

Mayor and Council Communication

DATE: 01/28/25

M&C FILE NUMBER: M&C 25-0059

LOG NAME: 03OS_CODE_CHAPTER

SUBJECT

(ALL) Adopt an Ordinance Amending the Code of the City of Fort Worth, Texas (2015) by Adding a Chapter 36, "Open Space," to Provide for the Regulation and Operation of City of Fort Worth Properties Included in the Open Space Conservation Program

RECOMMENDATION:

It is recommended that the City Council adopt the attached ordinance amending the Code of the City of Fort Worth, Texas (2015) by adding a new Chapter 36, "Open Space," to provide for the regulation and operation of City of Fort Worth properties included in the Open Space Conservation Program.

DISCUSSION:

The purpose of this Mayor and Council Communication is to establish a new chapter to the Code of the City of Fort Worth, Chapter 36, to provide for the regulation and operation of the City's open space properties. The new chapter is largely based on Chapter 24, "Park and Recreation", but, because Open Space properties are not parkland, City staff recommends the adoption of the new chapter to better suit the goals of the City's Open Space Conservation Program and the Good Natured Greenspace Initiative (M&C 23-1016, November 28, 2023).

Chapter 36 would define Open Space as follows:

An interest in land that the City of Fort Worth owns or maintains with the primary intent of meeting one or more of the following purposes:

- (1) to preserve or restore natural areas and resources;
- (2) to maintain or enhance air or water quality;
- (3) to preserve the property's aesthetic value and its contribution to the quality of life of the community;
- (4) to mitigate erosion or enhance flood control efforts; or
- (5) to prevent encroachment on floodplains or watersheds.

By contrast, Chapter 26 of the Texas Parks and Wildlife Code describes park land as "any public land designated and used... as a park, recreation area, scientific area, wildlife refuge, or historic site."

Incidental or programmatic use of Open Space properties for other purposes may occur; however, that use is intended to be secondary to the purposes identified above. Open Space is not parkland and is not owned, held, or claimed as a public square or park, nor is Open Space acquired or designated as a park, recreation area, scientific area, wildlife refuge, or historic site.

Chapter 36 would also establish rules and regulations for the use of Open Space properties, including:

- Hours of operation from sunrise to sunset, unless otherwise posted (parks are generally open from 5:00 a.m. until 11:30 p.m.);
- Prohibiting littering, camping, fires, fireworks, fishing, swimming, and alcoholic beverages;
- Limiting vehicles to designated areas; and
- Prohibiting the harm of vegetation and wildlife.

Open Space properties are managed and maintained in their natural state by Park & Recreation Department. Any mowing will be infrequent and in accordance with maintaining a healthy ecosystem and limiting the risk of fire. Amenities provided at Open Space properties are anticipated to be minimal because the main purpose of the Open Space Program is to preserve natural spaces. Unlike parks, Open Space properties are not expected to include trash receptacles or restrooms. Additionally, to protect natural surface trails and nearby vegetation, bicycles will only be permitted on paved areas.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that approval of this recommendation will have no material effect on City funds.

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