

ORDINANCE NO: 558

AN ORDINANCE FOR THE CITY OF WEST COLUMBIA, TEXAS, AMENDING SECTION 21-10 (g) OF THE CODE OF ORDINANCES OF THE CITY OF WEST COLUMBIA, TEXAS, TO PROVIDE FOR THE AUTOMATIC ISSUANCE OF A PERMIT FOR THE CONSUMPTION OF ALCOHOLIC BEVERAGE AT FIRST CAPITOL PARK IN CONJUNCTION WITH THE ANNUAL SAN JACINTO DAY FESTIVAL SPONSORED BY THE WEST COLUMBIA CHAMBER OF COMMERCE: PROVIDING FOR THE REPEAL OF ALL ORDINANCES, RESOLUTIONS, OR INFORMAL POLICIES OF THE CITY WHICH ARE IN ANY MANNER INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE; CONTAINING A SEVERABILITY CLAUSE; PROVIDING THAT ANY VIOLATION OF THIS ORDINANCE CONSTITUTES A MISDEMEANOR PUNISHABLE BY A FINE OF NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST COLUMBIA, TEXAS:

**Section One**

Chapter 21-10 (g) of the Code of Ordinances of the City of West Columbia, Texas, shall be and is hereby amended to read as follows:

**Section 21-10(g).**

(g-1) It shall be unlawful to possess or consume any alcoholic beverage in any city park except by permit issued by Council approval. A permit for the use or the possession and/or consumption of alcoholic beverage at the pavilion within a city park may only be issued with respect to a scheduled event, for which a written application has been submitted to the City Council at least ten (10) days prior to the Council meeting preceding the proposed event. The application shall include, among other things, the following:

- (i) The name and address of the organization proposing to hold the event and the name, address and telephone number of one or more responsible persons in that organization.
- (ii) The name, date, time and purpose of the proposed event.
- (iii) The estimated number of persons attending the proposed event.
- (iv) The type of alcoholic beverage which will be served at the proposed event.

- (v) A description of the general activities to be conducted at the proposed event.
- (vi) Evidence of compliance with the requirement for attendance and supervision of the event by off-duty police officers of the West Columbia Police Department.
- (vii) Payment of a clean-up deposit in an amount specified by the City Council.

(g-2) The issuance of an alcoholic beverage permit for a city park is strictly within the discretion of the City Council who shall, in making that determination, take into account, among other things, all of the information required to be included in the application, and the nature and number of other activities which will or may be occurring in the park or in the vicinity of the park at the time of the occasion for which the permit is sought. Any and all applications for an alcoholic beverage permit shall be upon such form and contain such information as the City Council may, from time to time, require in addition to that specified.

(g-3) There is, as of May 1, 2008, an application on file with the City Council for a permit under this Section 21-10(g) filed by the West Columbia Chamber of Commerce for the Annual San Jacinto Day Festival held at First Capitol Park for the event which occurred in April, 2008. The Chamber of Commerce shall update the information contained in that application, from time to time, as appropriate. That application, as updated, shall be deemed automatically renewed on an annual basis for that event, with the issuance of an annual permit for the application to be automatic, without further authorization or approval by the City Council.

## **Section Two**

Any rules, ordinances, police regulations, resolutions, and/or policies of the City of West Columbia, whether written, or otherwise, which are in any manner in conflict with or inconsistent with this ordinance, shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

## **Section Three**

It is hereby declared to be the intention of the City Council that the several provisions of this ordinance are severable, and if any court of competent jurisdiction enters a final order which holds that any section, subsection, sentence, clause, phrase, or other portion of this ordinance is invalid, illegal, or otherwise unenforceable, then any such portion shall be deemed a separate, distinct and independent provision, and any such ruling shall not

affect any other provision of this ordinance which are not specifically designated as being illegal, invalid or unenforceable.


**Section Four**

Failure to observe and obey the ordinance adopted above shall constitute a misdemeanor, and shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00).


**Section Five**

This ordinance shall be effective and applicable immediately from and after the date of its passage and approval by the City Council of the City of West Columbia, and the publication of its caption as provided by law.

PASSED AND APPROVED this the 14<sup>th</sup> day of  
July, 2008.

  
LAURIE B. KINCANNON, Mayor

**ATTEST:**

  
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**Kelli Kuban**  
City Secretary