

**ORDINANCE NUMBER 963**

**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 USE OF THE COMMUNITY CENTER INCLUDING THE REGULATION OF ALCOHOL AND THE SALE OF MERCHANDISE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, organizations using the Community Center with permission from the City have historically served alcoholic beverages during public functions for on-premises consumption in connection with the function;

WHEREAS, some of these organizations regulate the consumption of alcohol by providing a limited number of tickets to obtain alcoholic beverages or using a cash bar; and

WHEREAS, the Board of Commissioners finds that it is in the best interest of the City to specify the regulation of such consumption and sale of alcoholic beverages at the Community Center; 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 in 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 possess or consume alcoholic beverages, as defined in Sec. 1.04(1) of the Texas Alcoholic Beverage Code, 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 possessing or consuming alcoholic 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.

(B) An event coordinator desiring to have alcoholic beverages available for consumption for a special event in a city park, including the Community Center, may make 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 consumption of alcoholic 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. An application shall not be approved if it is determined that any persons involved in the function have been convicted of any felonies, Class A or Class B misdemeanors or any offense in violation of the Texas Alcoholic Beverage Code or any similar law regulating the use, consumption or possession of alcoholic beverages. The city may require the applicant and any other person involved in 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 is 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 a public event shall be submitted to the City Manager 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 the permit.

(3) The application for a permit for a private event shall be submitted to the City Manager 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.

(4) For purposes of this division (B), a "public event" includes any of the following: (a) Any event which is advertised as being open to the public; (b) Any event which is not restricted to a definable group of people so that the event coordinator is unable to estimate the maximum number of persons who will be permitted to participate in the event; or (c) Any event for which a fee or any type of consideration is required for admission by participants. For purposes of this division (B), a "private event" is any event which is not a public event.

§ 97.37 CONTRACTS; RESERVATIONS; FEE.

(F) Reservations may be made for dances and music concerts. The reservation fee for dances shall include a fee of \$30 per hour for a uniformed police officer for an event with at least 100 participants, \$60 per hour for two uniformed police officers for 200-299 participants, etc. Any group permitting alcoholic beverages or having 50 or more minors involved shall pay for at least one police officer. Police officers will be provided by the Chief of Police. This shall be applicable to music concerts, and any event where alcoholic beverages are permitted.

§ 97.38 BOOKING RATES FOR AUDITORIUM OR MEETING ROOM.

(A) Auditorium:

	Rate
Base category	\$200.00 ½ day* \$300.00 all day*
Local service clubs (Local service clubs booked on a regular basis), local non-profit service clubs, non-profit fund raising; i.e. Chamber of Commerce, Rotary Club, Lions Club)	\$40.00 per hour

\* ½ day = 5 hours or less; all day = 6 hours or more.

(B) Small meeting room:

	Rate
Base category	\$150.00 ½ day* \$200.00 all day*
Local service clubs (Local service clubs booked on a regular basis), local non-profit service clubs, non-profit fund raising; i.e. Chamber of Commerce, Rotary Club, Lions Club)	\$30.00 per hour

\* ½ day = 5 hours or less; all day = 6 hours or more.

(C) Kitchen:

	Rate
Base category	\$50.00 ½ day* \$75.00 all day*

\* ½ day = 5 hours or less; all day = 6 hours or more.

§ 97.47 SALE OF MERCHANDISE.

The use of any portion of the community center by any individual, firm, or corporation for the purpose of selling merchandise is hereby prohibited, except the selling of merchandise by display, exhibit, or presence of the merchandise under the sponsorship of a civic organization, antique club, art club, or charitable organization. This prohibition does not apply to the sale of alcoholic beverages when such sale is authorized by a permit obtained in accordance with this Chapter. Such sale, use, consumption, or possession of alcoholic beverages will be strictly limited to inside the Community Center building.

**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 THIS 3<sup>rd</sup> DAY OF JANUARY 2020.**

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Carl Law, Mayor  
City of Burkburnett, Texas

**ATTEST:**

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Margie Poole, City Clerk