

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 58, "PARKS AND RECREATION" OF THE CODE OF ORDINANCES OF THE CITY OF BURLESON TO PROVIDE AN EXCEPTION TO THE PROHIBITION OF ALCOHOL AT CERTAIN FACILITIES INCLUDING CHISENHALL FIELDS SPORTS COMPLEX UNDER CERTAIN CONDITIONS; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Burleson 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 Local Government Code; and

WHEREAS, the City Council previously adopted regulations regarding Parks and Recreation, found in Chapter 58 of the Code of Ordinances; and

WHEREAS, the City Council finds that it is desirable and necessary to amend Chapter 58 of Code of Ordinances of the City of Burleson to provide certain exceptions to the alcohol prohibition at certain facilities:

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

SECTION 1.

That Chapter 58 ("Parks and Recreation") of the Code of Ordinances of the City of Burleson, as amended, is hereby amended by amending Sec. 58-4 "Alcoholic beverages in parks, park facility and certain events" to read as follows:

"Sec. 58-4. Alcoholic beverages in parks, park facility and certain events.

- (a) Except as provided in subsection (b) or (c), below, it shall be unlawful for any person to sell, bring into, consume, or possess alcoholic beverages in any city park or park facility.
- (b) A person may possess and consume alcoholic beverages within Russell Farms and the Senior Center only when: the Director grants, in writing, an exception to the prohibition set forth in subsection (a) for certain private parties (i.e. wedding receptions, anniversaries, family reunions, etc.) and special events that are conducted at Russell Farms and/or the Senior Center. In granting the exception of the prohibition in subsection (a), the Director may require additional conditions (i.e., insurance requirements, deposits, alcohol policy, contractual requirements, etc.).

- (c) A person may possess and consume alcoholic beverages within defined concession or spectator areas of Chisenhall Fields Sports Complex only when: (i) the ~~City Manager~~ City Council grants, in writing, an exception to the prohibition in subsection (a) ~~to a reservation, tournament agreement, other for a special event, prior to its occurrence, that is conducted at Chisenhall Fields Sports Complex, or to a third-party management company overseeing all or part of Chisenhall Fields Sports Complex pursuant to a contract with the city of Burleson;~~ (ii) alcohol service is managed by licensed personnel who hold a valid Texas Alcoholic Beverage Commission (TABC) license appropriate to the beverage type; and (iii) all consumption complies with TABC regulations, including age verification. In granting the exception of the prohibition in subsection (a), the ~~City Manager~~ City Council may require additional conditions (i.e., insurance requirements, deposits, alcohol policy, contractual requirements, etc.) than set forth above.
- (d) A person who violates any subsection of this section is guilty of a misdemeanor and, upon conviction, is punishable by a fine not exceeding \$500.00 per occurrence as provided in section 1-14. Each violation of this section shall be deemed a separate offense.”

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances of the City, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this ordinance are severable and if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in its ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.

SECTION 4.

Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than \$500.00 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 5.

All rights and remedies of the City of Burleson are expressly saved as to any and all violations of the provisions of any ordinances which 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 6.

The City Secretary is hereby directed to publish the caption and penalty clause of this Ordinance as required by state law.

SECTION 7.

This Ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

AND IT IS SO ORDAINED.

First Reading: the _____ day of _____, 20____.

Final Reading: the _____ day of _____, 20____.

PASSED AND APPROVED this the _____ day of _____, 20____.

Chris Fletcher, Mayor

(Seal)

ATTEST:

APPROVED AS TO FORM:

Amanda Campos, City Secretary

E. Allen Taylor, Jr., City Attorney