

CITY OF LOG CABIN

ORDINANCE NO. 120

ALCOHOL IN PARK

AN ORDINANCE OF THE CITY OF LOG CABIN, REGULATING THE USE AND POSSESSION OF ALCOHOL IN CITY PARKS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Log Cabin, Texas ("City") is a Type A General Law Municipality located in Henderson County, Texas; and

WHEREAS, pursuant to Texas Local Government Code Chapter 331, the City of Log Cabin, Texas has jurisdiction and authority to regulate its City parks.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Log Cabin, Texas:

I. DEFINITIONS.

A. The following words, terms, and phrases, when used in the Ordinance shall have the meaning ascribed to them in this Ordinance, except for when the context clearly indicates a different meaning:

1. **Alcoholic Beverage.** Shall be defined to include any alcohol or any beverage containing more than one-half (1/2) of one (1%) percent of alcohol by volume which is capable for use as a beverage, either alone, when diluted, or when mixed with any other beverage.

2. **City Parks.** Shall be defined to be any park, playground, or recreational area owned, leased, operated, or under the control of the City.

II. RULES AND REGULATIONS.

A. The following regulations, restrictions, and prohibitions shall be applicable to any and all City Parks of the City;

1. **Alcoholic Beverages or Drugs Prohibited.** It shall be unlawful for any person to bring into, consume, possess, or distribute any Alcoholic beverages or illegal drugs in any City Park as follows:

(i) During the holidays of Memorial Day, July 4th and Labor Day. Alcohol is prohibited during these holidays from 12:01 a.m. to 11:59 p.m. on the day of the holiday.

(ii) In the event that the July 4th holiday falls on a Monday or Friday, during a respective year, alcohol shall be prohibited for the entire July 4th weekend, which would include the days of Friday, Saturday, Sunday, and Monday. In the event that the July 4th holiday falls on a Saturday or Sunday for a respective year alcohol shall be prohibited for the entire holiday weekend, that being Friday, Saturday, Sunday, and Monday.

(iii) Labor Day is recognized on the first Monday in September of each respective year. Alcohol shall be prohibited in the City Park(s) during the entire Labor Day weekend, which includes the Saturday and Sunday preceding Labor Day.

(iv) Memorial Day is recognized on the last Monday in May of each respective year. Alcohol shall be prohibited in the City Park(s) during the entire Memorial Day weekend, which includes the Saturday and Sunday preceding Memorial Day.

2. Glass Containers shall be prohibited in any and all City Park(s) of Log Cabin at all times.

III. SEVERABILITY. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are 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 since the same would have been enacted by the City Council without the incorporation in the Ordinance of any such unconstitutional phrase, clause, sentence, paragraph, or section.


IV. VIOLATION. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any provision of this Ordinance shall be issued a citation and subjected to a fine of not more than \$500 for all violations of this Ordinance. Each day the violation is permitted to exist shall constitute a separate offense.

V. PUBLICATION. The Secretary for the City is hereby directed to publish in the official newspaper of the City the caption, penalty clause, and effective date clause as authorized by the Texas Local Government Code.

VI. EFFECTIVE DATE. This Ordinance shall be in full force and effect after it's passage and publication as required by law.

Duly PASSED and APPROVED by the City Council of the City of Log Cabin,
Texas on this 15th day of May, 2009.

APPROVED BY:



Mayor

ATTEST:



City Secretary