



# ALCOHOL POSSESSION IN CITY OF AUSTIN PARKS

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JULY 26, 2016

PARKS AND RECREATION BOARD

Presented by: Kimberly McNeeley, Assistant Director



# Purpose

## **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**

**September 16, 2015**

**Land, Facilities and Programs Committee Presentation**

**January 11, 2016**

**Land, Facilities and Programs Committee Presentation**

- Review City Ordinances relevant to Alcohol Consumption in Austin Parks
- Provided explanation of Parks and Recreation Department 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
- Explain Department recommendations for Ordinance revision

# Background

- Title 8 Parks and Recreation Municipal Code of Ordinances
- Current Municipal Code of Ordinance 8-1-1 outlines basic definitions
- Current Municipal Code of Ordinance 8-3-1 outlines where alcohol consumption, sale and possession is prohibited without a permit
- Current Municipal Code of Ordinance 8-3-2 states the Director has the authority to designate all or part of a park in which the sale, possession or consumption of alcohol is prohibited without a permit
- Current Municipal Code of Ordinance 8-3-5 states the Director has the authority to authorize the temporary sale of food and beverages to include alcoholic beverages and temporarily allow for the possession and consumption of alcoholic beverages

# Background

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

- Establishing clear enforceable boundaries associated with the existing Municipal Code of Ordinance 8-3-1
- Establish Department-wide standard criteria associated with the Director's authority associated with Municipal Code of Ordinance 8-3-2
- **Advisory Team Outcomes**
  - Address citizen perception and concerns of arbitrary regulation application
  - Reduce confusion as to where/if alcohol consumption is permitted in a given park without a permit
  - Provide a forum for citizens input and feedback
  - Develop comprehensive methods of reviewing and preparing necessary amendments to city code to ensure clarity, consistent code application, and public safety

# 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
- ✓ Defined facility types and amenities to clarify 8-1-1 and 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 and conduct the Public Hearing Process for Austin City Council adoption**
- Develop signage and appropriate placement

# Applicable City Code Chapter

## **Chapter 8-1 General Provisions**

§ 8-1-1            Definitions

## **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

## § 8-1-1 Definitions

- (4) **DESIGNATED SWIM AREA** means an area authorized by the Department allowing swimming, bathing, wading, or similar water contact activities.
- (8) **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.
- (13) **SPLASH PAD** means a recreational water feature, utilizing little or no standing recirculated water (eliminating the need for lifeguards), designed for water play.
- (14) **SWIMMING POOL** means a city swimming pool, wading pool, or [~~spray pool~~] aquatic facility.

All other existing definitions will remain as currently written  
but will be re-numbered



## § 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, **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 including a recreation facility, sports field, playground, parking lot, play slab, **park restroom structure** 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 and **greenbelts**

All other existing language will remain as currently written

# Sample Alcohol Prohibited Buffer Zones District Park Size



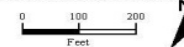
**District Park:**  
Alcohol Allowed Areas



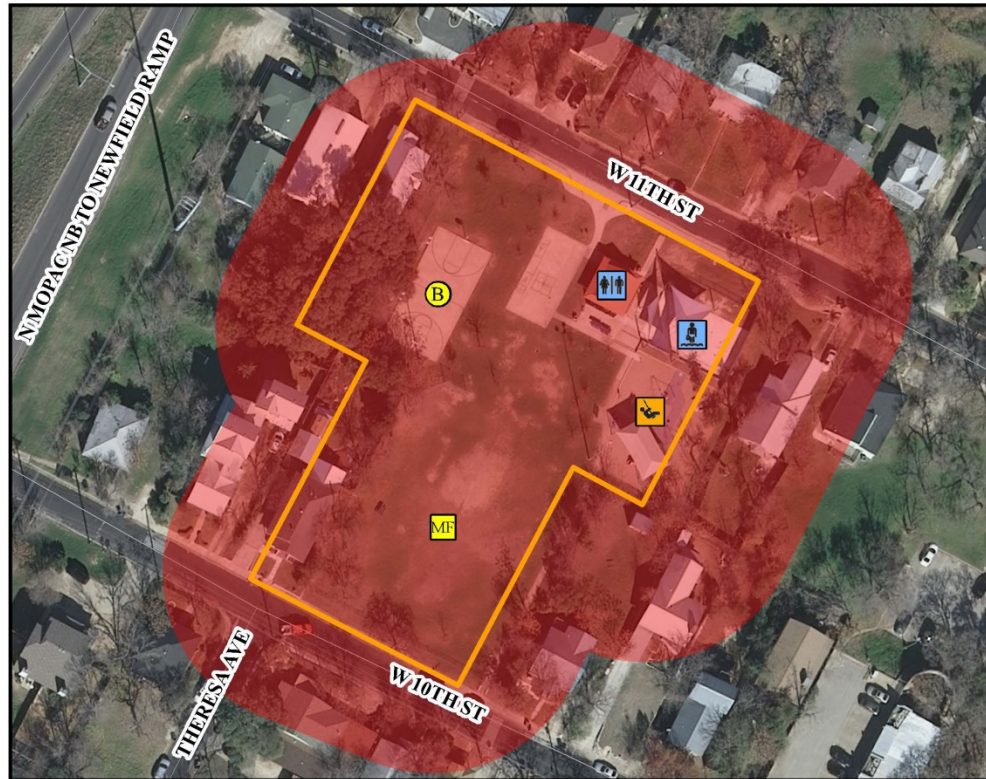
- |                     |                  |                              |                             |
|---------------------|------------------|------------------------------|-----------------------------|
| <b>Facilities</b>   | <b>Legend</b>    | <b>Alcohol Allowed Areas</b> | <b>City of Austin Parks</b> |
| T Trunk             | Swamp Station    | Picnic Ground or area        | Alcohol Allowed Areas       |
| B Baseball          | BH Bathhouse     | PA Performing Arts venue     | City of Austin Parks        |
| SB Softball         | PS Swamp Station | P Park                       |                             |
| R Recreation Center | Amphitheater     | P Park                       |                             |
|                     | Swamp Station    | P Park                       |                             |
|                     | Amphitheater     | P Park                       |                             |
|                     | Swamp Station    | P Park                       |                             |

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# Sample Alcohol Prohibited Buffer Zones Pocket Park Size



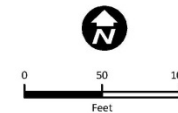
**Mary Frances Baylor Clarksville Pocket Park**  
Alcohol Permit Area



**Legend**

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

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## § 8-3-2 Designation of Prohibition on Alcohol

- (A) The director may designate all or part of a park, [playground] or nature preserve as an area in which the sale, possession, or consumption of alcohol is prohibited
- (B) In making a designation under Subsection (A), the director may consider:
- (1) the nature and use of the area;
  - (2) the use of surrounding land
  - (3) the relationship between the area and the surrounding community
  - (4) a problem caused by sale, possession, or consumption of alcohol in the area; and
  - (5) other factors the director determines are relevant

All other existing language will remain as currently written



# Sample Alcohol Prohibited Buffer Zones District Park Size



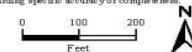
**District Park:**  
Alcohol Allowed Areas



- |                     |               |                              |                             |
|---------------------|---------------|------------------------------|-----------------------------|
| <b>Facilities</b>   | <b>Legend</b> | <b>Alcohol Allowed Areas</b> | <b>City of Austin Parks</b> |
| T Tennis            | Swimming Pool | Picnic Ground or area        |                             |
| B Basketball        | Bikehouse     | Performing Arts venue        |                             |
| SB Softball         | Pump Station  | Restroom                     |                             |
| R Recreation Center | Playground    | Parking Lot                  |                             |

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

**(B) Based on the recommendation of the director, the city manager may authorize the temporary sale of food and beverages in a park or 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.**

All other existing language will remain as currently written

# Next Steps

- **Public Input/Information**
  - Continue to develop public education, input and notification methodologies
  - Display DRAFT Ordinance on web site
- **Council Action (August 18<sup>th</sup> and September 1<sup>st</sup>)**
- **Update signage and placement upon adoption**
- **Ongoing Process**
  - **Advisory Group meetings (to resume with new Division Manager)**
    - Meet quarterly
    - Advisory Group review of stakeholder input
    - Recommend list changes to PARD Director
  - Present annual review of “Permit Required List” to the Parks and Recreation Board

Questions?