

**ORDINANCE NO. 4126-10-2014**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, AMENDING CHAPTER 10, ARTICLE III, SECTION 10-71, POSSESSION OF ALCOHOLIC BEVERAGES, OF THE LEWISVILLE CITY CODE; BY CLARIFYING THAT THE CITY COUNCIL MAY, BY OFFICIAL ACTION, ALLOW CONSUMPTION OF ALCOHOLIC BEVERAGES ON THE PREMISES OF CERTAIN PARKS; PROVIDING FOR A REPEALER; PROVIDING FOR SEVERABILITY; PROVIDING A PENALTY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City Council of the City of Lewisville has determined that for the health, welfare and safety of its citizens certain amendments to the Lewisville City Code, Chapter 10, Article III, Section 10-71, are necessary.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, THAT:**

**SECTION 1.** Chapter 10, Article III, Section 10-71(b) of the Lewisville City Code is hereby amended deleting the current language in its entirety and inserting the following new language:

- (b) It is a defense to prosecution under subsection (a) of this section that the person was on the premises of:
  - (1) Lewisville Lake Park in an area more than 15 feet from any location set forth in subsection (a)(1) through (7) of this section, including Connor Pavilion and Lake Park Golf Course;
  - (2) Central Park consuming or possessing beer, wine or sparkling wine in a designated area and at a time authorized by permit issued by the parks and recreation department; or
  - (3) A site designated by action of the city council.

**SECTION 2. REPEALER.** Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

**SECTION 3. SEVERABILITY.** If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

**SECTION 4. PENALTY.** Any person, firm or corporation who violates any provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$500.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect and be in full force and effect from and after the date of its passage and publication as required by law.

**SECTION 6. EMERGENCY.** It being for the public welfare that this Ordinance be passed creates an emergency and public necessity and the rule requiring this Ordinance be read on three separate occasions be, and the same is hereby, waived and this Ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF LEWISVILLE, TEXAS, BY A VOTE OF 5 TO 0, ON THIS THE 6th DAY OF OCTOBER, 2014.**

**APPROVED:**

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Dean Ueckert, MAYOR

**ATTEST:**

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Julie Heinze, CITY SECRETARY

**APPROVED AS TO FORM:**

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Lizbeth Plaster, CITY ATTORNEY