

ORDINANCE NO. 808

“Alcoholic Beverages At Special Park Events”

AN ORDINANCE AMENDING CODE OF ORDINANCES CHAPTER 10, ARTICLE V, “SPECIAL EVENTS,” SECTION 10-103 AND CREATING SECTION 10-108; AMENDING CHAPTER 26, “PARKS,” ARTICLE I, SECTION 26-14; AND AMENDING APPENDIX B – SCHEDULE OF FEES AND CHARGES, AND PROVIDING FOR THE FOLLOWING: FINDINGS OF FACT, SAVINGS, SEVERABILITY, REPEALER, EFFECTIVE DATE, AND PROPER NOTICE AND MEETING.

WHEREAS, the City Council (the “Council”) of the City of Granite Shoals, Texas (the “City”) seeks to promote the health, public safety and general welfare of the community and its citizens; and

WHEREAS, the Council finds that special events held within the City limits such as farmers’ markets, outdoor concerts, exhibitions, and festivals help promote community and create a positive view of the City; and

WHEREAS, the City is known as the “City of Parks;” and

WHEREAS, the City maintains a number of parks for the use and enjoyment of the public; and

WHEREAS, the Council finds that the provisions of this ordinance will serve to promote the health, public safety and general welfare; and

WHEREAS, the Council is authorized by virtue of sections 2.01 and 3.06 of the City Charter to regulate and control the use, for whatever purposes, of the City’s streets and other public places; and

WHEREAS, the Council finds it to be in the best interest of the health, public safety, and general welfare to amend its special events permit ordinance that licenses and regulates special events within the City limits, and its parks ordinance, to allow for and regulate the sale, possession, and consumption of alcoholic beverages and special park events, and in accordance with state law undertakes to enact such an ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRANITE SHOALS, TEXAS:

**SECTION I.
FINDINGS OF FACT**

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**SECTION II.
AMENDMENT**

Chapter 10, "Businesses and Business Regulations," Article V, "Special Events," Appendix B, "Schedule of Fees and Charges," Section E, "Permit Fees – Other," and Chapter 26, "Parks and Recreation," Article I, Division 2, "Public Parks Ordinance," of the Code of Ordinances, City of Granite Shoals, Texas, are hereby amended to add the following:

"ARTICLE V. – SPECIAL EVENTS

Sec. 10-103 Permit application; fee.

(a) Application

...

(24) Plan for security, which shall include means for providing safety and security for the site, for the buildings, for users on the site, and for users coming to or leaving the site, including adequate staffing to provide for effective emergency management and assurance that a certified peace officer will be present at every entrance, and if alcohol will be available for sale, possession, or consumption at the event, one security officer for every 75 participants, with the security officer(s) to be approved in advance by the Chief of Police of the City of Granite Shoals Police Department;

...

(b) Fee. The fee for issuance of a special event permit shall be adopted by separate action of the city council. Special events that are permitted to allow the sale, possession, or consumption of alcoholic beverages on premises shall have a separate special event permit fee as specified in Appendix B. As part of its fee schedule, the council may exempt the State of Texas and/or its political subdivisions from permit fee requirements; provided, however, that such entities shall still be required to obtain a permit under [section 10-101](#). This fee shall be a non-refundable fee regardless of whether the permit is granted or denied. Additionally, a cleanup deposit shall be posted with the city, the amount of which shall be adopted by action of the city council. If the site is entirely cleaned up after the special event has taken place, without the city's involvement, the deposit will be refunded. If such site is not entirely cleaned up, the deposit will not be refunded but shall be retained by the city to cover the costs of cleaning the site.

Sec. 10-108 Alcoholic beverage sales, possession, and consumption at special events.

- (a) A special event permit may allow the sale, possession, or consumption of alcoholic beverages within the confines of and during the hours of operation of an event that specifically authorizes such sale, possession, or consumption. The City must approve any special event within the City that permits alcoholic beverage sale, possession, or consumption.
- (b) A condition of a special event permit that allows alcoholic beverage sales, possession, or consumption on premises is the provision of security officers as described in Section 10-103(24) of this Code.
- (c) Alcoholic beverage vendors must hold, in good standing, a permit or authorization from the State of Texas for event alcohol sales. Vendors must supply to the City, in advance of the special event, a copy of this permit or authorization as well as the alcoholic beverage server certifications for each server that the vendor intends to serve alcohol at the event.
- (d) Fees paid to the City for a special event permit allowing alcoholic beverage sales, possession, or consumption on premises are to be dedicated to the City’s Parks Restricted Fund.

APPENDIX B – SCHEDULE OF FEES AND CHARGES

...

Section E – Permit Fees - Other

Special events	\$100.00
Special events – alcohol sales, possession, or consumption on premises	\$300.00
Special events deposit – refundable with full event cleanup	\$200.00

CHAPTER 26 – PARKS AND RECREATION

...

Sec. 26-14 Regulations.

...

- (b) Prohibited acts. It shall be unlawful for any person in a public park to:

...

- (10) Possess or consume alcoholic beverages, unless in attendance at a special event that has obtained a special event permit issued pursuant to Section 10-108 of this Code that specifically authorizes the sale, possession, or consumption of alcoholic beverages. A special event at a City park that allows the sale, possession, or consumption of alcoholic beverages must comply with all requirements of Sections 10-103 and 10-108 of this Code.

...”

**SECTION III.
SAVINGS**

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 IV.
SEVERABILITY**

If any provision, section, sentence, clause or phrase of this ordinance, or the 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 City Council of the City of Granite Shoals in adopting, and of the Mayor in approving this ordinance, that no portion thereof or provision or regulation contained herein shall be come inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provision or regulation.

**SECTION V.
REPEALER**

The provisions of this 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 ordinance 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. This ordinance shall not be construed to require or allow any act which is prohibited by any other ordinance.

**SECTION VI.
EFFECTIVE DATE**

This ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

**SECTION VII.
PROPER NOTICE AND MEETING**

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.

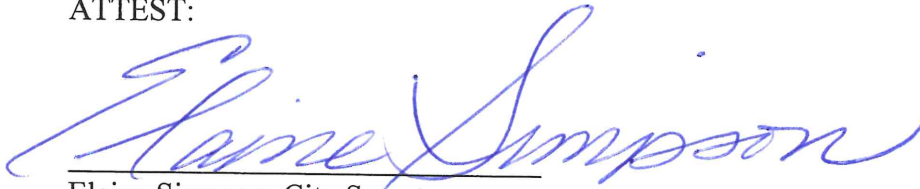
PASSED AND APPROVED ON this the 23rd day of February, 2021.

APPROVED:



Will Skinner, Mayor

ATTEST:



Elaine Simpson, City Secretary

APPROVED AS TO FORM:

Joshua Katz, City Attorney