

ORDINANCE NO. 2025-11

AN ORDINANCE OF THE CITY OF SAGINAW, TEXAS, AMENDING SECTION 54-2 "ALCOHOLIC BEVERAGES OR INTOXICATING LIQUORS PROHIBITED IN CERTAIN PUBLIC PLACES," OF ARTICLE I, "IN GENERAL," OF CHAPTER 54 "OFFENSES AND MISCELLANEOUS PROVISIONS," OF THE SAGINAW CITY CODE, PROVIDING AN EXCEPTION FOR THE SALE OR CONSUMPTION OF ALCOHOLIC BEVERAGES FOR PROPERLY PERMITTED SPECIAL EVENTS; PROVIDING THAT THIS ORDINANCE IS CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY FOR VIOLATIONS HEREOF; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Saginaw, Texas, 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 Texas Local Government Code; and

WHEREAS, the City Council previously adopted regulations governing the sale of alcoholic beverages in the City within the parameters authorized by the Texas Alcoholic Beverage Code; and

WHEREAS, the City Council wishes to allow for the sale of alcoholic beverages during special events with certain permissions; and

WHEREAS, the City Council finds and determines that this Ordinance will promote and protect the public health, safety, and welfare of the City's residents and the general public.

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

SECTION 1.

That Section 54-2 "Alcoholic beverages or intoxicating liquors prohibited in certain public places," of Article I "In General," of Chapter 54 "Offenses and Miscellaneous Provisions," of the Saginaw City Code is hereby amended to read as follows:

"Sec. 54-2. – Alcoholic beverages or intoxicating liquors prohibited in certain public places.

- (a) It shall be unlawful for any person to have in his possession and publicly display or drink any alcoholic beverage or intoxicating liquors while such person is in or upon any public park, public building or public grounds surrounding any public building of the city within the city except as provided below.

- (1) Alcoholic beverages may be sold or consumed with permission from the City Council during a properly permitted special event in the City and require proof of the associated permit issued by the Texas Alcoholic Beverage Commission ("TABC"). This exception applies to events that are city-sponsored as well as those hosted by groups or individuals who are not affiliated with the City and will be permitted as follows:
 - a. Saginaw Switchyard Food Truck Park and Pavillion: alcoholic beverages may be sold or consumed only during a properly permitted special event or City Sponsored event.
 - i. Alcohol may only be possessed and/or consumed within 200 feet of the point of sale.
 - b. City Sponsored Events: this includes but is not limited to events such as the Train & Grain, Holiday in the Park and other special events at the City Multi-Purpose Event Room, Saginaw Library and Senior Center.
 - c. Rented Pavilions and Non Sponsored Events: Renter shall engage at their own cost the services of one off-duty police officer of the city for every 100 guests in attendance as security for any properly permitted event under this section. The cost of hiring an off duty police officer is an hourly rate as determined by the police department.
 - d. It shall be the responsibility of any vendor to abide by all applicable TABC regulations related to the sale of alcohol, including but not limited to the prohibition of sales or providing samples to minors under the age of 21 and prohibiting service to intoxicated individuals.
 - e. No more than two (2) alcoholic beverages may be sold to an individual in one transaction unless other person(s) of legal age are present.
 - i. Alcoholic beverages may only be removed from the premises if in original packaging, sealed, and sold by a TABC licensed vendor. However, no alcohol is permitted to be consumed or possessed in a city park outside of the premises of a properly permitted or City sponsored event. Premises is defined as within 200 feet of the point of sale.
 - f. No outside alcoholic beverages may be brought in or consumed in a public place or on City property.
 - g. In addition to any and all grounds for denial or revocation of a special event permit under Article V Section 54 of the City's Code of Ordinances, failure to obtain the proper TABC permit and/or violation of any provision of this ordinance are additional grounds for denial or revocation of the special event permit.
- (2) It shall be the responsibility of any vendor selling alcohol under this section to obtain any and all necessary permits and authorizations required by TABC for temporary events. The City will provide any authorization needed for a vendor to obtain such permit if the event meets the guidelines as provided in this section. Examples of the required TABC authorizations are provided below and are subject to change as amended by the TABC. Vendors are responsible for ensuring the applicable authorization from TABC is obtained.

- a. Distilleries: must obtain a File & Use Notification (FUN). This authorization is limited to only providing samples or tastings of distilled spirits at events as provided by Section 14.09 of the Texas Alcoholic Beverage Code.
- b. Licensed On Premises Retailers: must obtain a Temporary Event Approval ("TEA") form.
- c. Non-Profits Without TABC License: must obtain a Nonprofit Entity Temporary Event Permit ("NT") if meets the definition of a "nonprofit entity" as provided by Section 30.01 of the Alcoholic Beverage Code.
 - i. This permit can last for up to ten (10) consecutive days.
 - ii. The holder of this permit may only sell and/or serve alcoholic beverages for consumption at the location for which this permit may be issued."

SECTION 2.

This Ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Saginaw, and this ordinance shall not operate to repeal or affect the Saginaw City Code or any other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, in such Saginaw City Code or any other ordinances are hereby repealed.

SECTION 3.

Any person, firm, association of persons, corporation, or other organization violating the provisions of this ordinance shall be deemed to be guilty of a misdemeanor and, upon conviction, shall be fined not more than five hundred dollars (\$500.00) for each offense. Each day that a violation continues shall be deemed a separate offense.

SECTION 4.

All rights and remedies of the City of Saginaw are expressly saved as to any and all violations of the provisions of any ordinances of the City that 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.

The sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph, or section.

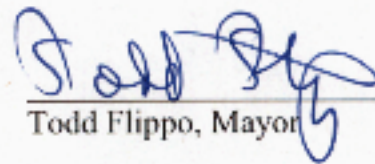
SECTION 6.

The City Secretary of the City of Saginaw is hereby directed to publish at least twice in the official newspaper of the City of Saginaw, the caption and the penalty clause of this ordinance in accordance with Section 52.013(b) of the Local Government Code.

SECTION 7.

This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the laws of the State of Texas.

PASSED AND APPROVED on this 19th day of August, 2025 at a regular meeting of the City Council of the City of Saginaw, Texas.



Todd Flippo, Mayor

ATTEST:



Vicky Vega, City Secretary

APPROVED AS TO FORM:



Bryn Meredith, City Attorney

