

CHAPTER 8-1. PARKS ADMINISTRATION.

ARTICLE 1. GENERAL PROVISIONS.

§ 8-1-1 DEFINITIONS.

In this title:

- (1) APPROVAL means a permit, reservation agreement, or other written document that evidences an authorization by the department.
- (2) ATHLETIC FIELD means an area within a park designated as an athletic field by the director and used for athletic competition.
- (3) BOARD means the Parks and Recreation Board.
- (4) CAMPING means occupying a designated camping facility; erecting a tent or arranging bedding, or both for the purpose of, or in such a manner that will permit, remaining overnight; or the use of a trailer, camper, or other vehicle for the purpose of sleeping overnight.
- (5) CAMPSITE means a public recreation area designated for camping.
- (6) CITY VEHICLE means a motor vehicle owned by the City and operated by a City employee.
- (7) COMMERCIAL ACTIVITY means to advertise or provide a good, service, class, or instructional activity for compensation. This includes providing a good, service, class, or instructional activity without compensation but as an inducement or advertisement for a class or instructional activity for compensation.
- (8) COMPENSATION means any money, thing of value, payment, reward, tip, consideration, donation, gratuity, or profit paid to, accepted by, or received by a person.
- (9) DEPARTMENT means the Parks and Recreation Department.
- (10) DIRECTOR means the director of the Parks and Recreation Department.
- (11) [GEOCACHE means a container or tag hidden at a known GPS location for the specific purpose of using a GPS-enabled device to navigate towards and find the container or dog.](#)

- (1214) NATURE PRESERVE means a parcel of land or place designated for the protection and preservation of wildlife, including a wildlife sanctuary, and unique ecological and scenic features.
- (1312) PARK means a parcel of land dedicated and used as parkland, or city-owned land used for a park or recreational purpose that is under the administrative control of the department.
- (1413) PUBLIC RECREATION AREA means a park, recreational facility, athletic field, building, swimming pool, playground, nature preserve, trail, dock, or greenbelt managed, maintained, or operated by the department or on the department's behalf.
- (1514) PUBLIC USE means use by the public for an activity or special event that does not include commercial activity.
- (1615) RECREATION FACILITY means a facility owned or operated by the city and used primarily for recreational activity.
- (17) ROCK CLIMBING means an activity where participants climb up, down, or across rock formations, crags, or artificial rock walls to reach the summit of a formation or the endpoint of a predefined route.
- (18) SCHOOL DISTRICT/PLAYGROUND AREA means land jointly operated by the city and an independent school district that is developed, designated, and used for public recreation, school district recreation, or athletic activity.
- (19) SLACKLINING means an activity where a participant balances on a span of webbing or similar material that is anchored at two fixed points
- (20) SOUND EQUIPMENT means loud speaker, microphone, public address system, amplification system, turntable, or other similar digital or analog device that amplifies a voice or other sound.
- (2118) SPECIAL EVENT means an activity that anticipates 1,000 or more attendees and is conducted pursuant to an approval that allows for the exclusive use of all or part of the public recreation area for the activity.
- (2219) SWIMMING POOL means a city swimming pool, wading pool, or spray pool.
- (2320) WATERCRAFT means a boat or other structure designed to float on water.

(24) ZIP LINE means a cable with a pulley that is mounted on an incline and designed to allow a user to travel from the top of cable to the bottom of the cable

§ 8-1-4 OFFENSES; PENALTIES.

- (A) Except as otherwise provided in this title, a person who violates this title commits a misdemeanor punishable as provided by Section 1-1-99 (*Offenses; General Penalty*).
- (B) A culpable mental state is not required and need not be proved for an offense punishable under this section.
- (C) A structure, personal property, motor vehicle, or watercraft used or found ~~[structure or other personal property used]~~ in violation of this title ~~[Section 8-1-14(C)]~~ is subject to impoundment consistent with the procedures in Chapter 9-1 (*Abandoned Property and Vehicles*).
- ~~[(D) A motor vehicle or watercraft found in violation of [Subsection (C) or (D)] of Section 8-1-11 (*Use of Public Recreation Areas Generally*)] is subject to impoundment consistent with the procedures in Chapter 9-1 (*Abandoned Property and Vehicles*).]~~

ARTICLE 2. RESTRICTIONS ON PARK USE.

§ 8-1-11 USE OF PUBLIC RECREATION AREAS GENERALLY.

- (A) Except as otherwise provided, a public recreation area is available for public use subject to:
- (1) a requirement, if any, to obtain an approval;
 - (2) a requirement, if any, to pay an entrance fee, parking fee, or other fee; or
 - (3) a previous reservation.
- (B) A person may not be present at a public recreation area outside of operating hours.
- (C) Except as provided in the department's rules, the operating hours of a public recreation area are 5:00 a.m. to 10:00 p.m.

- (D) It is an affirmative defense to a violation of Subsection (B) if at the time of the alleged violation, the person was present at a public recreation area because the person was participating in or attending an activity conducted in accordance with an approval.
- (E) A person may not clear, harvest, excavate, gather, or remove wood, plants, or artifacts at a public recreation area without an approval.
- (F) A person may not knowingly disrupt an activity conducted pursuant to an approval in a public recreation area.
- (G) A person may not remain in a public recreation area if the person is advised that the person's behavior is disruptive and the person is instructed to leave the property by supervisor of the department.
- (H) A person may not place a geocache in a public recreation area without an approval.
- (I) A person may not operate a remote-control model car, truck, boat, or similar device:
- (1) in a manner that infringes on the personal space or quiet of other individuals; or
 - (2) in a public area recreation area designated as a trail, sports field or court, playground, splash pad, or swimming pool area.
- (J) A person may not place, scatter, disperse, or dispose of human or cremation remains in a public recreation area without an approval.
- (K) A person may not place or erect a memorial on a public recreation area without an approval.
- (L) A person may not modify a memorial placed or erected on a public recreation area.
- (M) A person may not jump, dive, or otherwise travel from a bridge or other structure into a body of water.
- (N) Except as provided by the director, a person may not light, build, or maintain a fire in a public recreation area.

§ 8-1-12 APPROVAL TO USE PUBLIC RECREATION AREA REQUIRED.

(A) An approval is required for a person to reserve a public recreation area.

(B) If a public recreation area must be reserved, a person may not enter the public recreation area without a reservation.

~~(C)~~ (B) A person may not fish, camp, or use a specific area in a public recreation area between 10:00 p.m. and 5:00 a.m. without an approval.

~~(D)~~ (C) A person may not conduct a special event in a public recreation area without an approval.

~~(E)~~ (D) The director shall grant an approval described in this section unless:

(1) the intended use is commercial activity or is a special event that includes commercial activity; or

(2) the intended use would result in:

(a) scheduling conflict;

(b) traffic congestion;

(c) damage to the public recreation area or landscape;

(d) a threat to public health, safety or welfare; or

(e) a use inconsistent with the purpose of the public recreation area or nature preserve; or

(3) the public recreation area is closed to public entry or otherwise restricted.

§ 8-1-20 TREES.

(A) A person may not alter a tree for use as an anchor post for rock climbing, a hammock, a slackline, or a highline.

(B) A person may not use a tree as an anchor post for rock climbing, a hammock, a slackline, or a highline if the tree is:

(1) less than 12 inches in diameter;

(2) a heritage tree; or

(3) the tree is posted as being a tree that may not be used for as anchor post.

§ 8-1-21 ROCK CLIMBING.

- (A) A person may engage in rock climbing in an area designated by the director for rock climbing.
- (B) Before a person can bolt a new route, the director must approve the new route.
- (C) A person shall not move rocks or trample vegetation while rock climbing or creating a staging area for rock climbing.
- (D) A person shall remove all gear and webbing from the park.
- (E) A person engaged in rock climbing must maintain a safe and easy passageway for other visitors.

§ 8-1-22 SLACKLINES, HIGHLINES, ZIP LINES, AND HAMMOCKS.

- (A) A person must remove a slackline, highline, zip line, or hammock when not in use.
- (B) A person may not set up a slackline, highline, zip line, or hammock in a manner that:
 - (1) blocks an entrance or exit to a public recreation area; or
 - (2) interferes with a public walkway.
- (C) A person may not use a highline or slackline over a waterway.
- (D) A person may not use a highline or slackline:
 - (1) before dawn or after dusk; or
 - (2) when the public recreation area is closed.
- (E) A person may not anchor a slackline, highline, or hammock to an object or fixture other than a tree or rock without an approval.
- (F) When anchoring a slackline or highline to a rock, a person may not install bolts or other item that changes the nature of the rock.
- (G) A person may not set up a zip line in a public recreation area without an approval.

ARTICLE 3. RESTRICTIONS ON USE OF MOTOR VEHICLE IN A PARK.

**§ 8-1-31 USE OF MOTOR VEHICLES AND MOTOR DRIVEN DEVICES
IN PUBLIC RECREATION AREAS.**

- (A) Except as provided in Subsections (B) and (D), a person may not drive a motor vehicle or motor driven device in a public recreation area.
- (B) A person may drive a motor vehicle on a public roadway and in a parking area of a public recreation area.
- (C) The director may authorize a person to use a motor vehicle or motor driven device in a park or playground.
- (D) Except for a city vehicle, a person must apply to the director for an approval to use a motor vehicle in a park or playground.
- (E) In making a determination under Subsection (C), the director shall consider:
 - (1) potential damage to the park or playground;
 - (2) noise; and
 - (3) public safety and welfare.
- (F) A person must display the approval to a peace officer or City employee when requested.
- (G) In this section, a motor driven device includes a pocket bike or mini-motor bike but does not include a micro mobility device, electric personal assistive mobility device, or an electric bike.

§ 8-1-32 ~~RESERVED~~ USE OF BICYCLES AND ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE IN PUBLIC RECREATION AREAS.

(A) A person may use a bicycle on a trail if the trail is designated for bicycles.

(B) Speed Limits.

(1) A person may not exceed the maximum speed limits established in this subsection.

(2) Except as provided in Subsection (X), the maximum speed limit for a bicycle, including an electric bicycle, on a trail is 20 miles per hour.

(3) The maximum speed limit for an electric bicycle is 28 miles per hour when used on a trail that is open to motor vehicles and the trail's surface tread was made with surfacing materials.

(C) A person with limited mobility may use an electric personal assistive mobility device in a public recreation area.

§ 8-1-34 IMPOUND OF MOTOR VEHICLE OR WATERCRAFT FOUND DURING CERTAIN HOURS.

(A) Except as provided in Subsection (B), the director may remove or impound a motor vehicle or watercraft found in a public recreation area between 10:00 p.m. and 5:00 a.m.

(B) The director may not remove or impound a motor vehicle or watercraft owned by a person authorized under Section 8-1-~~12(C)~~~~[14(B)]~~ (*Approval to Use Public Recreation Area Required*) [~~Use of Parks During Certain Hours Prohibited~~], to operate the motor vehicle or watercraft in the park.

~~[(C)The director shall impound a motor vehicle or watercraft that cannot be safely and promptly removed by its owner if the owner is in violation of Section 8-1-14 (*Use of Parks During Certain Hours Prohibited*).~~

~~(D) The owner of a motor vehicle or watercraft impounded under this section may reclaim the motor vehicle or watercraft in accordance with Chapter 9-1 (*Abandoned Property and Vehicles*) of the Code.~~

TITLE 8. - PARKS AND RECREATION.
WORKING DRAFT – SUBJECT TO CHANGE 11/21/2023

- ~~(E) If the director cannot determine the identity of the owner of a motor vehicle or watercraft impounded under this section no later than the 10th day after the date of impound, the director shall publish a notice of impound, including the procedure necessary to obtain a hearing, in a newspaper of general circulation.~~
- ~~(F) If the owner of an impounded motor vehicle or watercraft cannot be identified or waives the right to a hearing, the city manager may dispose of the impounded motor vehicle or watercraft in accordance with Chapter 9-1 (*Abandoned Property and Vehicles*) of the Code.~~
- ~~(G) The director or city manager may dispose of an unclaimed motor vehicle impounded under this section as an abandoned vehicle under Chapter 9-1 of the Code (*Abandoned Property and Vehicles*).]~~

ARTICLE 5. TOWN LAKE PARK.

Division 1. General Provisions.

§ 8-1-61 REGULATION.

Chapter 25-2, Subchapter C, Article 3, Division 6 (*Waterfront Overlay District Requirements for Town Lake Park*) of the Code applies to this article.

§ 8-1-62 BOARD REVIEW OF AGREEMENT OR RESERVATION OF PARK LAND.

- (A) A use agreement or management agreement under this section means a written agreement between the city and a person that authorizes the person to develop and maintain land dedicated for park purposes by deed or ordinance in Town Lake Park for public recreation.
- (B) Except as provided in Subsection (C), the board shall review a new use agreement, management agreement, or reservation of park land in Town Lake Park and shall make a recommendation on the agreement or reservation to the director, the city manager, or the council.

§ 8-1-63 BOARD PARTICIPATION IN WATER QUALITY PLANNING.

The board shall participate in the development of a plan by the Environmental Board and Planning Commission to protect or improve the water quality in Lady Bird Lake if the plan requires a change to the Town Lake Park Plan.

Division 2. Concessions in [Town Lake Park](#).

§ 8-1-71 CONCESSIONS AUTHORIZED.

- (A) If authorized by the director, a person may operate a food or beverage, rental, or service concession in [Town Lake Park](#).
- (B) A person under the age of 18 engaging in the occasional sale of nonalcoholic beverages may not be required to obtain authorization under this section.

§ 8-1-72 BOATING CONCESSIONS.

- (A) Subject to the restrictions in this section and authorization by council, a person may operate a concession for a boating activity on Lady Bird Lake and the Colorado River adjacent to [Town Lake Park](#).
- (B) On Lady Bird Lake, between Tom Miller Dam and Lamar Boulevard, a person must obtain a concession:
 - (1) to rent to the public a boat designed for recreational rowing, including a canoe, kayak, racing shell, or rowboat;
 - (2) to operate an excursion boat; or
 - (3) to maintain a landing for an excursion boat that is not a permanent mooring.
- (C) On Lady Bird Lake, between Lamar Boulevard and Congress Avenue, a person must obtain a concession:
 - (1) to rent to the public a boat that requires little or no skill to operate, including a paddleboat;
 - (2) to operate an excursion boat; or
 - (3) to maintain a permanent mooring for an excursion boat.
- (D) On Lady Bird Lake, between Congress Avenue and Longhorn Dam, a person must obtain a concession:
 - (1) to rent to the public a boat designed for recreational rowing, including a canoe, kayak, racing shell, or rowboat;

- (2) to operate an excursion boat; or
- (3) to maintain a landing for an excursion boat that is not a permanent mooring.
- (E) In the river basin immediately upstream from Longhorn Dam, a person must obtain a concession to rent a sailboat to the public.
- (F) On the Colorado River, between Longhorn Dam and U.S. Highway 183, a person must obtain a concession to rent a boat designed for recreational rowing that can withstand swiftly flowing water and fluctuating water levels, including a kayak, canoe, rowboat, or fishing boat to the public. A person may not obtain a concession to rent inflatable flotation devices.

§ 8-1-73 DEPARTMENT REPORT AND BOARD RECOMMENDATIONS.

- (A) On or before January 31st ~~In October~~ of each year, the director shall deliver a report to the board and the Environmental Commission ~~Board~~ on the concessions granted under this division.
- (B) A report prepared under this section shall include:
 - (1) the name of each concession operating in Town ~~Lady Bird~~ Lake Park;
 - (2) an income and expenditure statement for each concession;
 - (3) the total number of watercraft rented in Town Lake Park ~~boats rented on Lady Bird Lake~~; and
 - (4) a statement describing any ~~environmental or other~~ problem that is caused or created by a concession.
- (C) ~~Not later than the 30th day after receipt of a report under this section,~~ The board and the Environmental Commission ~~Board~~ may ~~shall~~ make a recommendation related to ~~to council~~ regarding:
 - (1) ~~creation,~~ continuing an existing concession;
 - (2) terminating an existing ~~continuation, or termination of a concession; and~~
 - ~~(2) the status of each existing concession; and~~
 - (23)issuing ~~the issuance of a request for proposal for~~ an expiring or new concession under this division.

ARTICLE 7. PARKS BURNING RESTRICTION.

§ 8-1-91 DEFINITIONS.

In this Article:

- (A) The term "BURN" or "BURNING" means the ignition, maintenance, or use of a combustible material which could create **or generate** flames or sparks that could result in a fire. This includes, but is not limited to, welding, lighting campfires or matches, ~~[use of equipment other than an approved propane fueled appliance to grill or bar b-que food,]~~ **or using and use of any a** tool or substance that could create **or generate** a flame or spark, but does not include fireworks displays that have been properly permitted by the Fire Department and that are conducted in compliance with the terms and requirements of a permit issued by the Fire Department.
- (B) The term "COMBUSTIBLE MATERIAL" means any material that is capable of catching fire.
- (C) The term "SMOKE" or "SMOKING" means lighting, inhaling, exhaling, burning, holding, carrying or discarding any lighted or incompletely extinguished cigar, cigarette, pipe, weed, or plant.

§ 8-1-92 PARKS BURNING RESTRICTIONS [AUTHORITY].

- (A) The city manager or the director may issue a ~~[parks]~~ burning restriction for a **public recreation area** ~~[parks and nature preserves]~~ when it is determined that a significant fire hazard or a wildfire danger exists. The city manager or the director shall determine when the ~~[parks]~~ burning restriction ends.
- (B) **When a burning restriction is in effect, the approval for a temporary designated smoking area is immediately and automatically suspended.** ~~[Issuance of a parks burning restriction results in the immediate and automatic suspension of all temporary designated smoking areas for any permit for or prior authorization of a special event at a park, nature preserve, or any location,~~

land, or facility, under the administrative control or management of the director.]

- (C) When a burning restriction is in effect, an [No] exemptions for smoking, burning, or fire hazard under City Code Section 10-6-3(A)(9), 10-6-3(A)(10), or 10-6-3(A)(11) does not apply [is not available for related to any an activity in parks for smoking, burning, or fire hazard shall be available when a parks burning restriction is in effect. The only exclusions from applicability of this article during a parks burning restriction are stated in City Code Section 8-1-94(C).]
- (D) A burning restriction issued under this section This ordinance does not apply to a person who burns a combustible material if the burn:
- (1) is conducted by a prescribed burn manager certified under Section 153.048, Texas Natural Resources Code, and meets the standards of Section 153.047, Texas Natural Resources Code;
 - (2) is performed by city employees, city contractors, or utility employees in the performance of their official duties;
 - (3) involves actions taken by public safety employees in the performance of their official duties that are necessary to the delivery of those services; or
 - (4) is part of a fireworks display that has been properly permitted by the Fire Department and that is conducted in compliance with the terms and requirements of the Fire Department's permit.

§ 8-1-93 NOTICES.

- (A) Notice of [parks] burning restriction. The director shall post a notice that [of a parks] burning restriction is in effect on the City's website, at public entrances, and in heavy traffic areas of each public recreation area [park and nature preserve]. In addition, the director shall issue a notice to local media.
- (B) Notice of termination of [parks] burning restriction. The director shall post a notice that [of the termination of a parks] the burning restriction is terminated on the City's website. In addition, the director shall remove the notices of the [parks] burning restriction in public recreation areas parks [and nature preserves,] and shall issue a notice to local media.

§ 8-1-94 OFFENSE.

- (A) A person commits an offense if the person smokes in a public recreation area when a burning restriction is in effect.
- (B) A person commits an offense if the person burns a combustible material or engages in an activity which creates a risk of a flame or spark that could result in a fire. ~~[performs any of the following activities in a park, nature preserve, or any location, land, or facility under the administrative control or management of the director while a parks burning restriction is in effect:~~
- ~~(i) smokes.~~
 - ~~(ii) burns a combustible material or engages in an activity which creates a risk of a flame or spark that could result in a fire.]~~
- (B) For purposes of Subsection (B) [(A)(ii) above,] a person may not burn a combustible material in a public recreation area [park or nature preserve] even if the material is contained within an enclosure which is intended to contain all flames or sparks.
- ~~[(C) This ordinance does not apply to a person who burns a combustible material if the burn:~~
- ~~(i) is conducted by a prescribed burn manager certified under Section 153.048, Texas Natural Resources Code, and meets the standards of Section 153.047, Texas Natural Resources Code;~~
 - ~~(ii) is performed by city employees, city contractors, or utility employees in the performance of their official duties;~~
 - ~~(iii) involves actions taken by public safety employees in the performance of their official duties that are necessary to the delivery of those services; or~~
 - ~~(iv) is part of a fireworks display that has been properly permitted by the Fire Department and that is conducted in compliance with the terms and requirements of the Fire Department's permit.]~~

§ 8-5-52 WATER SKI ACTIVITIES ON A CITY LAKE.

A person may not install a water ski course, water ski jump, or similar course or device, on or in the waters of Lake Austin, Lady Bird Lake, or Lake Walter E. Long (Decker) Lake, or their associated tributaries without an approval.