

AN ORDINANCE 2008-04-17-0317

**AMENDING THE CITY CODE REGARDING CITY PARKS,  
CLARIFYING PERMITTED USES OF CERTAIN PARK FACILITIES TO  
ENSURE THE HEALTH AND SAFETY OF CITIZENS; PROVIDING  
FOR PENALTIES; AND PROVIDING FOR PUBLICATION.**

\* \* \* \* \*

**WHEREAS**, the City Code of San Antonio (Code) provides for certain allowed and prohibited uses and activities within City Parks; and

**WHEREAS**, the Parks and Recreation Department, with the input of citizens, park users, law enforcement, and advisory boards/committees, has developed the following amendments that will allow for enhanced enforcement of the code, increase public safety, and assist with the operation of the City's public parklands; **NOW THEREFORE**,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** The City Code of San Antonio, Texas is hereby amended by adding language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance.

**SECTION 2.** Section 19-7 of Chapter 19 of the City Code of San Antonio, Texas is hereby amended by adding a new subsection (b) as follows:

**Section 19-7. Use of coasters, roller skates, and similar devices restricted.**

(a) No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all the rights and shall be subject to all of the duties applicable to pedestrians.

(b) Above section does not apply to roadways within city parks.

**SECTION 3.** Section 21-14 of Chapter 21 of the City Code of San Antonio, Texas is hereby amended by adding a new subsection (b) as follows:

**Sec. 21-14. Air gun, paint ball gun or spring gun; furnishing to minor.**

(a) It shall be unlawful for any person within the city to sell, or give to, or place in the possession of, any person under the age of sixteen years, any gun which discharges a bullet or missile by means of compressed air, or any gun discharging a bullet or missile by means of a spring.

(b) It shall be unlawful for any person to possess, discharge or bring into a public park any gun, which discharges a bullet, missile or paintball by means of compressed air, gas propellant, or any gun discharging a bullet, missile or paintball by means of a spring. It shall be an affirmative defense to any charge that written permission was provided by the Director of Parks and Recreation for a special event.

**SECTION 4.** Chapter 22 of the City Code of San Antonio, Texas is hereby amended by adding a new section 22- 4.1 as follows:

**Section 22-4.1 Motor Vehicles in City Parks:**

(a) It shall be unlawful for a person to drive any motor vehicle, motorcycle, motorbike, motor scooter, or other motor-driven device or vehicle into, along or across any public park, park property, public playground or park creekway which is owned, operated or maintained by the City, except upon public roadways, designated multi-use trails and parking areas maintained by the City for the operation of such vehicles; no such vehicle shall be driven upon any trail located therein, nor shall any such vehicle be driven on a footbridge spanning a creek, driveway or stream located therein.

(b) It shall be an affirmative defense to any charge that the vehicle driven by the defendant was a motorized wheelchair or other necessary walking aid; a vehicle being used for the purpose of construction, maintenance or repair of said parks or playgrounds; or an authorized emergency response vehicle.

(c) It shall be an affirmative defense to any charge that the defendant has received written permission from Director of the Parks and Recreation Department to drive a vehicle outside of designated areas. The Director of the Parks and Recreation Department shall consider damage to parkland, noise, safety and the general welfare of park patrons and the public in making his determination to approve or disapprove the request.

(d) Any person violating the provisions of this section shall be guilty of a class C misdemeanor.

**SECTION 5.** Section 22-25 of Chapter 22 of the City Code of San Antonio, Texas is hereby amended as follows:

**Sec. 22-25. Overnight camping fees for Eisenhower Park and McAllister Park.**

(a) It is unlawful to camp in city park areas unless by permit in designated areas and only by reservation or during a holiday declaration allowed for by Section 22-28. (a).

(b) Appropriate use and reservation policies for overnight camping will be at the discretion of the Director of Parks and Recreation.

(c ) Fees for overnight camping in parks with approved, designated camping facilities shall be as follows:

(1) One night rental shall be from 3:00 p.m. on day of reservation until noon the following day

Consecutive night rentals shall be from 3:00 p.m. of first day to noon of last day

(2) One night: Fifteen dollars (\$15.00).

(d) Any person violating the provisions of this section shall be guilty of a class C misdemeanor.

Fees for overnight camping at Eisenhower Park and McAllister Park shall be as follows:

One night: Fifteen dollars (\$15.00).

**SECTION 6.** Chapter 22 of the City Code of San Antonio, Texas is hereby amended by adding a new section 22-25.1 as follows:

**Sec. 22-25.1 fires and fire hazards: Smoking, Campfires and cooking fires**

(a) It shall be unlawful to have a fire except in designated fire pits, fire rings, barbeque pits

(b) Smoking shall be prohibited in parks designated as Natural Areas by the Director of Parks and Recreation and parks developed as part of the Linear Creekway Parks Development Program (Leon Creek, Salado Creek, Medina River), except in areas located within these parks designated as smoking areas. "Smoking" shall mean inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, pipe, weed, plant, or other combustible substance in any manner or in any form.

(c) It shall be unlawful to collect firewood, except kindling, in city park areas.

(d) It shall be unlawful to utilize a portable barbeque pit, grill or similar device in parks that are designated as Natural Areas by the Director of Parks and Recreation with the following exceptions.

1. Portable, compressed-fuel camping or backpack stoves may be used in Natural Areas only in designated camping sites and only if user of such cooking stove has reserved the camping site. Burning of wood, charcoal and artificial logs is prohibited in such camping sites.

(e) The Director of Parks and Recreation Department may declare an area as "Extreme Fire Hazard" and all fires and smoking will be prohibited without exception until such designation is removed. It is understood that this declaration may precede such designation by the Fire Department.

(f) Any person violating the provisions of this section shall be guilty of a class C misdemeanor.

**SECTION 7.** Section 22.26 of Chapter 22 of the City Code of San Antonio, Texas is hereby amended as follows:

**Sec. 22-26. Prohibiting the use of bicycles, skates, skateboards, rollerblades, motorized and non-motorized vehicles on walking/running tracks and trails in selected public parks except for in designated areas.**

- (a) It shall be unlawful to drive, ride or use bicycles, skates, skateboards, or rollerblades in any city park except
- (1) on those trails approved for such use as designated by the Director of the Parks and Recreation Department or the Director of the Downtown Operations Department for all Downtown parks administered by the Downtown Operations Department, or
  - (2) on park roads, or
  - (3) on designated park equipment.
- (b) It shall be an affirmative defense to any charge that a bicycle used was by a child riding a tricycle or bicycle with training wheels under immediate adult supervision.
- (c) Any person violating the provisions of this section shall be guilty of a class C misdemeanor.
- ~~(a) It shall be unlawful to drive, ride or use bicycles, skates, skateboards, rollerblades, and motorized or non-motorized vehicles on the walking/running tracks or trails in the following city parks:~~
- ~~(1) Hendrich Arnold Park, 1011 Gillette Road.~~
  - ~~(2) Miller's Pond Park, 6000 Pearsall Road.~~
- ~~(b) Any person violating this section while signs are in place prohibiting such use of these tracks or trails shall be punished in accordance with section 1-5 of this Code.~~

**SECTION 8.** Chapter 22 of the City Code of San Antonio, Texas is hereby amended by adding a new section 22-26.1 as follows:

**Sec. 22-26.1 TRAILS**

- (a) The Director of the Parks and Recreation Department or the Director of the Downtown Operations Department for all Downtown parks administered by the Downtown Operations Department, shall have the authority to specify use categories for trails, which shall be determined by park location, park conditions, and size and/or construction material(s) of trails. Each trail within a City park will be designated into an appropriate use category. ***All park trails shall be determined to be pedestrian trails unless specifically designated as another category.***
- (b) The following trail designations shall utilized:

1. Nature trails shall be utilized for walking or hiking. Bicycles, skateboards, rollerblades, motorized or non-motorized vehicles are prohibited.

2. Pedestrian trails shall be utilized for walking, hiking or jogging. Bicycles, skateboards, rollerblades, motorized or non-motorized vehicles are prohibited. The exception of children on tricycles or on bicycles with training wheels may be allowed, as long as they are utilized under immediate adult supervision.

3. Bicycle trails shall be utilized for biking. Walking, hiking, jogging, skateboards, rollerblades, motorized or non-motorized vehicles are prohibited.

4. Multi-use trails shall be utilized for a combination of activities including but not limited to walking, hiking, jogging, biking and skating, as specifically designated. Bicycles and skaters will give right of way to walkers. Some limited motorized equipment may be allowed in certain designated areas and within parameters determined by the Director of Parks and Recreation – any such allowed equipment shall give right of way to all other users.

(c) It shall be unlawful to utilize a trail in violation of its designated use determined by the Director of the Parks and Recreation Department or the Director of the Downtown Operations Department.

(d) It shall be unlawful for any person to enter a naturally vegetated area in a city park not designated for public access.

(e) It shall be unlawful to bring horses onto any City trails unless the Director of the Parks and Recreation Department has designated the trail for horse riding.

(f) It shall be an affirmative defense to any charge that the person was an employee or official of the City of San Antonio performing maintenance, security or monitoring activities.

(g) Any person violating the provisions of this section shall be guilty of a class C misdemeanor.

**SECTION 9.** Section 22-28 of Chapter 22 of the City Code of San Antonio, Texas is hereby amended as follows:

**Sec. 22-28. Public parks hours of operation and curfew.**

(a) All public parks owned or operated by the city, except for the River Walk, Alamo Plaza, La Villita, Market Square, Woodlawn Lake Park and HemisFair Park shall be closed for all purposes at 11:00 p.m. each day and re-opened for public use at 5:00 a.m. each day. Public parks may be utilized for special events and/or holiday use between the hours of 11:00 p.m. and 5:00 a.m. on any day with the prior written approval of the

director of the department of parks and recreation ("director") through the issuance of a special events permit or holiday declaration. A holiday declaration by the director shall have the effect of lifting the curfew for those parks specified by the director during those time periods specified by the director. The department of parks and recreation shall develop written guidelines for the issuance of special events permits. At a minimum, the department of parks and recreation shall have authority to reject any and all applications on the basis of protecting the health and safety of the public and the foregoing guidelines shall include such authority. Said written guidelines may include limitations on the types of special uses, noise limitations, maintenance requirements, limitations on the frequency with which any individual, group, association or entity shall be granted such special use permits and any other restrictions deemed appropriate by the department of parks and recreation. The curfew set forth in this section will not apply to organized programs and activities in public parks and parks facilities staffed, sponsored or co-sponsored by the department of parks and recreation. It is an affirmative defense to prosecution that during those hours prohibited by this section there occurred an official use or event by an organization which has entered into a lease or license agreement with the city specifically authorizing such use of such specific area in the public park. The department of parks and recreation shall have authority to set more restrictive hours of operation for individual parks and facilities on a case by case basis but not to change the hours of the curfew violations as defined by this section.

(b) It shall be unlawful for a person to be in or on a public park in violation of this section.

(c) If an events permit has been issued to a person in accordance with subsection (a) hereof, it shall be unlawful for such person to be in or on a public park in violation of any condition or limitation set forth in such events permit.

(d) Notwithstanding subsection (a) above, Comanche Lookout Park shall be closed for all purposes each day thirty (30) minutes after sunset, or after events scheduled by the Department of Parks and Recreation are completed, and will re-open each day at sunrise.

(e) Notwithstanding subsection (a) above, parks designated as Natural Areas by the Director of Parks and Recreation and parks developed as part of the Linear Creekway Parks Development Program (Leon Creek, Salado Creek, Medina River) shall be closed for all purposes each day at sunset, or after events scheduled by the Department of Parks and Recreation are completed, and will re-open each day at sunrise.

(f) Any person violating the provisions of this section shall be guilty of a class C misdemeanor.

(g) Any vehicle left parked after the curfew hours established above shall be subject to towing

~~(d) Any person violating the provisions of this section shall be guilty of a class C misdemeanor.~~

~~(e) Comanche Lookout Park shall be closed for all purposes each day thirty (30) minutes after nightfall, or after events scheduled by the department of parks and recreation are completed, and will re-open each day at dawn. The department of parks and recreation shall caused to be erected appropriate signs to advise of this closure and that those in violation of this section shall be subject to prosecution.~~

~~(f) Persons found in Comanche Lookout Park in violation of this section are subject to prosecution under the state criminal trespass statute.~~

**SECTION 10.** Section 22-88 of Chapter 22 of the City Code of San Antonio, Texas is hereby amended by adding a new subsection (b) as follows:

**Sec. 22-88. Swimming in city parks and city public property prohibited; penalty.**

(a) It shall be unlawful to swim in any body of water, natural or man-made, in any city park or other city public area within the corporate limits of the City of San Antonio, except in designated swimming pools or swimming facilities during operating hours. "Swim" as used herein shall include bathing, wading, or any other water contact recreational activity. "Body of water" as used herein shall include but is not limited to lakes, ponds, creeks, water fountains or any other water feature.

(b) The director of parks and recreation shall have authority to grant exemptions to this policy under appropriate conditions to conduct supervised recreation or education programs.

**SECTION 11.** Chapter 22 of the City Code of San Antonio, Texas is hereby amended by adding a new section 22-90 as follows:

**Sec. 22-90 Operation of motorized vessels on lakes, ponds, river or streams other than the San Antonio River.**

(a) It shall be unlawful to operate a motorized boat, barge or other water craft/vessels in any public lake, pond, river, stream, or drainage canal within the San Antonio city limits. This section shall not apply to the San Antonio River, which is addressed in Sections 22-143 and 22-144.

(b) Motorized shall refer to any method of automation that is generated by fuel or electrical power.

(c) It shall be an affirmative defense to any charge that  
1. Water craft is a remote control operated toy, or  
2. Written permission is provided by the Director of Parks and Recreation.

(d) Any person violating the provisions of this section shall be guilty of a class C misdemeanor.

**SECTION 12.** Chapter 22 of the City Code of San Antonio, Texas is hereby amended by adding a new section 22-91 as follows:

**Sec. 22-91 Operation of canoes, kayaks or other non-motorized vessels on lakes, ponds, river or streams except for the portion of the San Antonio River between Hildebrand Avenue and South Alamo St.**

(a) Canoes, kayaks or other non-motorized vessels may be operated in any public lake, pond, river or stream within the San Antonio city limits, but only in areas designated for such use by the Director of Parks and Recreation. Such areas shall not include (1) the San Antonio River between Hildebrand Avenue and South Alamo St. which is covered by Section 22-143 and 22-144, or (2) on man-made drainage channels. Operation of non-motorized vessels in the excepted areas must be by special permit issued in the discretion of the Director of Parks and Recreation or the Director of Downtown Operations.

(b) All persons operating allowed vessels on the above reference bodies of water shall wear a life preserver vest in an appropriate manner at all times. The City of San Antonio does not have knowledge of the condition or quality of any water way or its suitability for use in canoing or kayaking. Any operation of the above referenced vessels is at the sole risk of the user.

(c) The Director of Parks and Recreation may temporarily prohibit operation of vessels on such bodies of water during Flood Hazard times or at other times to protect the public health and safety.

(d) The operation of canoes, kayaks and other non-motorized vessels is prohibited during special events (such as 4<sup>th</sup> of July Fireworks and Model Boat Races) on notice of the director of the Parks and Recreation Department.

(e) Any person violating the provisions of this section shall be guilty of a class C misdemeanor.

**SECTION 13.** Section 22-143 and 22-144 of Chapter 22 of the City Code of San Antonio, Texas is hereby amended as follows:

**Sec. 22-143. Operation of vessels on the San Antonio River for commercial purposes.**

(a) No boat or barge may be operated or launched in the San Antonio River Channel for commercial purposes without approval of the city council expressed in an ordinance expressly identifying the individual, corporation, partnership or other entity authorized to provide such services.

(b) For purposes of the foregoing section, the "San Antonio River channel" is defined as the San Antonio River between ~~the city limits~~ South Alamo Street and the head waters of

the river located at Hildebrand Avenue and Brackenridge Park, together with the Riverbend and all man-made canals connected to the bed of the San Antonio River between these points.

(c) Any person who violates this section is subject to a fine of up to five hundred dollars (\$500.00) per violation.

**Sec. 22-144. Operation of vessels on the San Antonio River for noncommercial purposes.**

(a) No boat or barge may be operated or launched in the San Antonio River channel for noncommercial purposes without written approval of the director of the department of parks and recreation or Downtown Operations of the city.

(b) Applications for approval to operate or launch vessels on the San Antonio River channel for noncommercial purposes submitted to the director of the department of parks and recreation Downtown Operations must include details regarding the applicant, the type of vessel, passenger capacity, Purpose, requested date(s) and duration of launch and operation. For events involving multiple vessels to be operated on the San Antonio River channel, the director of the department of parks and recreation is invested with discretion to accept an application summarizing the required information for all vessels involved in the event.

(c) For purposes of the foregoing section, the "San Antonio River Channel" is defined as the San Antonio River between ~~the city limits~~ South Alamo Street and the head waters of the river located at Hildebrand Avenue and Brackenridge Park, together with the Riverbend and all man-made canals connected to the bed of the San Antonio River between these points.

(d) The department of ~~parks and recreation~~ Downtown Operations shall develop guidelines for determining approval or disapproval of any such application which are consistent with the purposes stated in this section and stating a process for appeal of any such permit denial.

(e) Any person who violates this section is subject to a fine of up to five hundred dollars (\$500.00) per violation.

**SECTION 14.** All other provisions of the City Code of San Antonio, Texas shall remain in full force and effect unless expressly amended by this ordinance.

**SECTION 15.** Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

**SECTION 16.** The City Clerk is directed to promptly publish public notice of this ordinance in accordance with Section 17 of the City Charter of San Antonio, Texas.

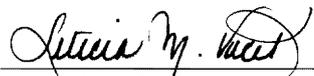
**SECTION 17.** The publishers of the City Code of San Antonio, Texas are authorized to

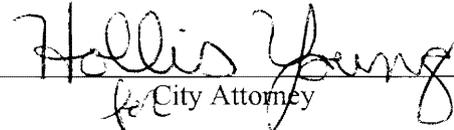
amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

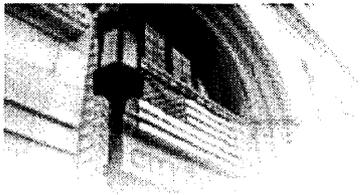
**SECTION 18.** This ordinance shall be effective on and after April 27, 2008, however, the penalties provided for in this ordinance shall become effective five (5) days after publication.

PASSED AND APPROVED this 17<sup>th</sup> day of April, 2008.

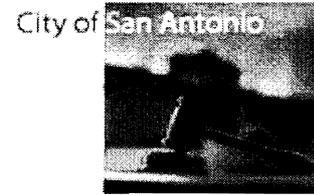
  
M A Y O R  
**PHIL HARDBERGER**

ATTEST:   
City Clerk

APPROVED AS TO FORM:   
for City Attorney



Request for  
**COUNCIL**  
ACTION



### Agenda Voting Results - 20

<b>Name:</b> 20							
<b>Date:</b> 04/17/2008							
<b>Time:</b> 11:32:08 AM							
<b>Vote Type:</b> Motion to Approve							
<b>Description:</b> An Ordinance amending Chapter 22 of the City Code regarding City parks, clarifying permitted uses of certain park facilities to ensure the health and safety of citizens; providing for penalties; and providing for publication. [Frances A. Gonzalez, Assistant City Manager; Malcolm Matthews, Director, Parks and Recreation]							
<b>Result:</b> Passed							
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Phil Hardberger	Mayor		x				
Mary Alice P. Cisneros	District 1	x					
Sheila D. McNeil	District 2		x				
Jennifer V. Ramos	District 3		x				x
Philip A. Cortez	District 4		x			x	
Lourdes Galvan	District 5		x				
Delicia Herrera	District 6		x				
Justin Rodriguez	District 7		x				
Diane G. Cibrian	District 8		x				
Louis E. Rowe	District 9		x				
John G. Clamp	District 10		x				

Affidavit of Publisher

AMENDING THE CITY CODE REGARDING CITY PARKS, CLARIFYING PERMITTED USES OF CERTAIN PARK FACILITIES TO ENSURE THE HEALTH AND SAFETY OF CITIZENS; PROVIDING FOR PENALTIES; AND PROVIDING FOR PUBLICATION.

PASSED AND APPROVED this 17th day of April, 2008.

/S/ PHIL HARDBERGER  
MAYOR

ATTEST: LETICIA VACEK  
CITY CLERK

4/22

STATE OF TEXAS  
COUNTY OF BEXAR  
S.A. - CITY CLERK

Before me, the undersigned authority, on this day personally appeared Helen I. Lutz, who being by me duly sworn, says on oath that she is Publisher of the Commercial Recorder, a newspaper of general circulation in the City of San Antonio, in the State and County aforesaid, and that the Ordinance 2008-04-17-0317 here to attached has been published in every issue of said newspaper on the following days, to wit:

04/22/2008.

*Helen I. Lutz*  
\_\_\_\_\_

Sworn to and subscribed before me this 22nd day of of April, 2008.

*Martha L. Machuca*  
\_\_\_\_\_

