

ORDINANCE NO. 2017-

AN ORDINANCE AMENDING CHAPTER 74 OF THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY ENTITLED "PARKS AND RECREATION" BY AMENDING ARTICLE IV, ENTITLED "LIMITATIONS ON POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN PARKS" TO CREATE A SINGLE STANDARD FOR ALCOHOLIC BEVERAGES AT CITY PARKS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. That the Code of Ordinances is hereby amended to AMEND the title of Article IV of Chapter 74, *Parks and Recreation*, to read as follows:

Article IV. LIMITATIONS ON ~~SALES~~, POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN PARKS

Section 2. That the Code of Ordinances is hereby amended to AMEND Section 74-131, entitled *Possession and Consumption of Alcoholic Beverages Generally Prohibited in Certain City Parks or Portions of Certain City Parks*, to read as follows:

Sec. 74-131. ~~Possession and Consumption of~~ Alcoholic Beverages at ~~Generally Prohibited in Certain~~ City Parks ~~or Portions of Certain City Parks~~.

(a) It shall be unlawful for any person to possess or consume any alcoholic beverage: ~~in a park while attending any organized youth sports competition in which any of the participants is under 18 years of age.~~

~~(1) Within the boundaries of the following city park facilities, including any improvements located within or vehicles parked within:~~

~~a. The League City Sportsplex, which is located at 1251 Link Road (SH 96); and~~

~~b. Bayridge Park, which is located at 2900 Mariner Drive;~~

~~(2) Within the fenced boundaries of all swimming pools owned and/or operated by the city; and~~

~~(3) Within specified areas, as generally listed below, and as more specifically demarcated by permanent signs that shall be posted in locations determined by the city manager or his designee, of the following city park facilities:~~

~~a. The children's playground area of League Park, which is located at 100 Park Avenue; and~~

~~b. The Little League field of Countryside Park, which is located at 100 Alderwood.~~

(b) It shall be unlawful for any person to sell or offer for sale any alcoholic beverage in a city park without first obtaining a permit pursuant to this article.

Section 3. That the Code of Ordinances is hereby amended to DELETE Section 74-133, entitled *Exception to General Prohibition: Alcoholic Beverage Permit Required to Possess or Consume Alcoholic Beverages in Public Parks, Recreation and Sports Facilities*, in its entirety.

Section 4. That the Code of Ordinances is hereby amended to AMEND Section 74-134, entitled *Permit Application Procedures*, to read as follows:

Sec. 74-134. Permit application procedures.

(a) A person seeking the issuance of a permit to ~~sell possess or consume~~ alcoholic beverages in any city-owned or operated public *park*, recreation or sports facility, or portion thereof, ~~listed in section 74-133 of this article~~, shall file an application with the city manager. The application shall state:

- (1) The name, address and telephone number of the person and organization and its officers applying for the permit;
- (2) If the use or activity is to be conducted for, on behalf of, or by any person other than the applicant, the name, address and telephone number of that person;
- (3) The exact nature of the use or activity for which the permit is being sought;
- (4) The date and hours for which the permit is desired;
- (5) The *park* and the portion of the *park* desired to be used to carry out the proposed use or activity;
- (6) An estimate of the anticipated attendance;
- (7) Any other information that the city manager finds to be reasonably necessary to determine whether to issue a permit.

(b) Applications shall be filed with the city manager for consideration not less than 20 days nor more than 180 days before the date of the proposed use or activity. Emergency hearings for permits desired less than 20 days prior to the date of the

proposed use or activity may be conducted at the discretion of the city manager or his designee.

- (c) The city manager or his designee shall evaluate the application and render a decision in accordance with the following section ~~74-136~~ ~~74-135~~.

Section 5. That the Code of Ordinances is hereby amended to AMEND Section 74-135, entitled *No Permits Issued When Activity or Function will Include Minors*, to read as follows:

Sec. 74-135. No permits issued when activity or function will include minors.

Under no circumstances will any permit for the ~~sale possession or consumption~~ of alcoholic beverages be issued under this article if the activity ~~or of~~ function for which the permit is sought will involve ~~any organized~~ youth sports ~~competition or other youth activities~~ in which any of the participants will be under 18 years of age.

Section 6. That the Code of Ordinances is hereby amended to AMEND Section 74-136, entitled *Standards for Issuance of Permits; Procedures*, to read as follows:

Sec. 74-136. Standards for issuance of permits; procedures.

- (a) A permit for the ~~sale possession or consumption~~ of alcoholic beverages in any city-owned or operated park, recreational or sports facility shall not be issued unless it is first found that:
- (1) The proposed ~~sale possession and consumption~~ of alcoholic beverages will not unreasonably interfere with or detract from the general public use and enjoyment of the park;
 - (2) The proposed ~~sale possession and consumption~~ of alcoholic beverages will not unreasonably interfere with or detract from the public health, safety or welfare;
 - (3) The function or activity for which the applicant is seeking the permit will not involve ~~any organized~~ youth sports ~~competition or other youth activities~~ in which any of the participants will be under 18 years of age;
 - (4) The proposed ~~sale possession and consumption~~ of alcoholic beverages is not reasonably likely to result in or create a clear and present danger of violence by the applicant or by others to persons or property resulting in serious harm to the public; and
 - (5) The facilities where the applicant proposes for its activity or function has not been reserved for another activity or use at the day and hour requested in the application, during which the ~~sale possession or consumption~~ of alcoholic beverages by the applicant and his or her guests could be incompatible.
- (b) The city manager, or his designee, is hereby authorized to develop those permit application procedures deemed necessary to carry out the intent of this section.
- (c) ~~An~~ A permit may be summarily denied if the city manager finds that:

- (1) False or misleading information is contained in the application or any required information is omitted; or
- (2) The proposed event or activity would violate any federal, state or municipal law.
- (d) The city manager may impose reasonable conditions or restrictions on the granting of a permit, including, but not limited to, any of the following:
 - (1) A requirement that the applicant pay a nonrefundable fee to defray the cost of furnishing off-duty police officers at or in the immediate vicinity of the event, to ensure compliance with the terms of the permit and with all other state and municipal laws governing the possession, consumption and sale of alcoholic beverages;
 - (2) Restrictions on fires, amplified sound, equipment or vehicles, the number of persons to be present, the location of any bandstand or stage, or any other use that appears likely to create a risk of unreasonable harm to the use and enjoyment of the park property;
 - (3) A requirement that the applicant post a reasonable deposit of security for the repair of any damage to public property, or the cost of cleanup or both; and/or
 - (4) A requirement that the permittee furnish additional sanitary and refuse facilities that might be reasonably necessary, based on the use or activity for which the permit is being sought.
- (e) Permits shall not be transferable without the written consent of the city manager.
- (f) Within four business days after a hearing on the application, the city manager or his designee shall inform an applicant in writing of the approval of the permit and of any conditions attached to the issuance of such permit, or of the denial of the permit and the reasons therefor. The applicant shall have the right to submit a written appeal of the denial of a permit to the city council, within six days upon receipt of the notice of denial. Upon such an appeal, the city council shall consider the application under the standards set forth in subsection (a) of this section or other reasons deemed by the city council to be detrimental to the use of the public parks and facilities, and to then sustain or overrule the decision.
- (g) A person to whom an alcoholic beverage **sales** permit is issued shall be fully bound by all park rules and regulations and all applicable ordinances, as though all such rules, regulations and ordinances were specifically inserted in such permit.
- (h) The person to whom a permit is issued shall be liable for any loss, damage or injury to any person or property whatever by reason of the negligence of the person to whom such permit was issued.
- (i) The city manager or his designee shall have the authority to revoke a permit upon a finding of violation of any rule, ordinance, state or federal law, or upon the violation of any condition or restriction under which the permit was issued.
- (j) The city manager or his designee shall have the authority to reject a permit for a special event if the city manager or his designee has determined that the infrastructure of the public park or facility would not support the event.

Section 7. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 8. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 9. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 10. Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 11. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. The Ordinance shall become effective ten (10) days after its passage.

PASSED first reading the ____ day of _____, 2017.

PASSED second reading the ____ day of _____, 2017.

PASSED AND ADOPTED the ____ day of _____, 2017.

PAT HALLISEY
Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

NGHIEM V. DOAN
City Attorney