

27993

ORDINANCE NO. _____

An ordinance amending Section 32-9.1 of CHAPTER 32, "PARKS AND WATER RESERVOIRS," of the Dallas City Code, as amended; providing hours of closure for public parks and park amenities owned or managed by the city, whether located inside or outside the city limits; exempting from the hours of closure any park amenity for which the park board has set the operating hours; eliminating certain defenses to being in a public park during hours of closure; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

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

SECTION 1. That Section 32-9.1, "Hours of Closure for Public Parks," of Article I, "In General," of CHAPTER 32, "PARKS AND WATER RESERVOIRS," of the Dallas City Code, as amended, is amended to read as follows:

"SEC. 32-9.1. HOURS OF CLOSURE FOR PUBLIC PARKS AND PARK AMENITIES.

(a) Except as provided in Subsection (b), all [A#] public parks and park amenities [located within the city, except Barnes Bridge park, Bachman Creek Greenbelt, and William B. Dean park,] are closed to the public each day from 11:00 p.m. [12:00 midnight] until 5:00 a.m.

(b) Park amenities for which the park board has established and posted the hours of operation under Section 32-9 of this chapter [Barnes Bridge park and Bachman Creek Greenbelt] are closed to the public at any time other than the established and posted hours of operation [each day from 10:00 p.m. until 6:00 a.m. William B. Dean park is closed to the public each day from 9:00 p.m. until 5:00 a.m].

(c) A person commits an offense if he is on the premises of a public park or park amenity during hours in which the park or park amenity is closed.

(d) It is a defense to prosecution under Subsection (c) that the person was:

(1) [on the premises of:

~~(A) a central business district park located within the boundaries of Julius Schepps Freeway, R.L. Thornton Freeway, Stemmons Freeway, and Woodall Rodgers Freeway;~~

~~(B) William B. Dean park, when attending a city approved activity at the Dallas theater center; or~~

~~(C) Reverchon recreation center or its adjacent parking lot;~~

~~(2)~~ driving a vehicle on an interior park roadway that provides direct access to the person's residence;

~~(2)~~ ~~(3)~~ attending a special event, activity, or program that was being conducted in a public park or park amenity during hours of closure with written permission of the park board, the director of park and recreation, or a designated representative; or

~~(3)~~ ~~(4)~~ entering or leaving, or engaged in legal boating on or fishing from the bank or water surface of, any of the following:

(A) Lake Ray Hubbard;

(B) Mountain Creek Lake;

(C) White Rock Lake;

(D) Lemmon Lake;

(E) Blue Lake;

(F) a body of water located within the Trinity River Greenbelt; ~~or~~

(G) that part of Joe Pool Lake within the city's jurisdiction; or

(H) Bachman Lake.

(e) For the purpose of this section: ~~(f)~~

(1) PARK AMENITY means any building, structure, facility, athletic area, or other improvement that is located within a public park.

(2) PUBLIC PARK means land owned or managed by the city, whether located inside or outside the city limits, that is planned, developed, or used for active or passive recreational use by the public. "Public ~~public~~ park" includes an interior park roadway, other than a dedicated street, and excludes any sidewalk adjacent to the outside perimeter of a park."

SECTION 2. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$500.

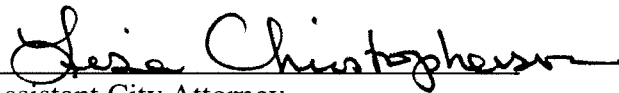
SECTION 3. That CHAPTER 32 of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any proceeding, civil or criminal, based upon events that occurred prior to the effective date of this ordinance are saved, and the former law is continued in effect for that purpose.

SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of CHAPTER 1 of the Dallas City Code, as amended.

SECTION 5. That this ordinance will take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By 
Assistant City Attorney

Passed SEP 22 2010

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