

TOWN OF ADDISON, TEXAS

ORDINANCE NO. 012-038

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING SECTION 67-15A (FOOD AND BEVERAGE COMMISSION; EXCLUSIVE CATERING SERVICE) OF CHAPTER 67 (SPECIAL EVENTS) OF THE CODE OF ORDINANCES OF THE CITY BY MODIFYING ITS PROVISIONS REGARDING THE PAYMENT TO THE CITY BY A FOOD AND BEVERAGE CATERER OF A CATERING FEE (COMMISSION) FOR CATERING SERVICES AT THE ADDISON ARTS AND EVENTS DISTRICT AND THE TOWN'S VISITOR CENTER; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:

Section 1. Amendment. Section 67-15A (Food and Beverage Commission; Exclusive Catering Service) of Chapter 67 (Special Events) of the Code of Ordinances (the "Code") of the Town of Addison, Texas (the "City") is hereby amended to read as follows (additions are underlined, deletions are ~~struck through~~):

Section 67-15A. Food and beverage commission; exclusive catering service.

(a) Except as otherwise provided for in this chapter, for all events and functions that take place within the district or at the town's visitor center (known as Visit Addison), a vendor of food and/or beverages shall pay to the town a catering fee (commission) equal to a percentage of~~on~~ the vendor's gross ~~charges~~receipts (excluding labor costs, gratuity, and taxes) for~~from the sale of all food and/or beverages to a user of the vendor's catering services during an event or function. The percentage~~amount of which commission shall be as established by resolution or motion of the city council adopted~~and as the same may be amended or modified from time to time. The catering fee shall be paid by a vendor whether or not the vendor is paid by the user to whom the vendor provides catering services.~~For purposes of this section, "gross receipts" means the whole, entire, total receipts from the sale of food and beverages, without deduction.

(b) In connection with the catering of food and beverage services within the district and at the town's visitor center (known as Visit Addison), the town may select an in-house private label caterer to provide food and beverage catering services.


Section 2. Savings. This Ordinance shall be cumulative of all other ordinances of the City and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance. Provided, however, that the repeal of such ordinances or parts of such ordinances, and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the City, or any act done, or right accruing or accrued, or

established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed, amended or changed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

Section 3. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed such remaining portion of this Ordinance despite such invalidity, which remaining portion shall remain in full force and effect.


Section 4. Effective Date. This Ordinance shall become effective from and after its date of passage and approval.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this 13th day of November, 2012.



Todd Meier, Mayor

ATTEST:

By: 

Chris Terry, City Secretary

APPROVED AS TO FORM:

By: 

John Hill, City Attorney