

ORDINANCE NO. 1412-2024

AN ORDINANCE AMENDING ARTICLE 1.09 "COMMUNITY CENTER" SPECIFICALLY IN SECTION 1.09.003 "CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES PROHIBITED" REVISING THE NUMBER AND COST OF UNIFORMED POLICE OFFICERS; PERMITTING AN EXCEPTION FOR CITY SPONSORED EVENTS; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of River Oaks, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, the City Council adopted **Resolution # 952-2019** on January 22, 2019 changing the name of the River Oaks Community Center to the River Oaks Event Center for the purpose of becoming in addition to a community center an entertainment center by holding music concerts; and

WHEREAS, on February 26, 2019 the City Council approved updates to the Event Center Rental Policies that provided for rentals involving alcoholic beverages only when meeting specific criteria; and

WHEREAS, it is the council's desire to revise the current provision in Section 1.09.003 "Consumption or Possession of Alcoholic Beverages Prohibited" that a person commits an offense if the person consumes any alcoholic beverage, or possesses such alcoholic beverage, in the community center building or upon real property owned and operated by the city for the community center unless otherwise approved by the city council: and

WHEREAS, the City Police Chief has indicated that the costs of hiring an uniformed police officer for rentals under the existing provisions with a special permit for alcoholic beverages has increased since 2019 and recommends that it be increased; and

WHEREAS, it has further been considered that since alcoholic beverages are being permitted for rentals by special permit, that likewise city sponsored entertainment events should also be permitted to allow alcoholic beverages as long as the provision for possession and consumption of alcoholic beverages within the premises complies with the regulations set forth in the Texas Alcohol Beverage Code (TABC); and

WHEREAS, the City Council has concluded that it is necessary to amend Section 1.09.003 "Consumption or Possession of Alcoholic Beverages Prohibited" to provide an exception to be provided for city sponsored events, or otherwise it remains to be prohibited; and

WHEREAS, the City Council has further concluded that it is necessary to amend Section 1.09.003 "Consumption or Possession of Alcoholic Beverages Prohibited" to increase the cost per hour for uniform police officers to monitor rentals where a special permit for alcoholic beverages has been issued.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIVER OAKS, TEXAS:

SECTION 1.

That Article 1.09 "Community Center" specifically in Section 1.09.001 "Definitions"; of the Code of Ordinances of the City of River Oaks, Texas is hereby amended to now read as follows:

ARTICLE 1.09 EVENT CENTER

Section 109.003-Consumption or Possession of Alcoholic Beverages Prohibited"

(a) A person commits an offense if the person consumes any alcoholic beverage, or possesses such alcoholic beverage, in the event center building or upon real property owned and operated by the city for the event center unless otherwise approved for special events in accordance to this section:

(1) In addition to the immediate suspension of the rental contract as well as the loss of the rental deposit, whenever in the Code of Ordinances an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00). However, a fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation other than dumping of refuse may not exceed two thousand dollars (\$2,000.00).

(2) If the renter applies for and is approved for the use or possession of alcoholic beverages, the following additional provisions will apply:

- A. Pay a refundable deposit fee in advance of the event in the amount of \$600.00.
- B. The hourly rental fee: nonresident fee of \$150.00 per hour and a resident fee of \$135.00 per hour and a civic group rate of \$110.00 per hour for the first three hours (including setup and cleanup) and \$90.00 per hour for each additional hour.
- C. The renter will be required to hire one (1) uniformed police officers to monitor the event by contacting the city police chief. This will be an additional expense to the renter and not the responsibility of the center. Each uniformed police officer must be paid \$65.00 per hour (minimum 4 hours - minimum of \$260.00) in cash prior to the event. In the event the uniformed police officers are not paid in advance, the event is cancelled.

(b) **Exception:** A person commits an offense if the person consumes any alcoholic beverage, or possesses such alcoholic beverage, in the event center building or upon real property owned and operated by the city for the event center except for city sponsored events when meeting the additional provisions as follows:

- A. The River Oaks Event Center, its staff or employees, will not provide, make available or sell alcoholic beverages to the patrons within the confines or on the property at the River Oaks Event Center at 5300 Blackstone Drive. Alcoholic Beverages are restricted exclusively without exception only to the patron or patrons as a BYOB (Bring Your Own Bottle); and
- B. An on-duty uniformed police officer will be available by contacting the police chief in advance of the event to respond during the event if needed.

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances of the City of River Oaks, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3.

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 and sections 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 rights and remedies of the City of River Oaks, Texas, are expressly saved as to any and all violations of the provisions of the Code of Ordinances of the City of River Oaks, Texas or any other ordinances affecting the possession or consumption of alcoholic beverages at the community center or event center 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.

Whenever in this code or in any ordinance of the city an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, and no specific penalty is provided therefor, the violation of any such provision of this code or any such ordinance shall be punished by a fine of not exceeding five hundred dollars (\$500.00). However, a fine or penalty for the violation of a rule, ordinance or police regulation that governs fire safety, zoning or public health and sanitation including the dumping of refuse may not exceed two thousand dollars (\$2,000.00); provided, however, that no penalty shall be greater or less than the penalty provided for the same or a similar offense under the laws of the state. Each day any violation of this code or of any ordinance shall continue shall constitute a separate offense. In the event that any such violation is designated as a nuisance under the provisions of this code, such nuisance may be summarily abated by the city. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

SECTION 6.

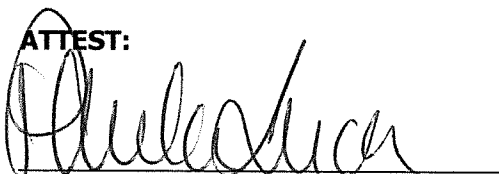
The City Secretary of the City of River Oaks is hereby directed to publish in the official newspaper the caption, penalty clause, publication clause and effective date of this ordinance one (1) time after the adoption of this ordinance in accordance with Chapter 5, Section 5.02 (c) of the Charter of the City of River Oaks.

SECTION 7.

This Ordinance shall be in full force after its passage by a majority vote of the City Council of the City of River Oaks and the legal publication of this ordinance if any is required and it is so ordained.

PASSED AND APPROVED ON THIS THE 6TH DAY OF FEBRUARY 2024.


MAYOR DARREN HOUK

ATTEST:

CITY SECRETARY