

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** City Manager

**AGENDA DATE:** October 18, 2011 for Introduction. Public Hearing on October 25, 2011

**CONTACT PERSON/PHONE:** Elaine S. Hengen, City Attorney's Office 541-4550.

**DISTRICT(S) AFFECTED:** All

**SUBJECT:** An Ordinance amending Title 13 (Streets, Sidewalks and Public Places), Chapter 13.24 (City Parks and Recreation Areas), Section 13.24.040 (Hours of Closure); to allow the City Council by Resolution to extend the closing hours of parks and park facilities; the penalty being as provided in Sections 1.08.010 through 1.08.030 of the City Code.

**BACKGROUND / DISCUSSION:** This ordinance will provide flexibility to the City Council to extend the closing hours of a park or a park facility by resolution, rather than making such a determination by ordinance.

**PRIOR COUNCIL ACTION:**

**Has the Council previously considered this item or a closely related one?**

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**AMOUNT AND SOURCE OF FUNDING:**

**BOARD / COMMISSION ACTION:**

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\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required) \_\_\_\_\_ **FINANCE:** (if required) \_\_\_\_\_

**DEPARTMENT HEAD:** \_\_\_\_\_

(Example: if RCA is initiated by Purchasing, client department should sign also)

*Information copy to appropriate Deputy City Manager*

**APPROVED FOR AGENDA:**

**CITY MANAGER:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING TITLE 13 (STREETS, SIDEWALKS AND PUBLIC PLACES), CHAPTER 13.24 (CITY PARKS AND RECREATION AREAS), SECTION 13.24.040 (HOURS OF CLOSURE); TO ALLOW THE CITY COUNCIL BY RESOLUTION TO EXTEND THE CLOSING HOURS OF PARKS AND PARK FACILITIES; THE PENALTY BEING AS PROVIDED IN SECTIONS 1.08.010 THROUGH 1.08.030 OF THE CITY CODE.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

Section 1. That Title 13 (Streets, Sidewalks and Public Places), Chapter 13.24 (City Parks and Recreation Areas), Section 13.24.040 (Hours of closure) be amended to read as follows:

**13.24.040 – Hours of closure.**

- A. All city parks and all park facilities, except as provided herein, shall be closed to the public every night between ten p.m. and six a.m. unless otherwise posted in accordance with parks and recreation–department policies. The following parks, however, shall remain open until 1 a.m.: Cleveland Square Park, San Jacinto Plaza, Union Plaza, Firefighters Memorial Park and Calendar Park, which shall be referred to as “downtown parks” for the purposes of this section. Any request that a city park remain open past ten p.m., a city park downtown park remain open past one a.m., or a park facility remain open past one a.m. shall require the approval of the city council by resolution.
- B. All city park facilities, defined as recreational centers, senior citizen centers, athletic fields and park shelters may be allowed to remain open until one a.m., as department of parks and recreation policies may prescribe.
- C. Any person who shall be in any city park or park facility at any time when the park or facility is closed as hereinabove provided, or who shall fail to comply with the conditions imposed by the city council in a resolution adopted pursuant to subsection F, shall be deemed guilty of a misdemeanor and punished as provided in Sections 1.08.010 through 1.08.030.
- D. This section shall not apply to the following persons if in the park or facility in the performances of their duties: peace officers, physicians, ambulance operators or attendants, employees of the city, and employees of public utility companies.

- E. In the case of parks through which there are dedicated streets used for general travel (that is, not merely for access to the interior of the park), this section shall not apply to persons traveling through the park on such dedicated streets.
- F. A person may make a written request to the city council that a city park remain open past ten p.m., that a downtown park remain open past one a.m. or that a park facility remain open past one a.m. The written request shall be submitted to the director who shall forward the request for placement on the agenda of the next available regular city council meeting in compliance with all ordinances, statutes and the council's rules of order relating to the placement of items on the agenda and posting of the agenda. The decision of whether to approve the request or to otherwise extend the hours in which a park remains open past ten p.m., in which a downtown park remain open past one a.m., or in which a park facility remains open past one a.m. shall be made by resolution of the council. In granting such approval, council may impose whatever conditions it deems necessary to protect the health, safety and welfare of the general public.

Section 2. Except as amended herein, Title 13 (Streets, Sidewalks and Public Places) shall remain in full force and effect.

ADOPTED this 25<sup>th</sup> day of October, 2011.

CITY OF EL PASO

\_\_\_\_\_  
John F. Cook  
Mayor

ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kristen L. Hamilton  
Assistant City Attorney

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Nanette L. Smejkal, Director  
Parks and Recreation Department

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Mayor

ATTEST:

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City Clerk

APPROVED AS TO FORM:

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Elaine S. Hengen  
Senior Assistant City Attorney