

ORDINANCE NO. 20170615-023

AN ORDINANCE AMENDING CHAPTER 8-1 (*PARKS ADMINISTRATION*) AND CHAPTER 12-5 (*STOPPING, STANDING, AND PARKING*) OF THE CITY CODE RELATING TO PARK USE, ENFORCEMENT, PARKING AND DRIVING RESTRICTIONS AT PARKS, AND SOUND EQUIPMENT AT PARKS; LIMITS ON SPECIAL EVENT DAYS AT CERTAIN PARKS; CREATING OFFENSES AND ESTABLISHING 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 “Approval”, “City Vehicle”, “Commercial Activity”, “Compensation”, “Special Event”, and “Watercraft” and to amend the existing definitions for “Nature Preserve”, “Public Recreation Area”, and “Sound Equipment” to read as follows and to renumber the remaining definitions accordingly:

- (1) APPROVAL means a permit, reservation agreement, or other written document that evidences an authorization by the department.
- (4) CITY VEHICLE means a motor vehicle owned by the City and operated by a City employee.
- (5) COMMERCIAL ACTIVITY means to advertise or provide a good, service, class, or instructional activity for compensation.
- (6) 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 [4]) 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 [including a wildlife sanctuary].
- (11 [6]) PUBLIC RECREATION AREA means a park, recreational facility, athletic field, building, swimming pool, playground, nature preserve, [wildlife sanctuary,] trail, dock, or greenbelt [owned or] managed, maintained, or operated by the department or on the department's behalf [a governmental entity].
- (14 [7]) 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 [has the meaning prescribed in Section 9-2-1 (Definitions) of the Code].

(15) 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.

(17) WATERCRAFT means a boat or other structure designed to float on water.

PART 2. City Code Section 8-1-3 (*Enforcement*) is amended to add a new Subsection (C) to read as follows:

§ 8-1-3 ENFORCEMENT.

(C) A structure or other personal property used in violation of Section 8-1-12(F) is subject to impoundment consistent with the procedures in Chapter 9-1 (*Abandoned Property Vehicles*).

PART 3. City Code Section 8-1-11 (*Disruption of Authorized Activity Prohibited*) is amended to add a new Subsection (C) to read as follows:

§ 8-1-11 DISRUPTION OF AUTHORIZED ACTIVITY PROHIBITED.

(C) In this section, “authorized activity” includes an activity conducted or provided pursuant to an approval.

PART 4. City Code Section 8-1-12 (*Permit for Park Use*) is repealed and replaced to read as follows:

§ 8-1-12 APPROVAL FOR PUBLIC RECREATION AREA USE.

(A) An approval is required for a person to:

- (1) reserve a public recreation area;
- (2) fish, camp, or use a specific area in a public recreation area between 10:00 p.m. and 5:00 a.m.; or
- (3) conduct a commercial activity or a special event in a public recreation area.

(B) The director shall grant an approval unless the intended use would result in:

- (1) a scheduling conflict;
- (2) traffic congestion;
- (3) damage to park property or landscape;
- (4) a threat to public health, safety or welfare; or
- (5) a use inconsistent with the purpose of the nature preserve.

(C) The director may establish written guidelines to:

- (1) approve an activity described in Subsection (A);
 - (2) conduct an activity described in Subsection (A); or
 - (3) reserve a public recreation area.
- (D) An approval issued under this section is not a waiver, exception, or defense to a violation of a guideline established by the director or the requirements of the City Code.
- (E) A person must comply with an approval, including any conditions, department guidelines, or rules, and City Code requirements.
- (F) A person may not use a structure or other personal property for a commercial activity unless the structure or personal property is included in the approval.
- (G) A person may not board individuals from a park or dock managed, maintained, or operated by or on behalf of the department onto a watercraft used for a commercial activity without an approval.
- (H) A person may not disembark individuals from a watercraft used for a commercial activity onto a park or dock managed, maintained, or operated by or on behalf of the department without an approval.
- (I) A person must display an approval to a peace officer or City employee when requested.
- (J) Except as provided in Subsection (K), a person who fails to comply with Subsections (A), (E), (F), (G), (H), or (I) commits a misdemeanor offense punishable by a fine not to exceed \$500 and not less than \$100. A culpable mental state is not required, and need not be proved.
- (K) A person who fails to comply with Subsections (A), (E), (F), (G), (H), or (I) during a special event commits a misdemeanor offense punishable by a fine not to exceed \$500 and not less than \$200. A culpable mental state is not required, and need not be proved.

PART 5. City Code Section 8-1-13 (*Fee for Park Use; Exception*) is amended to amend Subsection (A) to read as follows:

§ 8-1-13 FEE FOR PARK USE; EXCEPTION.

- (A) Except as provided in this section, a person shall pay a fee or charge established by ordinance for the use of a public recreation area [~~park~~] or a recreational facility [~~activity~~].

PART 6. City Code Section 8-1-14 (*Use of Parks During Certain Hours Prohibited*) is repealed and replaced to read as follows:

§ 8-1-14 USE OF PUBLIC RECREATION AREAS DURING CERTAIN HOURS PROHIBITED.

- (A) Except as provided in Subsection (B), the operating hours of a public recreation area are 5:00 a.m. to 10:00 p.m.
- (B) The director may adopt operating hours for a public recreation area by rule. Operating hours adopted pursuant to this subsection are effective when posted at the public recreation area.
- (C) 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.
- (D) A person may not be present at a public recreation area outside of operating hours.
- (E) It is an affirmative defense to a violation of Subsection (D) 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 granted by the department.

PART 7. Chapter 8-1 (*Parks Administration*) is amended to add a new Section 8-1-15 (*Limits on Special Events*) to read as follows:

§ 8-1-15 LIMITS ON SPECIAL EVENTS.

- (A) For purposes of this section, special event days do not include days to set up and take down a special event.
- (B) Except as provided in Subsections (D) and (E), the Council establishes the maximum number of special event days for the following public recreation areas:
 - (1) Zilker Metropolitan Park is 24 per calendar year;
 - (2) Festival Beach at Edward Rendon Senior Metropolitan Park is 17 per calendar year; and
 - (3) Auditorium and Vic Mathias Shores at Town Lake Metropolitan Park is 17 per calendar year.
- (C) As of June 8, 2017, the reoccurring special events and days used are:
 - (1) Zilker Metropolitan Park:

Reoccurring Special Event	Days Used
Trail of Lights 5k	1
Trail of Lights Event Nights	14

Zilker Park Kite Festival	1
Zilker Garden Festival	2
Blues on the Green	4
Zilker Relays	1
ACL Festival	6

(2) Festival Beach at Edward Rendon Senior Metropolitan Park:

Reoccurring Special Event	Days Used
Heart of Texas Regatta	2
Texas Vegefest	1
Bengali New Year Celebration	1
Texas Rowing Championships	2
Dragon Boat Races	2
Cinco de Mayo	2
Hot Sauce Festival	1
Pride Festival	1
Diez y Seis	2
Craft Brewer's Festival	1
Head of the Colorado	1
Celtic Festival	2
Ice Cream Festival	1

(3) Auditorium and Vic Mathias Shores at Town Lake Metropolitan Park:

Reoccurring Special Event	Days Used
SXSW Music Festival	3
Urban Music Festival	2
Austin Reggae Festival	3
Capitol 10k	1
Austin Food and Wine Festival	2
Sunshine Run 5k and 10k	1
Cap Tex Tri	1
4 th of July	1
Tri Rock Austin	1
Austin Marathon Relay	1
Fun, Fun, Fun Festival	3
New Year's Eve	1

- (D) Council authorizes the continued use of the public recreation areas for the number of special event days described in Subsection (C). If a reoccurring special event described in Subsection (C) does not occur after the effective date of this section, the City Manager may not allow the special event days

to be used by a different special event until the number of days used per calendar year is less than maximum established in Subsection (B).

- (E) In addition to the days authorized in Subsection (B)(3), the City Manager may authorize single day non-reoccurring special events to take place at Auditorium and Vic Mathias Shores at Town Lake Metropolitan Park for a municipal purpose if the total number of special event days does not exceed 25 per calendar year. In evaluating a request described by this subsection, the City Manager must consider the following factors:
- (1) a scheduling conflict at the public recreation area or with adjacent properties;
 - (2) traffic congestion;
 - (3) potential damage to park property or landscape;
 - (4) potential threat to public health, safety or welfare;
 - (5) availability of city resources required to permit and to provide services to the special event; and
 - (6) availability of other public recreation areas for the special event.
- (F) Nothing in this section limits the City Manager's authority to establish a maximum number of special event days that may be used at other public recreation areas.

PART 8. City Code Section 8-1-31 (*Restrictions on Motor Vehicle in Park*) is repealed and replaced to read as follows:

§ 8-1-31 USE OF MOTOR VEHICLES IN PARKS.

- (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.

PART 9. City Code Section 8-1-32 (*Authorized Use of Motor Vehicle In Park*) is repealed.

PART 10. City Code Section 8-1-33 (*Restrictions on Parking*) is repealed and replaced to read as follows:

§ 8-1-33 PARKING RESTRICTIONS AND APPROVAL.

- (A) The director may restrict motor vehicle parking at a public recreation area.
- (B) A person must apply for a permit to park in a place designated as “reserved for patrons” or “special event parking” on a form approved by the director.
- (C) The director may authorize a city vehicle, or a motor vehicle operated by an agent of the City to park in place that is restricted under Subsection (A) or restricted under Section 12-5-44 (*Parking at a Public Recreation Area*).

PART 11. City Code Section 8-1-45 (*Late Extension*) is repealed and replaced to read as follows:

The director may issue a permit for use of sound equipment between 10:00 p.m. and 11:00 p.m. if the sound equipment is:

- (1) used or operated on a permanently constructed bandstand;
- (2) used or operated in a building during an approved activity; or
- (3) more than 600 feet from any residential property.

PART 12. City Code Chapter 12-5 (*Stopping, Standing, and Parking*) is amended to add a new Section 12-5-44 to read as follows:

§12-5-44 PARKING AT A PUBLIC RECREATION AREA.

- (A) In this section, 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 Parks and Recreation Department or on its behalf.
- (B) Except as provided in Subsection (C), a person may park a motor vehicle at a public recreation area only:
 - (1) in a designated parking area; or
 - (2) within 12 feet of the edge of a roadway where parking is authorized; or

- (3) at the direction of a police officer or an employee of the Parks and Recreation Department.
- (C) Unless the director of the Parks and Recreation Department issues a parking permit for the motor vehicle, a person may not stand or park a motor vehicle at a public recreation area in a place designated as "reserved for patrons" or "special event parking".
- (D) A person may not stop, stand, or park a motor vehicle in a place at a public recreation area designated as "no parking".
- (E) A person may not park on the grass at a public recreation area unless directed by a sign or an employee of the Parks and Recreation Department.
- (F) Section 12-5-90 includes a specific fine for a violation of this section during a special event.

PART 13. City Code Section 12-5-90 (*Civil Fines, Fees, and Costs*) is amended to add new violations and fine amounts in Subsection (I) to read as follows:


Parking Violation	Standard Fine	Early Payment Fine
<u>Public Recreation Area –</u> <u>During Special Event</u>	<u>\$250</u>	<u>\$125</u>

PART 14. This ordinance takes effect on June 26, 2017.

PASSED AND APPROVED

_____, June 15, 2017

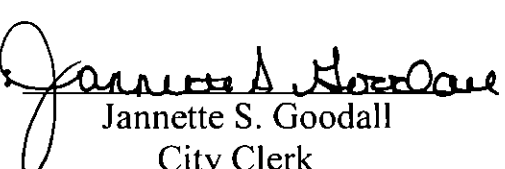
APPROVED:


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ATTEST:


Jannette S. Goodall
City Clerk