

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 8-1 (*PARKS ADMINISTRATION*) OF THE CITY CODE RELATING TO THE OPERATING HOURS OF A PUBLIC RECREATION AREA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Definitions (5), (6), and (11) of City Code Section 8-1-1(*Definitions*) are amended to read:

- (5) PARK means a parcel of land dedicated and used as parkland, or city-owned land used for a park, trail, nature preserve, or recreational purpose that is under the administrative control of the department.
- (6) PUBLIC RECREATION AREA means a park, recreational facility, athletic field, building, swimming pool, [or] playground, ~~nature preserve, wildlife sanctuary, trail, or greenbelt~~ owned or managed by a governmental entity.
- (11) NATURE PRESERVE means a parcel of land or place designated for the protection and preservation of wildlife and unique ecological and scenic features, including a wildlife sanctuary and greenbelt.

PART 2. City Code Section 8-1-14 (*Use of Parks During Certain Hours Prohibited*) is amended to read:

§ 8-1-14 Use of Parks During Certain Hours Prohibited.

- (A) The Director may adopt operating hours for a ~~public recreation area~~ park by rule. To be effective, hours adopted by rule must be posted. When considering operating hours for a trail, the Director should consider whether the trail ~~was established for the purpose of contributing to the City's transportation infrastructure~~ contributes to the City's transportation infrastructure. Unless the director adopts and posts different hours, the operating hours of a ~~public recreation area~~ park are 5:00 a.m. to 10:00 p.m.
- (B) The Pedestrian Advisory Council and Bicycle Advisory Council should be notified in advance of any rule changes that affect operating hours for a trail, including those trails established for the purpose of contributing to the City's transportation infrastructure.

1 (C) A person commits an offense if the person is in a ~~public recreation area~~ park
2 outside of operating hours. It is an affirmative defense to an offense under
3 this section that at the time of the alleged offense the person was:

- 4 (1) authorized by a contract or agreement to enter or stay in the ~~public~~
5 ~~recreation area~~ park;
- 6 (2) participating in or attending an event, activity, or program authorized
7 by the department in the ~~public recreation area~~ park during the
8 duration of the event, activity, or program; or
- 9 (3) in possession of a permit to use the ~~public recreation area~~ park outside
10 of operating hours.
- 11

12 **PART 3.** This ordinance takes effect on _____, 201_.

13 **PASSED AND APPROVED**

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15 §
16 §
17 _____, 2015 § _____
18 Steve Adler
19 Mayor
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22 **APPROVED:** _____
23 Anne Morgan
24 Interim City Attorney
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27 **ATTEST:** _____
Jannette S. Goodall
City Clerk