



ALCOHOL POSSESSION IN CITY OF AUSTIN PARKS

JANUARY 11, 2016

PARKS AND RECREATION BOARD
LAND, FACILITIES, AND PROGRAMS COMMITTEE

Presented by:
Pat Fuller
Division Manager



Purpose

The purpose of this request is to modify elements of Austin City Code Title 8 ~ Parks and Recreation to:

- clearly define strategic terms used
- clearly state compliance requirements
- apply code criteria equally across the park system
- simplify boundary elements for enforcement purposes
- fairly and equitably regulate the activity of alcohol consumption within the park system

Background

December 10, 2013

Parks and Recreation Board Presentation (PARB)

- Review City Ordinances relevant to Alcohol Consumption in Austin Parks
- Provided explanation of Parks and Recreation Department (PARD) Director's authority and designation of areas requiring a permit to possess, sell, or consume alcohol
- Provided explanation of the code providing for an Annual review of Director designated areas requiring a permit by PARB

PARD Alcohol Policy Advisory Team Goal

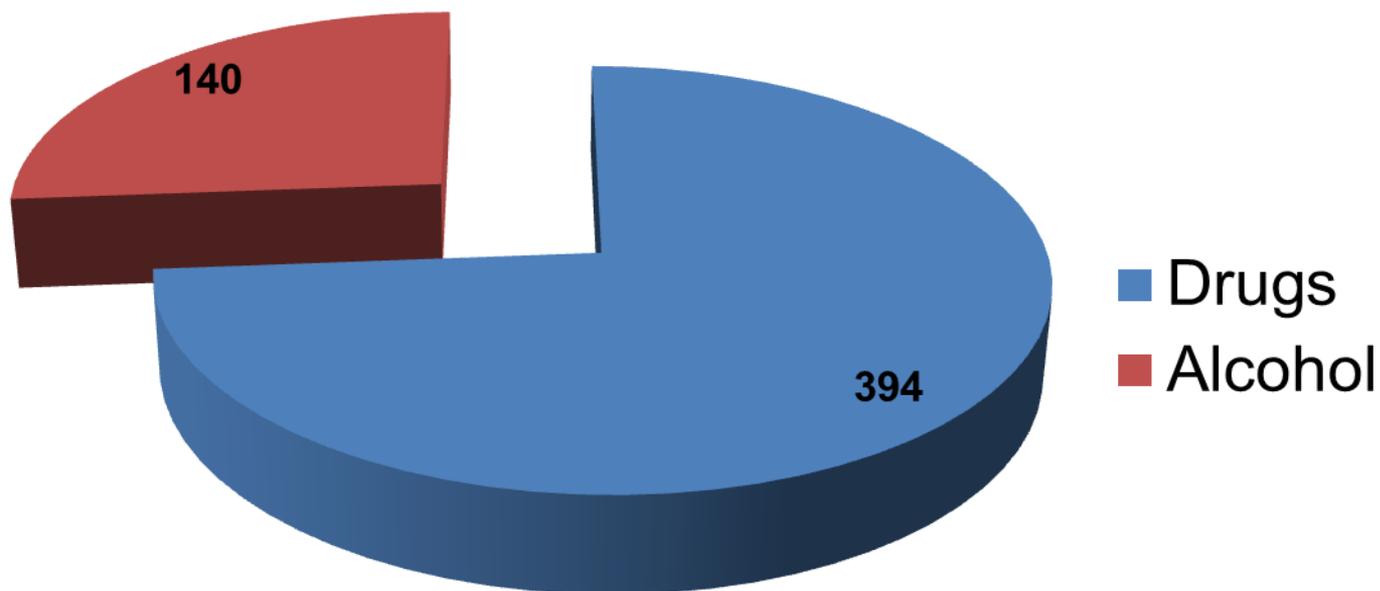
PARD established a standing Alcohol Policy Advisory Team to develop and monitor comprehensive methods of:

- Determining site recommendations made to the Director
- Addressing citizen perception and concerns regarding the park selection process expressed by citizens
- Reducing confusion as to where/if alcohol consumption is permitted in a given park
- Providing a forum for ongoing citizens input and feedback to the Alcohol Policy Advisory Team and the Director on an on-going basis
- Developing and monitoring comprehensive methods of reviewing and preparing necessary amendments to city code to ensure clarity, consistent code application, and public safety

Drug and Alcohol Related Arrests

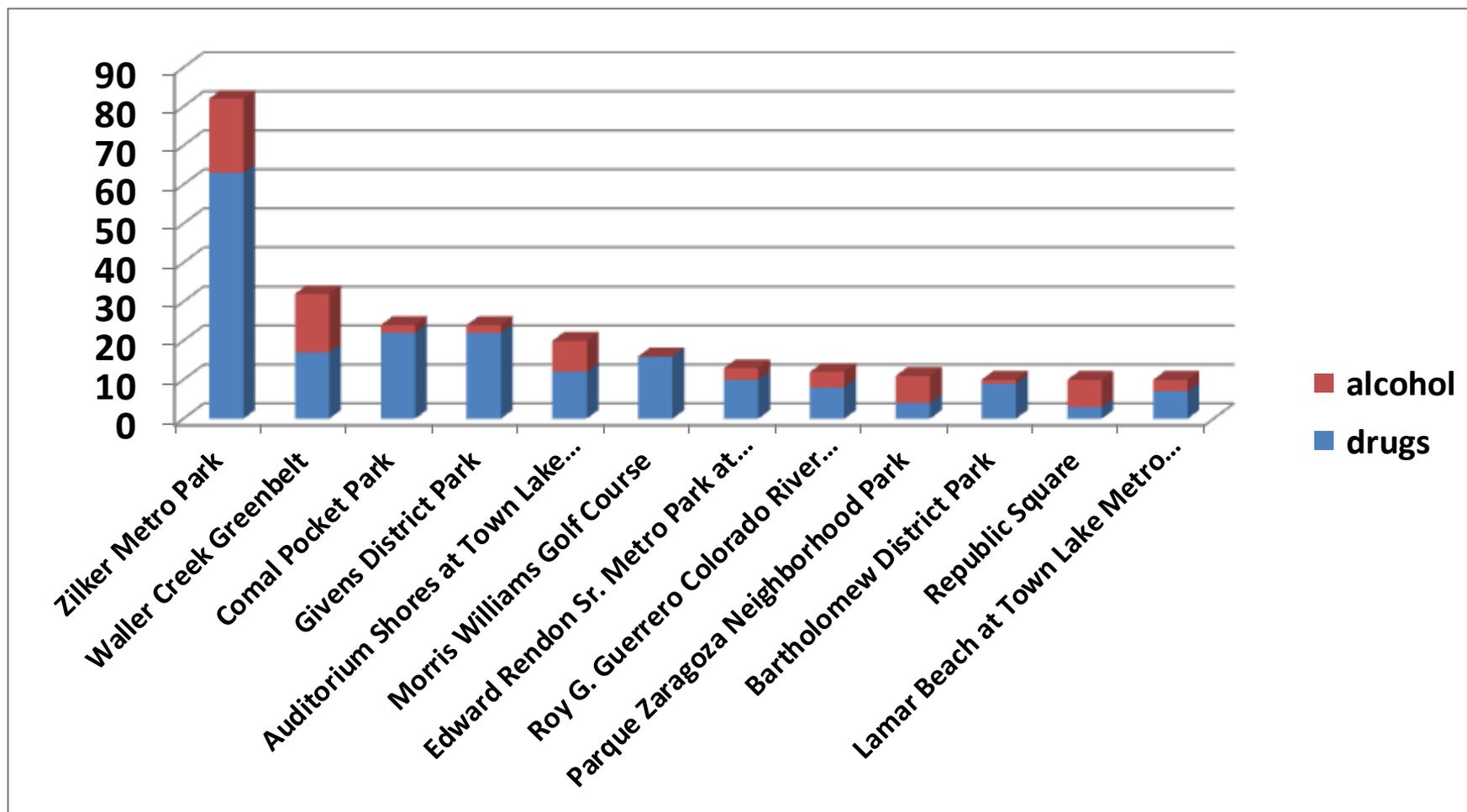
Total drug/alcohol related arrest on parkland in 2014 = 534

[source: APD}



Drug and Alcohol Related Arrests

Parkland with ten or more drug/alcohol related arrest in 2014
[source: APD]



Alcohol Policy Advisory Team Progress

Work Accomplishments to Date:

- ✓ Selected Advisory Team members
- ✓ Established quarterly meeting schedule
- ✓ Established a direct link from PARD Webpage to information regarding Alcohol in Parks
- ✓ Developed a list of facility types and amenities to add to 8-3-1
- ✓ Completed discussions regarding public education, community input, and notification methodologies and strategies relating to this issue
- **Develop an ordinance that is easily understandable to ensure common interpretation**
- Develop signage and appropriate placement

Applicable City Code Chapter

Chapter 8-3 Restriction on Food, Beverages and Containers

§ 8-3-1 Alcohol Beverages Prohibited

§ 8-3-2 Designation of Prohibition on Alcohol

§ 8-3-5 Temporary Sale of Beverages and Food

§ 8-3-9 Notice of Prohibitions

§ 8-3-10 Review of Prohibitions by Board

§ 8-3-1 Alcoholic Beverages Prohibited

Except as provided in *Section 8-3-5*, a person may not knowingly sell, possess, or consume an alcoholic beverage in:

- (1) the fenced, enclosed area surrounding a swimming pool in a park, or within 100 feet of an un-enclosed swimming pool in a park
- (2) a recreation facility or adjacent outdoor area that is part of the recreation facility including a field, playground, parking lot, play slab, or playscape
- (3) All or part of a park or playground designated by the director as being an area in which the sale, possession or consumption of alcohol is prohibited
- (4) The playing area or dugout area of an athletic field
- (5) A school district/playground area
- (6) A nature preserve

§ 8-3-5 Temporary Sale of Beverages and Food

In accordance with § 8-3-5 Temporary Sale of Beverages and Food, the City Manager and/or the Director may authorize the temporary sale, possession, or consumption of alcoholic beverages in a park or public recreation area. An authorization issued under this subsection may not exceed a 48 hour period. In making a recommendation or decision, the director shall consider:

- (1) the impact on the surrounding neighborhood
- (2) a problem related to the sale, possession or consumption of alcohol
- (3) a clean-up agreement made by the person requesting the authorization
- (4) Citizen input determined relevant by the director

Advisory Team Action Plan

- ✓ Complete the list of facility types and amenities to add to 8-3-1
- **Draft proposed changes to 8-1-1, 8-3-1, and 8-3-5**
- Update signage and placement upon adoption of revised 8-3-1
- Continue to develop public education, input and notification methodologies, and strategies relating to this issue
- Implement upon adoption

Proposed Code Amendments

City Code 8-1-1:Definitions

All proposed definitions are new with the exception of swimming pool.

- DESIGNATED SWIM AREA means an area authorized by the Department allowing swimming, bathing, wading, or similar water contact activities.
- PARK RESTROOM STRUCTURE means a structure or facility situated on park property equipped with toilets, urinals or washbowls, or other similar facilities, erected and maintained for use by members of the general public for personal hygiene and comfort.
- SPLASH PAD means a recreational water feature, utilizing little or no standing recirculated water (eliminating the need for lifeguards), designed for water play.
- SWIMMING POOL means a city swimming pool, wading pool, or ~~[spray pool]~~ [aquatic facility](#).

Proposed Code Amendments

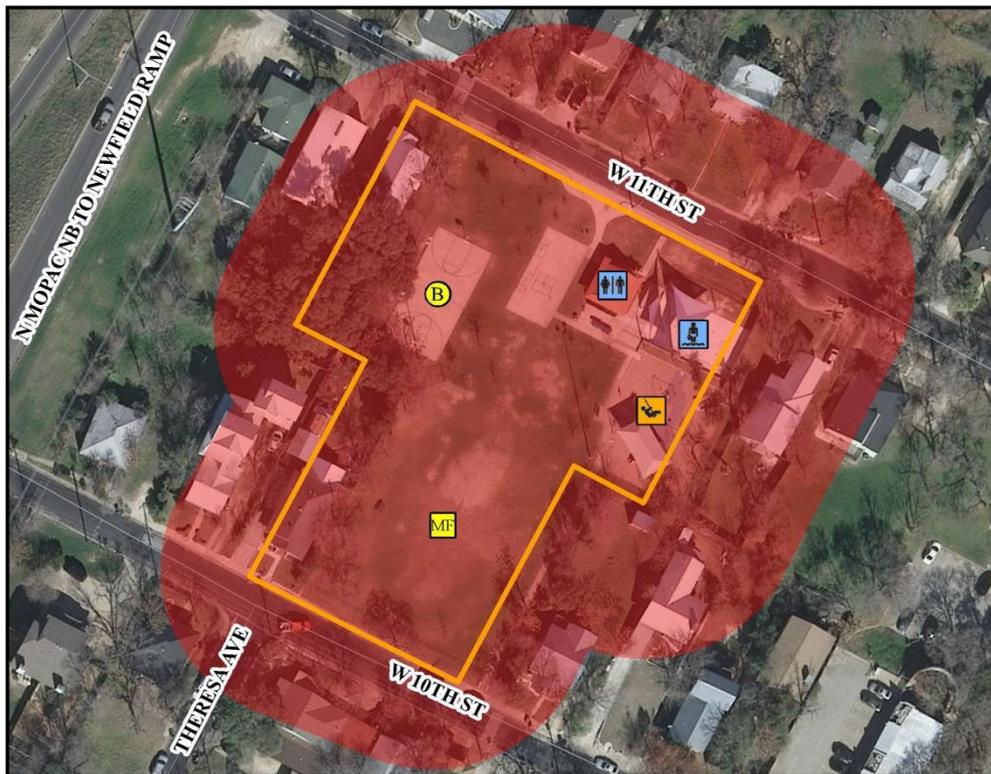
City Code 8-3-1: ALCOHOLIC BEVERAGES PROHIBITED

Subsections (1) and (2) changed to read:

Except as provided in Section 8-3-5 (*Temporary Sales of Beverages and Food*), a person may not knowingly, sell, possess, or consume an alcoholic beverage in:

- (1) the fenced, enclosed area surrounding a swimming pool in a park, or within 100 feet of an unenclosed swimming pool, splash pad, or designated swim area in a park
- (2) a recreation facility or within 100 feet of a [adjacent outdoor area that is part of the] recreational facility, [including a] sports field, park restroom structure, playground, parking lot, play slab, or playscape

Sample Alcohol Prohibited Buffer Zones Pocket Park Size



Mary Frances Baylor Clarksville Pocket Park
Alcohol Permit Area

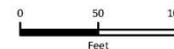
11 February 2015 roosg



Legend

- Basketball
- Mixed Use Field
- Sprayground
- Playground
- Restroom
- Alcohol Permit Required
- Park Boundary

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. This product has been produced by the Parks and Recreation Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Proposed Code Amendments

§ 8-3-5 - TEMPORARY SALES OF BEVERAGES AND FOOD.

Sections (B) and (C) to be changed to read

- (B) Based on the recommendation of the director, the city manager may authorize the temporary sale of food and beverages in a park or other public recreation area. An authorization issued under this subsection may not exceed a 48-hour period. [Authorization to exceed this 48-hour period may be granted for public events held on parkland provided the event is recommended by the director, and authorized by the city manager.](#)
- (C) The director may authorize the temporary sale, possession, or consumption of alcoholic beverages in a park or other public recreation area. An authorization issued under this subsection may not exceed a 48-hour period. [Authorization to exceed this 48-hour period may be granted for public events held on parkland provided the event is recommended by the director, and authorized by the city manager.](#)

Next Steps

- Public Input/Information
 - Continue to develop public education, input and notification methodologies and strategies relating to this issue
 - Draft ordinance on web site
- Present to PARB (1/26/16); OSES (1/27/16 – public hearing)
- Council Action (February)
- Update signage and placement upon adoption
- Ongoing Process
 - Advisory Group quarterly meetings
 - Advisory Group review of stakeholder input
 - Recommend list changes to PARD Director
 - Annual review of “Permit Required List” changes by PARB

Questions?