

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 8-1 (*PARKS ADMINISTRATION*) OF THE CITY CODE RELATING TO THE OPERATING HOURS OF A PUBLIC RECREATION AREA, VIOLATIONS OF ORDINANCES RELATING TO PARKS, AND CREATING AN OFFENSE.

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

PART 1. Definitions (6) and (11) of City Code Section 8-1-1(*Definitions*) are amended to read:

- (6) PUBLIC RECREATION AREA means a park, recreational facility, athletic field, building, swimming pool, playground, nature preserve, wild life sanctuary, trail, or greenbelt owned or managed by a governmental entity.
- (11) NATURE PRESERVE means a parcel of land or place designated for the protection and preservation of wildlife and unique ecological and scenic features, including a wildlife sanctuary.

PART 2. City Code Chapter 8-1 (*Parks Administration*), Article 1 (*General Provisions*), is amended to add a new Section 8-1-3 to read:

§ 8-1-3 Enforcement.

- (A) Except as otherwise provided, a person who violates this title commits a misdemeanor punishable as provided by section 1-1-99 (*Offenses; General Penalty*).
- (B) Proof of a culpable mental state is not required for conviction of an offense under this title.

PART 3. City Code Section 8-1-14 (*Use of Parks During Certain Hours Prohibited*) is amended to read:

§ 8-1-14 Use of Parks During Certain Hours Prohibited.

- (A) The Director may adopt operating hours for a public recreation area by rule. To be effective, hours adopted by rule must be posted. When considering operating hours for a trail, the Director should consider whether the trail was established for the purpose of contributing to the City's transportation infrastructure. Unless the director adopts and posts different hours, the operating hours of a public recreation area are 5:00 a.m. to 10:00 p.m.

~~[Except as provided in Subsection (B), a person may not enter or remain in a public recreation area between and 10:00 p.m. and 5:00 a.m.]~~

(B) A person commits an offense if the person is in a public recreation area outside of operating hours. ~~[This section does not apply to a]~~ It is an affirmative defense to an offense under this section that at the time of the alleged offense the person was:

(1) authorized by a contract or agreement to enter or stay in the [a] public recreation area;

(2) participating in or attending an event, activity, or program authorized by the department in the public recreation area during the duration of the event, activity, or program; or

(3) in possession of [with] a permit to use [fish or camp in] the public recreation area outside of operating hours [an designated by the director for fishing or camping; or

~~(4) with a permit to use a designated area between 10:00 p.m. and 5:00 a.m.]~~

PART 4. This ordinance takes effect on _____, 2014.

PASSED AND APPROVED

_____, 2014

Lee Leffingwell
Mayor

APPROVED: _____
Karen M. Kennard
City Attorney

ATTEST: _____
Jannette S. Goodall
City Clerk