ORDINANCE NUMBER 992

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF BURKBURNETT, TEXAS, AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 97: PARKS AND RECREATION; REGARDING THE SALE OF ALCOHOLIC BEVERAGES AT CITY PARKS DURING PERMITTED EVENTS; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City has received a request to hold an event at a City park which includes the sale of alcoholic beverages; and

WHEREAS, the Board of Commissioners finds that it is in the best interest of the City to allow the sale and consumption of alcoholic beverages at City parks, including the Community Center, when the event coordinator obtains a permit from the City;

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

Part I:  Enacted

THAT the Code of Ordinances of the City of Burkburnett is hereby amended by amending certain sections of Chapter 97: PARKS AND RECREATION, which such amended sections or portions of sections shall read as follows:

§ 97.03 REGULATION OF ALCOHOL AND CONTROLLED SUBSTANCES.

(A) The possession or consumption of alcoholic beverages, toxic drugs, narcotic drugs, or any substance which is classified as a "controlled substance" under state or federal law is prohibited in all city parks and all public street rights-of-way abutting such parks and at the Community Center except as follows:

(1) A person may possess or use prescription drugs which have been prescribed for that individual by a physician licensed to prescribe the particular drug or drugs being used, so long as such drug or drugs are only being used by the person for whom they have been prescribed and are being used in strict compliance with the instructions of the physician prescribing them; and

(2) A person or persons may sell, possess, or consume beer, wine, and/or mixed beverages if a permit has been obtained from the City in the manner set forth in division (B) of this section and if the person or persons selling, possessing, and/or consuming the beer, wine, and/or mixed beverages are doing so in strict compliance with the terms of a permit received from the City and any other applicable law or permit requirements.
An event coordinator desiring to sell or have beer, wine, and/or mixed beverages available for consumption for a special event in Friendship Park, including the Community Center, United Friendship Amphitheater, and Royalty Park, essentially the block west of Davy from Kramer to Williams, may make an application to the City Manager or his or her designee for a permit to do so. The "event coordinator" is the person making the application and who will be responsible for compliance with this chapter. In addition to the information required for other permits provided by this chapter, the city staff may request such additional information as may be reasonably required so that they can evaluate the application to ensure that the sale, possession, or consumption of beer, wine, and/or mixed beverages will not violate any applicable law or regulation applicable to the use of the park or the Community Center or create a nuisance to adjoining areas. The City may require the applicant and any other person working at the City facility during the proposed event to consent to a criminal history check as a condition for the issuance of a permit. The City may specify terms and conditions to the issuance of a permit, which are in addition to the terms and conditions otherwise provided by this chapter (including additional insurance coverage) to accomplish the purposes of this division.

1. The City may charge an application fee for each application submitted pursuant to this division (B). The amount of said application fee shall be established, from time to time, by resolution of the Board of Commissioners based upon the recommendation of the City Manager. In addition, the City may charge, in advance, upon filing an application an amount equal to its estimated cost, which will be payable to third parties in processing an application, such as the cost of a criminal history check.

2. The application for a permit for the sale, possession, or consumption of alcoholic beverages shall be submitted to the City Manager and Chief of Police for a determination as to whether the permit should be issued and as to what terms and conditions should be required for the issuance of a permit.

3. Any special event under this section, except events that are confined solely to the Community Center, shall include a fee of $30 per hour for each required officer. The Chief of Police will determine the number of officers required for an event. Unless otherwise authorized by the Chief of Police, the officers used at the event will be Burkburnett Police Officers. The security requirement for the Community Center is found in §97.37 of this Code.

§ 97.12 USE OF FRIENDSHIP COMMUNITY PARK AMPHITHEATER.

D Prohibited uses. The following uses are prohibited:

3. Unless otherwise authorized in a special event permit obtained under §97.03 of this Code, the use on any portion by any individual, firm, or corporation for the purpose of selling merchandise, except the selling of merchandise by displaying, exhibiting, or presenting of the merchandise under the sponsorship of a civic organization, antique club, or other charitable organization.
(5) Except as authorized in a special event permit under §97.03 of this Code, the consumption or possession of alcoholic beverages.

**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 immediately upon its passage.

**PASSED AND APPROVED ON THIS 18th DAY OF JANUARY 2021.**

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Carl Law, Mayor

ATTEST:

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Margie Poole, City Clerk