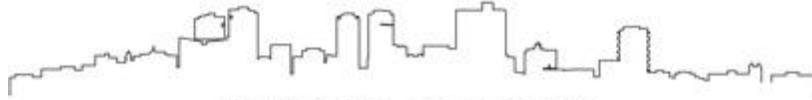


# CITY OF FORT WORTH, TEXAS



## COUNCIL PROPOSAL

<b>Date:</b> April 23, 2013	<b>File Number:</b> 293	<b>Subject:</b> Adopt Attached Ordinance Amending Section 24-17 "Alcoholic Beverages" of Chapter 24 of the City Code, "Parks and Community Services" to Allow the Sale, Possession, or Consumption of Alcohol at a Fundraising Event at Forest Park Swimming Pool on May 23, 2013
<b>Proposed By:</b> Joel Burns, Council District 9	<b>City Manager's Review:</b>	<b>Page:</b> PAGE 1 OF 1
	<b>City Attorney's Review:</b>	

It is proposed that the City Council adopt the attached ordinance amending Sec. 24-17, "Alcoholic Beverages" of Chapter 24 of the City Code, "Parks and Community Services", to allow the sale, possession, or consumption of alcoholic beverages for a facility preview and fundraiser event at Forest Park Swimming Pool on Thursday May 23, 2013.

### **DISCUSSION:**

Forest Park Swimming Pool has been closed since August 2010 and is scheduled to reopen to the public on Saturday May 25, 2013. As the result of a significant donation from a private foundation, in-kind donations from professional services agencies and construction companies and the allocation of capital projects reserve funds, major repairs to the swimming pool have been undertaken.

A fund raising event has been planned prior to the pool opening to the public on May 25th. The goal of the event is to raise funds for the city-wide aquatics learn-to-swim program. The event is also intended to serve as a catalyst for citizen involvement in raising additional funds to support the programs and operations at Forest Park Pool in the future. The limited serving of beer and wine is planned for the fundraiser to adult attendees who purchase an event ticket, a portion of which will represent a donation in support of the learn-to-swim program. Certified life guards and an off-duty police officer will be on duty during the event. The event will comply with the requirements of the Texas Alcoholic Beverage Commission.

Section 24-17 of Chapter 24 of the City Code prohibits the sale, possession, or consumption of alcoholic beverages within the fenced areas surrounding any swimming pool, wading pool or spray pool within any park in the City. Approval of the attached ordinance amending Section 24-17 will authorize the sale, possession, or consumption of beer and wine for this one-time event.

### **LEGALITY:**

The City Attorney's Office finds that this proposal is legal and that it is within the authority of the City Council.

### **FISCAL NOTE:**

The Chief Financial Officer certifies that the approval of this Council Proposal will not require the appropriation of additional funds at this time.

### **CITY MANAGER'S COMMENT:**

The City Manager has no objection to the amendment of the City Code as proposed.

### **PROPOSED BY:**

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Joel Burns, Council Member

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Sal Espino, Council Member

- LEGALITY
- FISCAL NOTE
- CITY MANAGER'S COMMENTS
- CITY POLICIES MANUAL

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

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF FORT WORTH, TEXAS (1986), CHAPTER 24, "PARKS AND COMMUNITY SERVICES," ARTICLE I, "IN GENERAL," SECTION 24-17, "ALCOHOLIC BEVERAGES-PROHIBITED IN BALL FIELDS," TO ALLOW THE SALE, POSSESSION, OR CONSUMPTION OF ALCOHOLIC BEVERAGES FOR A CITY FACILITY PREVIEW AND FUNDRAISER EVENT AT FOREST PARK SWIMMING POOL ON THURSDAY, MAY 23, 2013; MAKING THIS ORDINANCE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, on June 24, 2003, the City Council adopted Ordinance No. 15599, amending the Code of the City of Fort Worth, Texas (1986), to add Section 24-17 to Chapter 24 of the City Code, which concerns the regulation of alcoholic beverages on park property;

**WHEREAS**, Section 24-17 of Chapter 24 of the City Code prohibits a person from knowingly or willfully selling, possessing with the intent to sell, or consuming any alcoholic beverage within the fenced enclosed areas surrounding any swimming pool, wading pool, or spray pool within any park of the City;

**WHEREAS**, Forest Park Swimming Pool has been closed since 2010 and is scheduled to reopen to the public on Saturday, May 25, 2013;

**WHEREAS**, the City anticipates holding a facility preview and fundraising event on May 23, 2013, ("Event") in honor of the reopening of Forest Park Swimming Pool;

**WHEREAS**, the purpose of the Event is to raise funds for the city-wide aquatics learn-to-swim program and to encourage continued citizen involvement for the long-term support of the programs and operations at Forest Park Swimming Pool;

**WHEREAS**, the limited serving of alcoholic beverages is planned for the Event within fenced enclosed areas surrounding Forest Park Swimming Pool; and

**WHEREAS**, the City Council desires to amend Section 24-17 of Chapter 24 of the City Code to allow the sale, possession, or consumption of alcohol for the Event at Forest Park Swimming Pool on May 23, 2013.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH:**

## **SECTION 1.**

Section 24-17, "ALCOHOLIC BEVERAGES-PROHIBITED IN BALL FIELDS" of Article I, "IN GENERAL" to Chapter 24, "PARKS AND COMMUNITY SERVICES," of the Code of the City of Fort Worth, Texas (1986), as amended, is hereby further amended by adding subsection (a-1) to read as follows:

### **Sec. 24-17. Alcoholic Beverages-Prohibited in Ball Fields**

(a-1) Subsection (a)(1) shall not apply to the sale, possession, or consumption of alcoholic beverages for a City facility preview and fundraiser event at Forest Park Swimming Pool on Thursday, May 23, 2013.

## **SECTION 2.**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

## **SECTION 3.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any section, paragraph, sentence, clause or phrase shall be declared to be unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses and phrases of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

## **SECTION 4.**

All right and remedies of the City of Fort Worth, Texas are expressly saved as to any and all violations of the Code of the City of Fort Worth, or any other ordinances of the City, that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not under such ordinances, same shall not be affected by this ordinance, but may be prosecuted until final disposition by the courts.

**SECTION 5.**

That all ordinances for which provisions have heretofore been made are hereby expressly repealed if in conflict with the provisions of this ordinance.

**SECTION 6.**

This ordinance shall take effect upon adoption.

APPROVED AS TO FORM AND LEGALITY:

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Assistant City Attorney

ADOPTED AND EFFECTIVE: \_\_\_\_\_