

ORDINANCE NO. 133

AN ORDINANCE OF THE CITY OF LOG CABIN, PROHIBITING THE USE AND POSSESSION OF ALCOHOL IN CITY PARKS; PROHIBITING THE USE OF GLASS CONTAINERS IN CITY PARKS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER 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 this 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 (excluding the recreational vehicle ("RV") park owned by the City), 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 Prohibited.** It shall be unlawful for any person to bring into, consume, possess, or distribute any Alcoholic Beverages or illegal drugs in a City Park as defined in Section I. A.2., at any time.

2. Glass Containers shall be prohibited in all City Park(s) of Log Cabin, as defined in Section I. A.2., 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. REPEALER. Any and all ordinances, resolutions, or other regulations previously passed by the City of Log Cabin in conflict with this Ordinance are hereby repealed to the extent of said conflict.

VI. 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.

VII. EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage and publication as required by law.

Duly PASSED and APPROVED by the City Council of the City of Log Cabin,
Texas on this ~~7th~~ day of ~~November~~, 2009. *pk*
17th September pk

APPROVED BY:

Billy Goodwin

Billy Goodwin, Mayor

ATTEST:

Pat Hayes

Pat Hayes, City Secretary

APPROVED AS TO FORM:

Blake E. Armstrong

Blake E. Armstrong, City Attorney

Lindsey S. Birdsong
Attorney at Law

Blake E. Armstrong
Attorney at Law



BIRDSONG & ARMSTRONG
A Professional Corporation
Attorneys at Law

August 26, 2009

Via facsimile (903/489-0240) and Regular Mail

Ms. Pat Hayes
City of Log Cabin
Log Cabin City Hall
14387 Alamo Road
Log Cabin, Texas 75148

Dear Pat:

Enclosed please find the Ordinance Regulating Use and Possession of Alcohol in City Parks which has been signed by Blake.

Sincerely,

BIRDSONG & ARMSTRONG, P.C.
A Professional Corporation

Julie T. Muller, Legal Assistant to
Blake E. Armstrong

/jtm
Enclosure as noted.

ORDINANCE NO. 122

AN ORDINANCE OF THE CITY OF LOG CABIN, PROHIBITING THE USE AND POSSESSION OF ALCOHOL IN CITY PARKS; PROHIBITING THE USE OF GLASS CONTAINERS IN CITY PARKS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE. IT SHALL BE UNLAWFUL FOR ANY PERSON TO BRING INTO, POSSESS, OR DISTRIBUTE ANY ALCOHOLIC BEVERAGES OR ILLEGAL DRUGS IN A CITY PARK AS DEFINED IN SECTION I. A.2., AT ANY TIME. GLASS CONTAINERS SHALL BE PROHIBITED IN ALL CITY PARK(S) OF LOG CABIN AS DEFINED IN SECTION I. A.2., AT ALL TIMES. Penalty: 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. This Ordinance shall be in full force and effective November 1, 2009.

The complete ordinance may be viewed on regular workdays and hours in the city secretary's office, Log Cabin City Hall, 14387 Alamo Road, Log Cabin Texas 75148.

HP LaserJet 3050

Fax Call Report



City of Log Cabin
9034890240
Sep-18-2009 10:49AM

Job	Date	Time	Type	Identification	Duration	Pages	Result
4457	9/18/2009	10:47:53AM	Send	903-887-4510	1:06	2	OK

CITY OF LOG CABIN
14387 Alamo Rd.
Log Cabin, TX 75148

City Hall: 903-489-2195
Fax: 903-489-0240

Fax

To: Monte From: Pat Hayes, City Secretary
Fax: _____ Pages: 2

Ph: _____ Date: 9-18-09
Re: _____ CC: _____
 Urgent For Review Please Comment Please Reply Please Recycle

• Comments:

Please publish twice. Thank you -

Pat