

ORDINANCE NO. 24-016

AN ORDINANCE OF THE CITY OF GALVESTON, TEXAS, AMENDING THE CODE OF THE CITY OF GALVESTON, AS AMENDED, CHAPTER 4, "ALCOHOLIC BEVERAGES", "IN GENERAL", TO PROVIDE REGULATIONS FOR THE SALE OF ALCOHOL AT CITY PARKS; UPON AN APPROVAL OF A CONCESSIONS AGREEMENT BY CITY COUNCIL AND THE CITY MANAGER; MAKING VARIOUS FINDINGS AND PROVISIONS RELATED TO THE SUBJECT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 4, "Alcoholic Beverages", provide regulations and requirements for the sale and or consumption of alcoholic beverages in certain areas of the city; and,

WHEREAS, in September, 2023, City Council adopted Ordinance Number 23-058 amending Chapter 4 to provide regulations for the sale of Alcohol at Dellanera Park; and,

WHEREAS, the City Council understands the concerns of selling alcohol and the importance of providing regulations/requirements, including a concessions agreement approved by City Council and the City Manager, that are to be met in order for any sale of alcohol in requested areas; and,

WHEREAS, to address future requests, Staff recommends amending Chapter 4, to provide additional provisions and regulations for the sale of alcohol at city parks; and,

WHEREAS, the City Council deems it in the public's interest to amend the Code of The City of Galveston 1982, Chapter 4, "Alcoholic Beverages", Article 1. "In General", to provide regulations for the sale of alcoholic beverages in City Parks, as provided below.

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

SECTION 1. The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2. Chapter 4, "Alcoholic Beverages", of "The Code of The City of Galveston 1982," is amended to provide as follows:

ARTICLE I. IN GENERAL

~~Sec. 4-7. Dellanera Park aka the West End Park.~~

For purposes of this Chapter, the sale of alcohol may be permitted under terms and conditions of a concession agreement approved by City Council and by the City Manager, in the following area:

Sec. 4-7. City Parks approved for sale of alcohol.

1) For purposes of this Chapter, the sale of alcohol is permitted in the parks listed herein, subject to the following terms and conditions:

- a. In parks operated by the City, the sale of alcohol may be permitted under the terms and conditions of a concession agreement approved by the City Council and by the City Manager.
- b. In parks under the management of the Galveston Park Board of Trustees, the sale of alcohol may be permitted under the terms and conditions of a concession agreement entered into between the Park Board of Trustees and the Concessionaire, which agreement must be approved by the City Council and by the City Manager.
- c. In parks under the management of the Galveston Park Board of Trustees, if the Park Board of Trustees has received the necessary licenses from the Texas Alcohol Beverage Commission, the sale of alcohol may be permitted under terms and conditions of an agreement approved by the City Council and by the City Manager.

2) Alcohol may be sold in accordance with the preceding section at the following parks.

- a. ~~(a)~~ West End Park – otherwise known as Dellanera Park, having a legal description of Abst 121 Page 75 Pt of Lots 441, 442 & Adj Road (442-1) Trimble & Lindsey Sec 1; Abst 121 Page 75 Pt of Lot 441 (441-1) Trimble & Lindsey Sec 1; Abst 121 Page 75 Pt of Lot 422 (422-1) Trimble & Lindsey Sec 1.

Secs. 4-8.-4-20. Reserved.

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 phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 5. All Ordinances of general and permanent nature, and amendments to such Ordinances, hereinafter adopted by the City Council, shall be drafted, so far as possible, as specific amendments of, or additions to, this Code. Amendments to this Code are intended for publication to the Galveston City Code. The Codifier is authorized pursuant to the Galveston City Code to make non-substantive changes to the Ordinance prior to publishing.

SECTION 6. In accordance with the provisions of Sections 12 and 13 of Article II of the City Charter this Ordinance has been publicly available in the office of the City Secretary for not less than 72 hours prior to its adoption; that this Ordinance may be read and published by descriptive caption only.

SECTION 7. This Ordinance shall be and become effective on, from and after its adoption and publication in accordance with the provisions of the Charter of the City of Galveston.

APPROVED AS TO FORM:

DONALD GLYWASKY
CITY ATTORNEY

I, Janelle Williams, Secretary of the City Council of the City of Galveston, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the City Council of the City of Galveston at its Regular meeting held on March 21, 2024, as the same appears in records of this office.

IN TESTIMONY WHEREOF, I subscribe my name hereto officially under the corporate seal of the City of Galveston this 22nd day of March, 2024.

Secretary for the City Council
Of the City of Galveston