that the City of Cooper deems it in its best interest to regulate the location and number of Private Clubs within the City limits;

NOW THEREFORE, BE IT ORDAINED by the City Commission of the City of Cooper, Texas that;

It is the purpose of this permit to promote facilities within the City for leisurely dining with availability of alcoholic beverages to accompany meals.

For the purposes of this Ordinance, a "Private Club" shall be defined as follows: a club room or suite of rooms or a building available to a restricted membership composed of an association of persons, whether incorporated, or unincorporated, the purpose of any such association being for the promotion of some common object, and whose members must be passed upon and elected as individuals by a committee or board made of members of such club, said association being licensed or permitted by the Alcoholic Beverage Commission of the State of Texas, and as further defined in Article 666 of Vernon's Annotated Penal Code of the State of Texas, as presently written or as the same may be amended or re-written from time to time hereafter. No such use shall be made of any such Club, room or suite of rooms, or building, whether such use be primary or accessory to a primary use, unless and until the City Council of said City has authorized the issuance of a specific use permit therefore as provided for in this Ordinance.

The Private Beverage Clubs shall be permitted to operate as a secondary use only in a:

- (a) General Restaurant;
- (b) Restaurant in an office complex;
- (c) Motel;
- (d) Hotel;
- (e) Country Club; or
- (f) Nationally recognized private social/fraternal organization.

When operated in a restaurant in an office complex, said complex shall contain a minimum of 40,000 square feet of gross floor area, and the Club shall be in a general restaurant in the complex.

A Private Beverage Club shall not be permitted in a Drive-In, Fast Food or Take-Out Restaurant, a Snack Shop, a Confectionary Shop or a Cafeteria.

Private Beverage Clubs shall not be permitted within 300 feet of any church, hospital, public school, parochial school, or residential area. The 300 foot distance shall be measured and defined by applicable State Laws, along property lines of street fronts and from front door to front door and in direct line across intersections.

There shall be no signs advertising the sale of alcoholic beverages.

The Private Beverage Club shall comply with all City, County, State and Federal Laws.

All persons consuming an alcoholic beverage in a Club shall be a member of the Club or guest of a member.

Any Bar or Lounge Room shall be designed such that patrons can only enter from an area within the primary use: ie, lobby, waiting area, dining room, etc. Emergency exits direct to the outside are permitted.

A Private Beverage Club which is a part of a general restaurant (including a restaurant in an office complex), shall comply with the following additional regulations and standards.

- (a) At least 50% per cent of the gross combined receipts of the Restaurant-Private Beverage Club shall be derived from the sale of food. The operator shall submit a quarterly report of sales within twenty (20) days of the end of the quarter of the business year for review by the City Council.
- (b) The permitted premises shall contain, within a public area designated for dining, a minimum of fifty (50) dining seats, allowing a minimum of sixteen (16) square feet of dining area, exclusive of kitchen and storage area, per dining chair.
- (c) A Restaurant shall have no publicly visible bar, but a service bar facility shall be allowed only to the extent necessary to prepare alcoholic beverages for service to the restaurant patrons in conjunction with the food service and to a bona fide waiting area.
- (d) The owner and/or operator shall be prohibited from offering for sale or sell drinks at a price reduced from the customary price charged by the restaurant facility holding a permit. (The purposed of the provision is to prohibit "Happy Hours" and similar promotional activities.)

A Private Club as defined herein existing at the time of the adoption of this Ordinance may be continued, except as hereinafter provided, although such use is not permitted according to the provisions hereof, provided, however, that any of the following occurrences shall require conformity with the provisions of this Ordinance:

- (a) Failure to operate the premises as a "Private Club" as defined in this Ordinance for a period of thirty (30) days;
- (b) Transfer of the License or Permit of the Alcoholic Beverage Commission of the State of Texas;

(c) Revocation of the License of Permit by the Alcoholic Beverage Commission of the State of Texas for a period of no less than thirty (30) days.

Specific Use Permit Fees:

The City Secretary is authorized to collect the following annual license fee for each Specific Use Permit approved by the City Commission to be issued, to-wit:

The sum of Fifty Dollars (\$50.00) for each Specific Use Permit issued and a like sum for each renewal thereof.

PASSED AND ADOPTED on the 29 day of *april* 1985.

Richard Huie
Mayor

ATTEST:

Saphie Bland
City Secretary