

ORDINANCE NO. 20240229-046

AN ORDINANCE AMENDING CITY CODE TITLE 8 RELATING TO ACTIVITIES THAT OCCUR ON PARKLAND, CORRECTING THE NAME OF PARKLAND; AND CREATING OFFENSES AND PENALTIES.

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

PART 1. City Code Section 8-1-1 (*Definitions*) is amended to add new definitions for “Geocache”, “Highlining”, “Rock Climbing”, “Slacklining”, and “Zip Line”; and to renumber the remaining definitions accordingly.

- (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 a container or tag.
- (12) HIGHLINING means slacklining more than six feet above the ground.
- (17) ROCK CLIMBING means an activity where participants climb up, down, or across rock formation, crags, or artificial rock walls to reach the summit of a formation or the endpoint of a predefined route.
- (19) SLACKLINING means an activity where a participant balances on a span of webbing or similar material that is anchored at two fixed points.
- (25) 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 the cable to the bottom of the cable.

PART 2. City Code Section 8-1-4 (*Offenses; Penalties*) is repealed and replaced to read:

§ 8-1-4 OFFENSES; PENALTIES.

- (A) Except as otherwise provided in this title, a person who violates this title commits an offense.
- (B) Except as otherwise provided in this title, an offense under this title is a Class C misdemeanor punishable as provided by Section 1-1-99 (*Offenses; General Penalty*).

- (C) A culpable mental state is not required and need not to be proved for an offense punishable under this section.
- (D) The impoundment procedures in Chapter 9-1 (*Abandoned Property and Vehicles*) apply to personal property, structures, motor vehicles, or watercraft used or found in violation of this title.

PART 3. City Code Section 8-1-11 (*Use of Public Recreation Areas Generally*) is amended to add new Subsections (H), (I), and (J) to read:

- (H) A person may not:
 - (1) place a geocache in a public recreation area without an approval;
 - (2) place, scatter, disperse, or dispose of human or cremation remains in a public recreation area without an approval;
 - (3) place or erect a memorial on a public recreation area without an approval;
 - (4) modify a memorial placed or erected on a public recreation area; or
 - (5) jump, dive, or otherwise travel from a bridge or other structure into a body of water.
- (I) A person may not operate a remote-control 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) Except as provided by the director, a person may not light, build, or maintain a fire in a public recreation area.

PART 4. City Code Section 8-1-12 (*Approval to Use Public Recreation Area Required*) is amended to add a new Subsection (E) to read:

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

PART 5. City Code Chapter 8-1 (*Parks Administration*) is amended to add Sections 8-1-20, 8-1-21, and 8-1-22 to read:

§ 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, as that term is used in Title 25 (*Land Development*); or
 - (3) the tree is posted as being a tree that may not be used for an anchor post.

§ 8-1-21 ROCK CLIMBING.

- (A) A person may engage in rock climbing in an area designated for rock climbing by the director.
- (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 public recreation area except pre-approved and installed bolts.
- (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 items that change the nature of the rock.
- (G) A person may not set up a zip line in a public recreation area without approval.

PART 6. City Code Section 8-1-31 (*Use of Motor Vehicles in Public Recreation Areas*) is amended to amend the section title and to add a new subsection (G) to read:

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

- (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.

PART 7. City Code Chapter 8-1 (*Parks Administration*) is amended to add a new Section 8-1-32 to read:

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

- (A) This section applies within a public recreation area.
- (B) A person may operate a bicycle on a path if the path is designated for bicycles.
- (C) A person shall operate a bicycle at a speed that is:
 - (1) reasonable and prudent under existing conditions; or

- (2) necessary to avoid:
 - (a) collisions with others using the path; or
 - (b) actual or potential hazards.
- (D) Prima facie evidence of a violation.
 - (1) Excepted as provided in Subdivision (2), operating a bicycle, including an electric bicycle, in excess of 10 miles per hour is prima facie evidence of a violation of Subsection (C).
 - (2) Operating an electric bicycle in excess of 15 miles per hour is prima facie evidence of a violation of Subsection (C) when the electric bicycle is operated on a path that is open to motor vehicles and the path's surface tread was made with surfacing materials.
- (E) A person with limited mobility may use an electronic personal assistive mobility device in a public recreation area.

PART 8. City Code Section 8-1-34 (*Impound of Motor Vehicle or Watercraft Found During Certain Hours*) is repealed and replaced to read:

§ 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) (*Approval to Use Public Recreation Area Required*) to operate a motor vehicle or watercraft in the park.

PART 9. City Code, Chapter 8-1, Article 5 (*Lady Bird Lake Park*) is amended to replace each reference to "Lady Bird Lake Park" with "Town Lake Metropolitan Park".

PART 10. City Code Section 8-1-73 (*Department Report and Board Recommendations*) is repealed and replaced to read:

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

- (A) On or before January 31st of each year, the director shall deliver a report to the board and the Environmental Commission 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 Lake Metropolitan Park;
 - (2) an income and expenditure statement for each concession;
 - (3) the total number of watercrafts rented in Town Lake Metropolitan Park; and
 - (4) a statement describing any problems that are caused or created by a concession.
- (C) The board and the Environmental Commission may make a recommendation related to:
 - (1) continuing an existing concession;
 - (2) terminating an existing continuation; and
 - (3) issuing a request for proposal for an expiring or new concession under this division.

PART 11. City Code Chapter 8-1, Article 7 (*Parks Burning Restrictions*) is repealed and replaced to read:

§ 8-1-91 DEFINITIONS.

In this article:

- (A) 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 or using 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) COMBUSTIBLE MATERIAL means any material that is capable of catching fire.
- (C) 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.

- (A) The city manager or the director may issue a burning restriction for a public recreation area when it is determined that a significant fire hazard or a wildfire danger exists. The city manager or the director shall determine when the burning restriction ends.
- (B) When a burning restriction is in effect, the approval for a temporary designated smoking area is immediately and automatically suspended.
- (C) When a burning restriction is in effect, an exemption for smoking, burning, or fire hazard under City Code Sections 10-6-3(A)(9), 10-6-3(A)(10), or 10-6-3(A)(11) does not apply.
- (D) A burning restriction issued under this section 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 burning restriction. The director shall post a notice that a burning restriction is in effect on the City's website, at public entrances, and in heavy traffic areas of each public recreation area. In addition, the director shall issue a notice to local media.
- (B) Notice of termination of burning restriction. The director shall post a notice that the burning restriction is terminated on the City's website. In addition, the director shall remove the notices of the burning restriction in public recreation areas parks and shall issue a notice to local media.

§ 8-1-94 OFFENSE; PENALTY.

- (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 combustible material or engages in an activity which creates a risk of a flame or spark that could result in a fire.
- (C) For purposes of Subsection (B) a person may not burn combustible material in a public recreation area even if the material is contained within an enclosure which is intended to contain all flames or sparks.
- (D) This article constitutes a fire safety regulation.
 - (1) A person who violates this article commits a misdemeanor punishable by a fine not to exceed \$2,000.
 - (2) Each act or omission which violates this article is a separate offense.
 - (3) A culpable mental state is not required, and need not be proved, for fines of \$500 or less.
 - (4) This section is cumulative of other laws providing enforcement authority. If the City files a criminal action, it is not precluded from pursuing any other action or remedy.



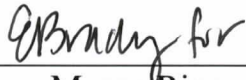
PART 12. City Code Chapter 8-5 (*Waterway Access and Use*) is amended to add Section 8-5-52 to read:

§ 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.

PART 13. This ordinance takes effect on March 11, 2024.

PASSED AND APPROVED

<u>February 29</u> , 2024	§ § § 
	Kirk Watson Mayor
APPROVED: 	ATTEST: 
Anne L. Morgan City Attorney	Myrna Rios City Clerk