

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL,
SIGNED ORDINANCE ADOPTED BY THE CITY COUNCIL.**

ORDINANCE

**AMENDING SECTION 22-28 OF THE CITY CODE OF SAN ANTONIO,
TEXAS, PUBLIC PARKS HOURS OF OPERATION AND CURFEW, TO
PROVIDE THE CURFEW APPLIES TO HEMISFAIR PARK; TO
ESTABLISH AFFIRMATIVE DEFENSES; AND WITH PENALTIES FOR
VIOLATIONS**

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WHEREAS, Section 22-28 of the City Code of San Antonio, Texas provides for a curfew for public parks owned or operated by the city from 11:00 p.m. until 5:00 a.m., with certain parks excluded from this curfew; and

WHEREAS, HemisFair Park is excluded under the current City Code from the operation of this curfew; and

WHEREAS, it will be in the interest of the residents and visitors of the City to include HemisFair Park in the curfew ordinance; and

WHEREAS, due to the location and nature of HemisFair Park the City has determined it would be appropriate to allow exceptions to the curfew in HemisFair Park in the form of an affirmative defense for persons walking through the park to a destination outside the Park, and for persons walking their dogs; **NOW THEREFORE:**

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

SECTION 1. The City Code of San Antonio, Texas, Section 22-28 is hereby amended as follows, with strikethroughs indicating deletions and underlines indicating additions:

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 between Josephine Street and Eagleland Drive, Alamo Plaza, La Villita, Market Square, and 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. Woodlawn Lake Park shall be closed for all purposes at 12:00 midnight 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. For HemisFair Park, it is an affirmative defense that the person was walking through the park to a destination in the area including their hotel, place of residence, or car. It is also an affirmative defense if they are walking their dog. 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), 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), 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.

SECTION 2. Should any article, section, part, paragraph, sentence, phrase, clause, or word of this ordinance, or any appendix thereof, for any reason, be held illegal or inoperative, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional, invalid or ineffective, the remainder shall stand effective and valid as if it had been enacted and ordained without the portion held to be illegal, inoperative, unconstitutional, invalid or ineffective.

SECTION 3. No other provision of the City Code is amended hereby. All other provisions shall remain in effect.

SECTION 4. 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 5. The publishers of the City Code of San Antonio, Texas are authorized to amend the code to reflect the changes adopted in this ordinance, and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 6. This ordinance shall take effect on the _____ day of _____, 2024.

PASSED AND APPROVED this ____ day of _____, 2024.

M A Y O R
Ron Nirenberg

ATTEST:

APPROVED AS TO FORM:

Debbie Racca-Sittre, City Clerk

Andrew Segovia, City Attorney