

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF LEON VALLEY, TEXAS, CITY COUNCIL, AMENDING THE LEON VALLEY CODE OF ORDINANCES CHAPTER 1 GENERAL PROVISIONS, ARTICLE 1.09 PARKS AND RECREATION, DIVISION 2 USE REGULATIONS, SECTION 1.09.032 ALCOHOLIC BEVERAGES, TO PROHIBIT ALCOHOL CONSUMPTION AT CITY SWIMMING POOL FACILITIES; PROVIDING A REPEALER CLAUSE; SEVERABILITY CLAUSE; NOTICE OF MEETING; SAVINGS CLAUSE; PENALTY CLAUSE; PROVIDING AN EFFECTIVE DATE OF THE REVISION WITH PUBLICATION, AS REQUIRED BY LAW.**

**WHEREAS**, the consumption of alcohol is currently allowed at all city parks and recreational facilities, including both city swimming pool facilities; and

**WHEREAS**, according to the Centers for Disease Control and Prevention, alcohol use at swimming pools is involved in up to 70% of deaths associated with water recreation; and

**WHEREAS**, the consumption of alcohol influences balance, coordination, and judgment and its effects are heightened by sun exposure, wind, sun glare, and heat, and may cause individuals to take risks, such as diving into shallow water; and

**WHEREAS**, the Park Commission, at their October 13, 2022, meeting, discussed and have now recommended to the City Council that alcohol consumption of any kind should be prohibited at city-owned swimming pool facilities;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:**

**SECTION 1.** Chapter 1 General Provisions, Article 1.09 Parks and Recreation, Division 2. Use Regulations, Section 1.09.032 Alcoholic Beverages is hereby revised to read:

“No person shall consume or possess any alcoholic beverage on city public park and recreational property except for wine, beer, ale and malt liquor as those products are defined by the laws of the state. No person shall use or possess a volume-drinking device on city park property. The consumption of any alcoholic beverage of any kind is specifically prohibited at city swimming pool facilities.”

**SECTION 2. REPEALER CLAUSE.** The provisions of the Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent by any other ordinance.

**SECTION 3. SEVERABILITY CLAUSE.** If any provision, section, sentence, clause, or phrase of this ordinance or application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Leon Valley City Council in adopting, and the Mayor in approving this Ordinance, that no portion thereof or provisions or regulation contained herein shall become inoperative or fall by reason of any unconstitutionally or invalidity of any portion, provision, or regulation.

**SECTION 4. SAVINGS CLAUSE.** The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

**SECTION 5. NOTICE OF MEETING CLAUSE.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION 6. PENALTY.** Any person who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in Chapter 1. General Provisions, Article 1.01 Code of Ordinances, Section 101.009 General penalty for violations of code: continuing violations of the City of Leon Valley Code, and/or applicable state law.

**Section 7. EFFECTIVE DATE.** This ordinance shall become effective on and after its passage, approval and the meeting of all publication requirements as provided by law.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Leon Valley this the 1st day of November 2022.

**APPROVED**

---

**CHRIS RILEY**  
MAYOR

Attest :

---

**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

Approved as to Form:

---

**NICOLE WARREN**  
City Attorney