

ORDINANCE 2024-3996

AN ORDINANCE AMENDING CHAPTER 6 “ALCOHOLIC BEVERAGES” OF THE CODE OF ORDINANCES OF THE CITY OF LA PORTE, TEXAS, BY ALLOWING THE SALE AND CONSUMPTION OF ALCHOLIC BEVERAGES AT THE LA PORTE MUNICIPAL AIRPORT; PROVIDING A SEVERABILITY CLAUSE; CONTAINING A REPEALING CLAUSE; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN A SUM NOT TO EXCEED FIVE HUNDRED DOLLARS; PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF; FINDING COMPLIANCE WITH THE OPEN MEETINGS LAW; AND PROVIDING FOR THE EFFECTIVE DATE HEREOF

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LA PORTE, TEXAS:

Section 1. That Chapter 6, “Alcoholic Beverages,” Article I “In General,” Section 6-3 “Consumption or possession with intent to consume alcoholic beverages on city property” of the La Porte, Texas, Code of Ordinances is hereby amended in its entirety and shall hereinafter read as follows:

“Sec. 6-3. - Consumption or possession with intent to consume alcoholic beverages on city property.

(1) *Prohibited.* A person commits an offense if he consumes or possesses with intent to consume an alcoholic beverage in or on any real property owned by or leased by or to the city or the La Porte Independent School District.

(2) *Permits for certain noncommercial events.* The director of parks and recreation may issue special permits for noncommercial events (such as wedding receptions, private parties and similar gatherings, but not including athletic events), for a daily fee in an amount established by the city and listed in appendix A of this Code, permitting consumption of alcoholic beverages in or on any real property owned by or leased by or to the city.

(3) *Rules, regulations, and security requirements for special events with alcohol permits, at recreation centers and outdoor facilities.*

(a) Alcohol permits will not be issued at City of La Porte Recreation Centers, with the exception of Evelyn Kennedy Civic Center, unless authorized by the director of parks and recreation or the department operations manager.

(b) Alcohol permits will be issued at City of La Porte outdoor venues upon approval of a special use event permit or co-sponsorship event permit, also issued by the director of parks and recreation or the department operations manager. Exception will be made for the Lomax Rodeo Arena, provided a standard rental/lease agreement is completed satisfactorily by the Lessee.

(c) Alcohol is permitted to be consumed at City of La Porte owned or leased property by permit only. Alcoholic beverages of any kind cannot be sold by lessee or guests. A City of La Porte Alcohol Permit must be purchased at the parks and recreation office for \$25.00 and posted at the event. If the permit is not posted, security officers will not allow any consumption of alcohol, and all alcohol will need to be removed from the premises. The person whose signature is on the permit must be on site the entire time alcohol is being consumed. All laws, ordinances, rules and regulations regarding possession and consumption of alcoholic beverages shall be strictly complied with. Alcohol consumption will be confined to the congregate/kitchen areas only, for buildings, and fenced or enclosed areas for outdoor events, as specified in the permit. No alcoholic beverages will be permitted to be carried out of that designated area, nor can it be consumed in the parking lot(s).

(d) The duties of security officer include counting the number of guests at the front door to meet fire code and department regulations, monitoring the ballroom and parking lot; and enforcing all existing national, state, and local laws, ordinances, and parks and recreation department rules and regulations.

(e) It is the purview of the parks and recreation director, the operations manager, or their designee, to determine the specific number of security officers required for each event and to arrange for such security service, based on the guidelines above, the governing city ordinance(s), and the information provided by the lessee. Therefore, the pre-event security request forms sent to the police department will designate the predetermined number of security required for each event. Only the parks and recreation department director or operations manager for the department are authorized to make changes to the number of security required, as mentioned above, for unforeseen circumstances that may make an adjustment in security levels necessary. The lessee does not have authority to reduce pre-arranged security levels for any event. Security officers are authorized to restrict the number of attendees for an event to the number pre-specified by the lessee.

(f) Security officers are required whenever alcohol is permitted. The City of La Porte has a contractual agreement with the La Porte Police Officers' Association, and they have the exclusive right to provide security services for City of La Porte events. Lessee agrees to allow the City of La Porte to arrange for security officers and agrees that lessee will pay \$30.00 per hour per security officer. Security must be scheduled by the seventh business day prior to the event date and no changes can be made seven or less business days prior to event. If for any reason the event is cancelled seven or less days prior to the event, the customer's deposit will be applied to the security officer's payment and invoiced for the difference if any. Security officers are to be paid in cash the actual date of the event prior to the events scheduled time. If the payment for security services is not paid in cash prior to the event, the contract for the event shall be considered null and void, and the security agent has the right to cancel the event. Please be aware you will forfeit your deposit and rental fee, and the event will not take place if you fail to meet this obligation.

(g) It is the responsibility of the security officers to keep fully informed of, and enforce all existing and future federal, state, and local laws, ordinances, as well as rules and regulations of the parks and recreation department.

(h) Lessee is responsible for all payments to security officers for services rendered, except in cases where scheduling conflicts arise and parks and recreation personnel are at fault. Final determination of fault lies solely with the director of parks and recreation or the department operations manager.

(4) *Exceptions.*

(a) The Bay Forest Golf Course is expressly exempted from subsections (1) and (3)(a) of this section; provided, however, that the city-approved concessionaire shall comply with section 6-38 of this Code which requires an annual license from the city for the sale of beer, wine or other alcoholic beverages.

(b) Property located within the boundaries of the La Porte Municipal Airport is expressly exempted from subsections (1) and (3) of this section; provided, however, that the sale of alcoholic beverages for on-premises and/or off-premises consumption is conditioned upon prior issuance to the vendor of all applicable state and local permits, as well as variances necessary due to proximity to schools or churches.

Section 2. If any provision, section, subsection, sentence, clause, or phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, vividness or invalidity of any other portion hereof, and all provisions of this ordinance are declared to be severable for that purpose.

Section 3. All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

Section 4. Any person who violates a provision of this ordinance, upon conviction in the municipal court of the City of La Porte, Texas, shall be subject to a fine not to exceed five hundred (\$500.00). Each day of violation shall be considered a separate offense.

Section 5. The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contacts and posting thereof.

Section 6. This ordinance shall be effective fourteen (14) days after its passage and approval. The City Secretary shall give notice of the passage of this ordinance by causing the caption hereof to be published in the official newspaper of the City of La Porte at least once within ten (10) days after the passage of this ordinance, in accordance with the City of La Porte Charter.

PASSED AND APPROVED this, the 8th day of July 2024.

CITY OF LA PORTE, TEXAS

Rick Helton, Mayor

ATTEST:

APPROVED AS TO FORM:

Lee Woodward, City Secretary

Clark T. Askins, City Attorney