

ORDINANCE 2016-18

AN ORDINANCE ORDERING A SPECIAL LOCAL OPTION ELECTION TO BE HELD ON NOVEMBER 8, 2016, IN THE CITY OF CANTON, TEXAS, FOR THE PURPOSE OF SUBMITTING TO THE VOTERS TWO PROPOSITIONS (1) FOR THE LEGAL SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION ONLY IN THE CITY OF CANTON AND (2) FOR THE LEGAL SALE OF MIXED BEVERAGES IN RESTAURANTS BY FOOD AND BEVERAGE CERTIFICATE HOLDERS ONLY IN THE CITY OF CANTON ; PROVIDING FOR NOTICE OF SAID ELECTION; PROVIDING FOR THE USE OF ES&S AUTOMARK VOTER ASSIST TERMINAL AND MODEL 100 COUNTING EQUIPMENT; PROVIDING FOR EARLY VOTING; DESIGNATING POLLING PLACES AND TIMES; PROVIDING FOR AN INTERLOCAL AGREEMENT FOR JOINT ELECTION WITH VAN ZANDT COUNTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

**WHEREAS**, the City Council finds that on May 26, 2016 a petition was filed with the City Secretary's Office to legalize the sale of beer and wine for off-premise consumption only in the City of Canton; that the petition has been verified to contain the signatures of 323 qualified Canton voters meeting the requisites of Section 501.032 of the Texas Election Code; and that said petition was presented to the City Council on July 19, 2016, thereby necessitating the ordering of a November 8, 2016, local option election; and

**WHEREAS**, the City Council finds that on May 26, 2016, a petition was filed with the City Secretary's Office to legalize the sale of mixed beverages in restaurants by food and beverage certificate holders only in the City of Canton; that the petition has been verified to contain the signatures of 318 qualified Canton voters meeting the requisites of Section 501.032 of the Texas Election Code; and that said petition was presented to the City Council on July 19, 2016, thereby necessitating the ordering of a November 8, 2016, local option election;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CANTON, TEXAS:**

**Section 1.** That a special election is hereby ordered to be held on Tuesday, November 8, 2016, for the purpose of submitting to the voters two propositions relating to legalizing the sale of alcoholic beverages in the City of Canton.

**Section 2.** The following propositions shall be submitted and shall be printed on the ballots to permit voters to vote "FOR" (A FAVOR) or "AGAINST" (EN CONTRA) the following propositions:

(1) "The legal sale of beer and wine for off-premise consumption only."  
*"Le venta legal de cerveza y vino para consumo solamente fuera del establecimiento."*

(2) "The legal sale of mixed beverages in restaurants by food and beverage certificate holders only."  
*"La venta legal de bebidas alcoholicas mezcladas (cocteles) en restaurantes solo por los poseedores de un certificado de comidas y bebidas."*

**Section 3.** That the polls of said election shall be open from 7:00 a.m. to 7:00 p.m.

**Section 4.** That the polling places for Election Day shall be as follows:

Precinct 1A – Grace Bible Fellowship Church, 17897 FM 1255, Canton, Texas

Precinct 2A – Farm Bureau, 281 E. Hwy 243, Canton, Texas  
Precinct 3A – Senior Citizens Building, 200 W. Groves Street, Canton, Texas  
Precinct 4A – First Assembly of God Church, 801 E. Hwy 243, Canton, Texas

**Section 5.** That Early Voting shall be conducted by the Office of the County Clerk for Van Zandt County, Texas. Early voting by personal appearance shall be conducted in the old City Hall building, 290 E. Tyler, Canton, Texas, as follows:

October 24 – October 27, 2016 from 8:00 a.m. to 5:00 p.m.  
October 28, 2016 from 8:00 a.m. to 8:00 p.m.  
October 31 - November 1, 2016 from 8:00 a.m. to 5:00 p.m.  
November 2, 2016 from 8:00 a.m. to 8:00 p.m.  
November 3 - 4, 2016 from 8:00 a.m. to 5:00 p.m.

**Section 6.** That optical scan ballots and the ES&S AutoMark Voter Assist Terminal (Version 1.01.121), as approved by the Secretary of State to comply with HAVA requirements, is hereby adopted for use in early and Election Day voting in addition to marking ballots by hand. Ballots shall be counted by a Model 100 Percent Scanner (Version 5.0.0.0).

**Section 7.** That applications for ballot by mail shall be mailed to Pam Pearman, County Clerk, 121 E. Dallas, Room 202, Canton, Texas 75103, and must be received no later than the close of business on October 28, 2016.

**Section 8.** That the Mayor is authorized to sign a Notice of General Election prescribed by the State of Texas on behalf of the City Council. The Notice of General Election shall be published in accordance with the provisions of the Texas Election Code for General Law A Cities.

**Section 9.** That the City shall enter into an Interlocal Agreement for Joint Election with Van Zandt County, Texas, for the purpose of a having the County furnish certain election equipment, supplies and workers at the polling places on Election Day and the Mayor is authorized to sign such agreement on behalf of the City Council.

**Section 9.** Should any part, section, subsection, paragraph, sentence, clause or phrase contained in this ordinance be held to be unconstitutional or of no force and effect, such holding shall not affect the validity of the remaining portion of this ordinance, but in all respects said remaining portion shall be and remain in full force and effect.


**Section 10.** That this ordinance shall be effective immediately upon adoption.

**APPROVED AND ADOPTED** by the City Council of the City of Canton this 19<sup>th</sup> day of July, 2016.



Lou Ann Everett, Mayor

ATTEST:

  
Debra Johnson, City Secretary

