

A G E N D A



Recommendation for Council Action

Austin City Council	Item ID	16361	Agenda Number	32.
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Meeting Date:	8/23/2012	Department:	Parks and Recreation
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Subject

Approve an ordinance amending City Code Chapter 8-1, Article 7 and City Code Chapter 10-6 to clarify the authority of the director of the Parks and Recreation Department, terminology, and fine ranges related to prohibitions on fire hazard activity and smoking on parkland for increased public health and safety protection from smoking and fire hazard activity in parks during burn ban orders or prohibitions on outdoor cooking and grilling; and declaring an emergency.

Amount and Source of Funding

Fiscal Note

There is no unanticipated fiscal impact. A fiscal note is not required.

Purchasing Language:	
Prior Council Action:	October 20, 2011 – Council approved Ordinance No. 20111020-025.
For More Information:	Elizabeth Richard, 974-6790; April Thedford, 974-6716
Boards and Commission Action:	
MBE / WBE:	
Related Items:	

Additional Backup Information

On October 20, 2011, Council approved Ordinance No. 20111020-025, which added an Article 7 to City Code Chapter 8-1 authorizing the City Manager and the director of the Parks and Recreation Department (PARD) to issue burn ban orders for city parks. Per Article 7 (*Restrictions on Outdoor Burning*), during periods of a burn ban, a person commits an offense if the person smokes or engages in other activity that could result in a fire.

On December 15, 2011, Council approved Ordinance No. 20111215-019, which amended City Code Chapter 10-6 (*Smoking in Public Places*) to restrict smoking in parks. Both ordinances restrict smoking in parks and other areas under administrative control of the Parks and Recreation Department.

The proposed amendment revises penalty provisions for violating the burn ban in parks under Chapter 8-1 and smoking in public places under Chapter 10-6 so that the fine ranges for these offenses are consistent. The proposed amendment changes some terminology related to fire hazard activity on parkland to distinguish the PARD Director's

orders from orders issued by the Fire Marshal or generally applicable under the provisions of the adopted Fire Code. Finally, the proposed amendment clarifies that certain exemptions from compliance in Chapter 10-6 (*Smoking in Public Places*) do not apply on parkland or during any time when a burn ban order or outdoor grilling and cooking prohibition is in effect for the location.

Given the continued drought conditions in Central Texas and extreme risk to parkland and public health and safety preservation associated with fire safety hazards, the proposed amendment is recommended for emergency adoption to take immediate effect.