ORDINANCE NUMBER 987

AN ORDINANCE OF THE CITY OF BURKBURNETT, TEXAS
AMENDING CHAPTER 34 OF THE CODE OF ORDINANCES OF THE
CITY OF BURKBURNETT, TEXAS BY AMENDING § 34.02 EVENTS
HELD WITHIN CITY LIMITS; PROVIDING PROVIDING FOR THE
ALLOWANCE FOR ALCOHOL IN THE DOWNTOWN DISTRICT AND
DEFINING EVENT; AND PROVIDING FOR SEVERABILITY.

WHEREAS, on March 16, 2020, the Board of Commissioners passed and approved Resolution Number 670 adopting the Downtown Master Plan;

WHEREAS, the Downtown Master Plan includes the placement of restaurants and other businesses in the downtown area that would sell alcohol;

WHEREAS, currently Section 34.02 prohibits alcohol during events within the City;

WHEREAS, the Board of Commissioners, after careful consideration of this matter and the adoption of a Downtown Master Plan, deems it advisable and in the best interest of the general welfare of the City and its citizens to better define event and remove the alcohol restriction from the downtown area.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS:

PART I. That Chapter 34 of the Code of Ordinances of the City of Burkburnett, Texas is hereby amended by amending § 34.02 EVENTS HELD WITHIN CITY LIMITS which such amended and added portions shall read as follows:

§ 34.02 EVENTS HELD WITHIN CITY LIMITS.

(C) Definition.

“EVENT.” An event shall include street fairs, races, runs, arts and crafts shows, carnivals, circuses, rallies, public entertainments, parades, block parties requiring neighborhood road closures, or other events that:

(1) Interfere with the normal flow or regulation of pedestrian or vehicular traffic; or

(2) Require City services, including but not limited to street closure, provision of barricades, parking arrangements, or Police services.

(I) Rules of Conduct. Individuals attending an event subject to this section shall complete with all local ordinances and state and federal laws regarding, among other laws, possession of alcohol, use of sound-amplifying equipment, litter, disorderly conduct, and other nuisances.
(J) Penalty. Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction hereof, shall be fined not less than $100 and not more than $500.

PART II: REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective, which are inconsistent or are in conflict with the terms and provisions contained in this Ordinance, are hereby repealed only to the extent of any such conflict.

PART III: SEVERABILITY

It is hereby declared to be the intention of the Board of Commissioners that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance be 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 or sections of this Ordinance, and the remainder of this Ordinance shall be enforced as written.

PART IV: COMPLIANCE WITH TEXAS OPEN MEETINGS ACT

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.

PART V: EFFECTIVE DATE

This Ordinance shall take effect after publication in accordance with State law.

PASSED AND APPROVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS ON THIS 16TH DAY OF NOVEMBER 2020.

Carl Law, Mayor

ATTEST:

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Margie Poole, City Clerk