

ORDINANCE NO.849

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS, AMENDING THE CODE OF ORDINANCES, CITY OF EVERMAN, BY AMENDING CHAPTER 14, "PARKS AND RECREATION"; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF FIVE HUNDRED DOLLARS (\$500.00) FOR EACH OFFENSE AND, IN CASES OF ENDANGERMENT TO PUBLIC HEALTH AND SAFETY, A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.090) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council has previously adopted provisions governing city parks and recreation; and

WHEREAS, the City desires to update those provisions to incorporate provisions regarding Anderson Field in Clyde Pittman Park and further to update provisions to align with current usage; and

WHEREAS, the City Council of the City of Everman finds it to serve the health, safety and general welfare of the City to approve this ordinance amending and updating the provisions related to city parks and recreation as set forth herein below;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVERMAN, TEXAS THAT:

SECTION 1. Chapter 14, "Parks and Recreation," Article I "In General" is hereby amended by amending section 14-1 "Definitions" to add a definition for "Beer" to the listing of definitions, said definition to read as follows:

"Beer shall be defined as a malt beverage containing one-half of one percent (0.5%) or more of alcohol by volume and not more than four (4.0%) percent alcohol by weight, produced by the fermentation of malt or malt substitutes."

SECTION 2. Chapter 14, "Parks and Recreation," Article II "Park Use Rules and Regulations" is hereby amended by amending section 14-21 "Rules and Regulations" to read as follows:

"Sec. 14-21 – Rules and regulations.

The following regulations and restrictions are prescribed for the use of city parks:

- (1) *Alcoholic beverages prohibited; exceptions.* It shall be unlawful for any person to possess, sell, or consume any alcoholic beverage in any city park, with the exception of the following:
 - a. A lessee of Anderson Field in Clyde Pittman Park may sell beer from the concession stand at Anderson Field provided the sales/service thereof is managed by licensed personnel who hold a valid Texas Alcoholic Beverage Commission (TABC) license appropriate to the beverage type

and further provided all consumption complies with TABC regulations, including age verification. Beer sold by such lessee from the concession stand at Anderson field may be possessed and consumed within a defined concession and spectator area of Anderson Field.

...

(5) *Time limitations on public use of park.* It shall be unlawful for any person to use, enter into or be within a city park during the hours of 11:00 p.m. to 5:00 a.m., with the exception of the following:

- a. City-sponsored events or
- b. Anderson Field in Clyde Pittman Park, for which it shall be unlawful for any person to use, enter into or be within Anderson Field during the hours of _____ to _____."

SECTION 3. Chapter 14, "Parks and Recreation," Article III "Sports Field Recreational Areas" is hereby amended by amending section 14-30 "Everman youth association rental of city sports fields" to read as follows:

Sec. 14-30 Everman youth association rental of city sports fields

The City sports fields consist of: Johnson Park Baseball field. Rental of city sports fields and the execution of a rental contract will be allowed on the following basis:

...."

SECTION 4. Chapter 14 "Parks and Recreation," Article III "Sports Field Recreational Areas" is hereby amended by amending section 14-32 "Concession areas" to read as follows:

Sect. 14-32 Concession areas

- (a) During the term of any lease agreement covering the concession stand located at Anderson Field in Clyde Pittman Park, that concession stand shall be used exclusively by such lessee. Concession sales shall only be allowed with the appropriate State of Texas food handler's permit.
- (b) This subsection applies to any Everman youth association. Outside entities are not permitted to rent the concession areas except as noted in subsection (a) above.

- (1) During such
- (2) Any renter. . . .
- (3) Concession sales. . . ."

SECTION 5. Chapter 14 "Parks and Recreation," Article III "Sports Field Recreational Areas" is hereby amended by amending section 14-34 "Fees/deposits required" to read as follows:

Sec. 14-34 Fees/deposits required

(a) *Everman Youth associations*

(1) *Johnson Park Baseball Field*

...

d. *Tournament fee.* If any renter schedules a tournament in which participants form outside the render's association will be playing, a fee of twenty dollars (\$20.00) per team outside of renter's association will be charged. This fee must be paid prior to the tournament.

(b) *Other youth associations, entities or persons.*

(1) *Rental fees.* Fees for rental of the city sports fields for other youth associations, entities or individuals shall be in the amounts set forth in the city's adopted fee schedule, as amended.

(2) *Deposits.* In addition, such renters must submit the damage deposits referenced above at the time of application and shall be subject to the same terms as set forth above."

SECTION 6. All ordinances of the City of Everman, Texas, in conflict with the provisions of this ordinance be and the same are hereby repealed and all other ordinances of the City not in conflict with the provisions of the ordinance shall remain in full force and effect.

SECTION 7. Should any section, paragraph, sentence, subdivision, clause, phrase, or provision of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be unconstitutional, illegal, or invalid and shall not affect the validity of the remainder of this ordinance or any other provision of the Code of Ordinances of the City.

SECTION 8. This ordinance shall take effect immediately upon its passage and adoption and the publication of the caption as the law and charter in such cases provide.

DULY PASSED by the City Council of the City of Everman, Texas, on this the _____ day of _____ 2026.

APPROVED:

Ray Richardson, Mayor

Attest:

Approved as to form:

Mindi Parks, City Secretary
4899-8173-6345, v. 2

Victoria Thomas, City Attorney