

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COPPELL, TEXAS TO AMEND THE CODE OF ORDINANCES BY REPEALING CHAPTER 6, BUSINESS REGULATIONS, ARTICLE 6-16, ALCOHOLIC BEVERAGES, SECTION 6-16-4, CITY FACILITIES, IN ITS ENTIRETY AND REPLACING WITH A NEW SECTION 6-16-4, CITY FACILITIES TO PROHIBIT THE SALE, STORAGE, POSSESSION OF ALCOHOLIC BEVERAGES IN THE CITY PARKS, FACILITIES OR PROPERTIES; PROVIDING FOR A SPECIAL EVENT PERMIT TO SELL, STORE, POSSESS AND CONSUME ON SAID CITY PROPERTIES FOR REGULATIONS; PROVIDING AN APPROPRIATE FEE FOR PERMIT ISSUANCE; AND AMENDING CHAPTER 9, GENERAL REGULATIONS, SECTION 9-11-3 PARKS AND RECREATION CODE, SUBSECTION (Q) TO PROVIDE FOR PROHIBITION OF THE POSSESSION, SALE OR CONSUMPTION OF ALCOHOLIC BEVERAGES IN CITY PARKS, EXCEPT AS PROVIDED IN CHAPTER 6, BUSINESS REGULATIONS, ARTICLE 6-16 ALCOHOLIC BEVERAGES, SECTION 6-16-4, CITY FACILITIES; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Coppel finds it will benefit to amend the City's Code of Ordinances to provide for the issuance of a permit for the sale of alcohol at special events; and

**WHEREAS**, the City Manager or designee may grant a special event permit to allow for the consumption, possession and/or sale of alcohol by a state license vendor.

**WHEREAS**, the City Manager or his designee is further authorized to adopt and enforce such other appropriate health, safety and welfare to ensure safe use of the premises and general welfare of the areas adjacent thereto.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF COPPELL, TEXAS:**

**SECTION 1.** The City of Coppel Code of Ordinances, to amend Chapter 6, Business Regulations, Article 6-16, Alcoholic Beverages, Section 6-16-4, City facilities, by repealing said section in its entirety and provide with a new Section 6-16-4, City facilities; to hereinafter read as follows:

**“CHAPTER 6 – BUSINESS REGULATIONS**

**.....**

**ARTICLE 6-16 – ALCOHOLIC BEVERAGES**

**Sec. 6-16-4. – City facilities**

- A. No person, firm, corporation, or business entity of any land shall sell, store, possess or consume an alcoholic beverage in any city, park, facility or city owned premises, except as provided in this subsection. The term "alcoholic beverage," as that term is used in this article, shall be defined as used in the Texas Alcoholic Beverage Code.
- B. The City Manager or designee may, notwithstanding the prohibition in subsection A. of this section, issue a permit to a person or entity for the consumption, possession and/or sale of alcoholic beverages for on premises consumption, for a period not to exceed 72 consecutive hours, for city facilities or city owned property. For such event, the city manager or designee may grant a special event permit to allow for the consumption, possession, and/or sale of beer and wine by a state licensed vendor or permit holder under the Texas Alcohol Beverage Code in accordance with state law and reasonable conditions as set forth herein.
- C. No permit shall be issued until satisfactory proof has been provided for liability insurance and compliance with the Texas Alcoholic Beverage Code, as amended, and rules issued by the appropriate state agency. The City Manager is further authorized to implement such other appropriate safety and control regulations concerning location, hours of operations, security and other appropriate conditions to protect the health, safety and welfare of the general public and event attendees.
- D. The City by resolution may establish an appropriate fee for issuance of such permit.”

**SECTION 2.** That the City of Coppel Code of Ordinances is hereby amended by amending Chapter 9, Article 9-11, Section 9-11-3 General Regulations, Subsection (Q) by repealing the same and replacing with a new subsections (Q) to read as follows:

**“CHAPTER 9 – GENERAL REGULATIONS**

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**ARTICLE 9-11 - PARKS AND RECREATION CODE**

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**Sec. 9-11-3 – General Regulations**

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- Q.** No person, firm corporation or business entity of any kind shall sell, store, possess or consume an alcoholic beverage in any City park except as permitted in Article 6, Section 6-16-4 of the Code of Ordinances.”

**SECTION 3.** That all provisions of the ordinances of the City of Coppell in conflict with the provisions of this ordinance be, and the same are hereby, repealed, and all other provisions of the ordinances of the City of Coppell not in conflict with the provisions of this ordinance shall remain in full force and effect.

**SECTION 4.** That should any sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the Code of Ordinances as a whole.

**SECTION 5.** That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Coppell, as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of two hundred dollars (\$200.00) for each offense.

**SECTION 6.** This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and charter in such cases provide.

**DULY PASSED** by the City Council of the City of Coppell, Texas, on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF COPPELL, TEXAS**

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**KAREN SELBO HUNT, MAYOR**

**ATTEST:**

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**CHRISTEL PETTINOS, CITY SECRETARY**

**APPROVED AS TO FORM:**

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**ROBERT E. HAGER, CITY ATTORNEY**