

ORDINANCE NO. 2023-38

AN ORDINANCE AMENDING THE CITY OF BOERNE CODE OF ORDINANCES, CHAPTER 16. PARKS AND RECREATION, SECTION 16-1, GENERAL PROVISIONS AND SECTION 16-2, BOERNE CITY LAKE, TO PROHIBIT THE CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY OF NOT MORE THAN \$200 FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE

WHEREAS from time to time it becomes necessary to update and amend ordinances; and

WHEREAS, the Boerne City Lake has long been a cherished destination for families and individuals seeking a peaceful and enjoyable recreational experience; and

WHEREAS, in recent years the Boerne City Lake has seen an increase in visitors and a decline in the overall atmosphere of the park; and

WHEREAS, alcohol consumption in Boerne City Lake has contributed to safety concerns; and

WHEREAS, an alcohol ban is a step towards restoring the tranquility, safety, and family-friendly atmosphere that Boerne City Lake has long been known for; and

WHEREAS, the City Council finds that the amendments as outlined herein are in the best interest of the health, safety, and general welfare of the citizens of the City and the general public.

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

Section 1. All the above premises are true and correct and factual findings of the City Council, and they are hereby approved, ratified, and incorporated into the body of this ordinance as if copied in their entirety.

Section 2. The City of Boerne Code of Ordinances is hereby amended as follows:

Chapter 16. Parks and Recreation

Sec. 16-1. - General provisions

The following provisions apply to all parks, recreational areas, and other public open spaces and facilities within the city:

- (c) *Alcoholic beverages.* The consumption or possession of alcoholic beverages within athletic field areas, their perimeter fences, skate parks, pool, and **Boerne**

City Lake area shall be prohibited.

Sec. 16-2. Boerne City Lake

(h) The consumption or possession of an open container of alcohol is prohibited within the 47.8 acres of Boerne City Lake Park, including without limitation the 100 acres of lake surface, parking lots, trails, disc golf course, playground, portable and public restrooms. This includes fermented malt beverage or malt liquor (beer); vinous liquor (wine or champagne); or spirituous liquor (hard liquor).

Sec. 16-10. - Severability Clause

If any part of these regulations should be found invalid or unconstitutional, the validity of the remainder hereof shall not be impaired.

Sec. 16-11. - Penalty Clause

Any person violating any provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined an amount not to exceed two hundred dollars (\$200.00), for each day any violation of this chapter shall continue to occur. Every such additional day shall be considered a separate offense and punishment shall be assessed accordingly.

Section 3. This Ordinance shall be in full force and effect from and after its passage and publication.

PASSED and APPROVED on first reading this the ____ day of December 2023.

PASSED, APPROVED, and ADOPTED on second reading this the ____ day of January, 2024.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney