

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 10.5 OF THE CODE OF THE CITY OF MESQUITE, TEXAS, AS AMENDED, BY PROVIDING CERTAIN DELETIONS AND ADDITIONS UNDER SECTIONS 10.5-2, 10.5-10, AND 10.5-11 REGARDING PARK HOURS AND ALCOHOL POSSESSION, CONSUMPTION, AND SALE IN PARKS AND FACILITIES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED \$500.00 FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

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

SECTION 1. That Chapter 10.5 of the Code of the City of Mesquite, Texas, as amended, is hereby amended by providing certain deletions and additions under Sections 10.5-2, 10.5-10, and 10.5-11 as identified in Exhibit A. The amended sections of Chapter 10.5 shall now read as shown in Exhibit B. Said exhibits are attached hereto and made a part hereof, and in all other respects said Code and Chapter shall remain in full force and effect.

SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.

SECTION 4. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Five Hundred (\$500.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

SECTION 5. This ordinance shall take effect and be in force from and after five days after publication.

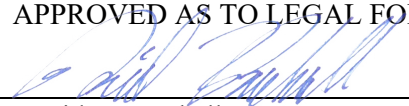
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21st day of June 2021.

ATTEST:

Sonja Land
City Secretary

Bruce Archer
Mayor

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

Sec. 10.5-2. Hours of operation of city parks.

- (a) *Operating hours established.* In order to properly preserve and maintain the city parks, the following schedule of hours is adopted for use of city parks by members of the public:

Use	Hours
Organized athletic events	Until the scheduled event is concluded
All other uses	6:00 a.m. to 11:00 10:00 p.m.

- (b) *Closed field.* The director of the parks and recreation department or his designee is authorized to designate any athletic field owned or leased by the city a closed field and a sign or signs shall be posted giving notice of the closed field. Such signs shall read:

"CLOSED FIELD—DO NOT ENTER UPON THIS FIELD—VIOLATORS SHALL BE SUBJECT TO FINE UP TO \$500.00"

When such signs are posted, giving notice that an athletic field is a closed field, it is an offense for any member of the public to enter upon such athletic field.

- (c) *Definitions.* For the purpose of this section, the following terms are defined as follows:

- (1) *Closed field* means any athletic field that is shut down for the purpose of maintenance, renovation or to protect the surface of the athletic field from damage.
- (2) *Members of the public* include all users of the city park system other than those engaged in park maintenance and construction under authority of the city and persons engaged in police activity.
- (3) *Organized athletic event* means a game, sport or other activity whereby permission has been obtained by a person, group or organization to conduct such activity under rules and regulations of the city parks and recreation department.

- (d) *Use of, or presence in, park during unauthorized hours is prohibited.* Use of a city park or presence therein or upon contrary to the hours established herein or as shall, from time to time, be established by ordinance by the city council is hereby prohibited.

(Ord. No. 4501, § 1, 8-21-17)

Secs. 10.5-3—10.5-9. Reserved.**ARTICLE II. ALCOHOL****~~Sec. 10.5-10. Consumption of alcoholic beverages at city athletic fields.~~**

- ~~(a) *Prohibited.* It is hereby declared to be unlawful for any person to possess or consume alcoholic beverages upon and adjacent to any athletic field owned or controlled by the city at which league games are played.~~

- ~~(b) *Definitions.* For the purpose of this section, the following terms are defined as follows:~~

- ~~(1) *Adjacent* means that area about the field, including seating facilities, parking facilities and an area within one hundred (100) feet of the play area.~~

~~(2) — *Parking facilities* means those areas utilized primarily for parking by patrons of the playing fields, whether as participants or as spectators, and that area within twenty five (25) feet of the parking facility.~~

~~(Ord. No. 3617, § 1, 11-3-03)~~

Sec. 10.5-~~10~~. Possession, and cConsumption and Ssale of alcoholic beverages in City parks and facilities.~~between the hours of 10:00 p.m. and 8:00 a.m.~~

~~Notwithstanding section 10.5-10, it shall be unlawful for any person to possess any alcoholic beverage in a designated city park at any location after the hour of 10:00 p.m. and prior to the hour of 8:00 a.m.~~

It shall be unlawful for any person to possess, consume, or sell any alcoholic beverage in a designated City park or facility thereon except as follows:

- (1) The possession, and consumption, ~~and~~ of beer and wine sold at the Mesquite Golf Course is allowed; and
- (2) The Director of Parks and Recreation, on an event-by-event basis, may allow possession, ~~and~~ consumption and sale of beer, wine, and champagne at a designated City park or facility provided such allowance is in writing.

(Ord. No. 3617, § 1, 11-3-03)

Secs. 10-5.12—10-5.19. Reserved.

That Chapter 10.5 of the Code of the City of Mesquite, Texas, as amended, is hereby amended by providing certain deletions and additions under Sections 10.5-2, 10.5-10, and 10.5-11 to read as follows, in all other aspects said Code, Chapter and Sections to remain in full force and effect:

1. *Sec. 10.5-2.* Amend Section 10.5-2 by deleting Subsection 10.5-2(a) in its entirety and adding a new Section 10.5-2(a) to read as follows:

Sec. 10.5-2. Hours of operation of City parks.

- (a) *Operating hours established.* In order to properly preserve and maintain the City parks, the following schedule of hours is adopted for use of City parks by members of the public:

Use	Hours
Organized athletic events	Until the scheduled event is concluded
All other uses	6:00 a.m. to 10:00 p.m.

2. *Secs. 10.5-10 and 10.5-11.* Amend Sections 10.5-10 and 10.5-11 by deleting the sections in their entirety and adding a new Section 10.5-10 to read as follows:

Sec. 10.5-10. Possession, consumption, and sale of alcoholic beverages in City parks and facilities.

It shall be unlawful for any person to possess, consume, or sell any alcoholic beverage in a designated City park or facility thereon except as follows:

- (1) The possession and consumption of beer and wine sold at the Mesquite Golf Course is allowed; and
 - (2) The Director of Parks and Recreation, on an event-by-event basis, may allow possession, consumption, and sale of beer, wine, and champagne at a designated City park or facility provided such allowance is in writing.