

ORDINANCE NO. 2026 - ____

AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 86-8 “GLASS CONTAINERS PROHIBITED IN PARK AREAS AND ON RIVERS, LAKES AND STREAMS”, SECTION 86-10 “PROHIBITION OF ALCOHOLIC BEVERAGES IN CITY PARKS AND CITY-OWNED PROPERTY”, SECTION 86-12 “PROHIBITION OF SALE OR ADVERTISING OF GOODS, WARES OR SERVICES IN CITY PARKS”, SECTION 86-17 “SAN ANTONIO STREET BRIDGE SAFETY ZONE”, AND SECTION 86-97 “LANDA PARK MINIATURE GOLF AND PADDLE BOAT FEES” OF THE NEW BRAUNFELS CODE OF ORDINANCES TO MATCH DEPARTMENT POLICY; PROVIDING A REPEALER, SEVERABILITY AND SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Parks and Recreation Department has acquired additional parks and park properties since the last amendment; and

WHEREAS, Section 86-8 of the New Braunfels Code of Ordinances established that glass containers are prohibited in park areas and on rivers, lakes and streams; and

WHEREAS, Section 86-10 of the New Braunfels Code of Ordinances established the prohibition of alcoholic beverages in city parks and city-owned property; and

WHEREAS, the Code of Ordinances needs to be amended to address all city parks, trails, and sports facilities in regards to glass containers and alcoholic beverages; and

WHEREAS, Section 86-17 of the New Braunfels Code of Ordinances established the San Antonio Street Safety Zone, which was to be terminated upon the announcement by the City Manager that Comal River activities could resume in the San Antonio Street Bridge Safety Zone; and

WHEREAS, On May 12, 2020 the announcement of Comal River activities resuming was published in the Herald Zeitung; and

WHEREAS, Section 86-97 of the New Braunfels Code of Ordinances established the Landa Park miniature golf and paddle boat fees; and

WHEREAS, On May 13, 2024 the City Council approved the contract with Paddle TX, LLC to operate the Landa Park miniature golf and paddle boats; and

WHEREAS, The proposed changes to Sections 86-8, 86-10, 86-12, 86-17, and 86-97 were approved by the Parks and Recreation Advisory Board on February 10, 2026; and

WHEREAS, the City Council of the City of New Braunfels, Texas has the authority under its Home Rule Charter and under the laws of the State of Texas to adopt regulations aimed to protect the health, safety, and general welfare of its citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS:

SECTION 1. Amendment.

That City of New Braunfels Code of Ordinances, Sections 86-8, 86-10, 86-12, 86-17 and 86-97 are hereby amended as follows with underlined font indicating added language and strikethrough font indicating deleted language:

**Chapter 86 - PARKS AND RECREATION
ARTICLE I. - IN GENERAL**

Sec. 86-8. – Glass containers prohibited in park areas and on rivers, lakes and streams.

- (a) It shall be considered a misdemeanor offense for anyone ~~exhibiting, using, carrying or disposing~~ to exhibit, use, carry or dispose of glass ~~beverage~~ containers in all city parks, trails and sports facilities. ~~which have areas adjacent to the rivers, lakes and streams within the city limits, and at all city sports facilities, including, but not limited to, the following:-~~
- ~~(1) Landa Park.-~~
 - ~~(2) Hinman Island Park.-~~
 - ~~(3) Prince Solms Park.-~~
 - ~~(4) Cypress Bend Park.-~~
 - ~~(5) River Acres Park.-~~
 - ~~(6) Camp Comal.-~~
 - ~~(7) Haymarket Park.-~~
 - ~~(8) H.E. Butt Park.-~~
 - ~~(9) Fredericksburg Sports Complex.-~~
 - ~~(10) Solms Park.-~~
 - ~~(11) Eikel Park.-~~
 - ~~(12) Jesse Garcia Park.-~~
 - ~~(13) Torrey Park.-~~
 - ~~(14) Loop 337 Park and Dry Comal Trail.-~~
- (b) It shall be considered a misdemeanor offense for anyone exhibiting, using, carrying or disposing of glass ~~beverage~~ containers while on or in rivers, lakes and streams within the city limits, ~~including, but not limited to, the following:-~~
- ~~(1) Landa Lake.-~~
 - ~~(2) Comal River.-~~
 - ~~(3) Guadalupe River.-~~
 - ~~(4) Lake Dunlap.-~~
- (c) Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$500.00.

Sec. 86-10. Prohibition of alcoholic beverages in city parks and city-owned property.

- (a) It shall be unlawful for anyone to consume intoxicating liquor or any alcoholic beverage, or possess an open container of intoxicating liquor or alcoholic beverage within the boundaries of any the following public parks or city-owned property within the city limits, with exception of public parks listed in (b).
- ~~(1) Prince Solms Park.-~~
 - ~~(2) Hinman Island Park.-~~
 - ~~(3) Cypress Bend Park.-~~
 - ~~(4) The city-owned tuber exit on the Comal River that borders Lincoln Street and Union Avenue.-~~
 - ~~(5) River Acres Park.-~~

- ~~(6) H.E.B. Soccer Park;~~
- ~~(7) Jesse Garcia Park;~~
- ~~(8) Ernest Eikel Field;~~
- ~~(9) Haymarket Park;~~
- ~~(10) Torrey Park;~~
- ~~(11) Kraft Park;~~
- ~~(12) Northridge Park;~~
- ~~(13) Dry Comal Trails;~~
- ~~(14) Solms Park; and~~
- ~~(15) Fredericksburg Sports Complex;~~

As used herein, the term "open container" is defined according to ~~V.T.C.A.~~, Penal Code § 49.031(a)(1).

Exception: With regard to Prince Solms Park, Hinman Island Park, Cypress Bend Park, the city-owned tuber exit on the Comal River that borders Lincoln Street and Union Avenue and River Acres Park, the term "open container" does not include a non-disposable container containing an intoxicating liquor or alcoholic beverage provided that there is a lid, cap, cup, plug, top, sucker top, twist top or other device that is used to close the non-disposable container and said container is actually closed by said lid, cap, cup, plug, top, sucker top, twist top or other device and remains closed while it is on one of these city-owned properties.

- (b) It shall be unlawful for anyone to consume intoxicating liquor or any alcoholic beverage, or possess an open container of intoxicating liquor or alcoholic beverage in all designated parking areas or within 25 feet, either side of any roadway, within the boundaries of the following public parks or city-owned property within the city limits:
 - (1) Landa Park;
 - (2) Camp Comal
 - (3) [Fischer Park](#)
 - (4) [Mission Hill Park](#)
 - (5) [Zipp Family Sports Park](#)
- (c) The provisions of subsection (a) shall not apply to a city-permitted function where the consumption and possession of intoxicating liquors or alcoholic beverages are permitted as part of the activity.
- (d) Any person who ~~shall violate~~ [violates](#) any provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$500.00.

Sec. 86-12. Prohibition of sale or advertising of goods, wares or services in city parks.

- (a) It shall be unlawful and considered a misdemeanor offense for anyone to sell or offer for sale any goods, wares or services within the boundaries of any city park in the city. It further shall be unlawful and considered a misdemeanor offense for anyone to display, place or erect any structure, sign, bulletin board, post, pole or advertising device of any kind whatsoever within the boundaries of any city park in the city.
- (b) The prohibition set forth in subsection (a) of this section shall apply to all areas within all city parks of the city, including, but not limited to, grounds, picnic areas, parking lots, streets and roadways, and any other location within the boundaries of a city park.
- (c) Notwithstanding the provisions of subsection (a) of this section, upon approval by the director of parks and recreation, and with permit fee paid, an individual or business may offer goods, wares, or services for sale or may display an advertising sign, banner or other object containing a commercial or noncommercial advertising message when such individual or business is acting as a sponsor or cosponsor of a special event in a city park when such special event has been approved by the director of parks and recreation. Any display of advertising permitted under this section shall continue only during the time that the special event is in progress. The type of sign, banner or method of displaying such advertising must be approved in advance by the director of parks and recreation.
- (d) Any person violating any of the provisions of this section shall, upon conviction thereof, be fined in any sum not to exceed \$500.00, and each day of such violation thereof shall be and is hereby declared to be a distinct and separate offense and punishable as such. Whenever a corporation which cannot be arrested violates this section, the officer or servant authorizing or responsible for such violation shall be personally liable for such penalty, or the corporation may be sued in a justice court by the city for the maximum penalty.

~~Sec. 86-17. San Antonio Street bridge safety zone.~~

- ~~(a) Beginning September 23, 2019, and for a limited duration to be determined by the city manager, it shall be unlawful for any person on the Comal River to enter the restricted area referred to as the San Antonio Street Bridge Safety Zone and depicted in Exhibit A attached to the ordinance from which this section derives. The restricted area shall be marked up stream of the bridge by buoys directing the public to exit the Comal River to the north bank of the Comal River. The restricted area is depicted in Exhibit A and generally described as the right-of-way of the San Antonio Street Bridge over the Comal River and extending 256 feet upstream of the bridge right-of-way along the south bank within the banks of the Comal River and extending 190 feet upstream of the bridge right-of-way along the north bank and extending 50 feet downstream of the bridge right-of-way along the north bank within the banks of the Comal River, and 67 feet downstream of the bridge right-of-way along the south bank within the banks of the Comal River.~~
- ~~(b) Exceptions to the prohibition within this section includes bridge construction workers, maintenance crews, on-duty governmental personnel, and other similarly authorized personnel.~~
- ~~(c) Any person, business, or other entity that provides, for a fee, flotation devices or other equipment necessary to float the Comal River, which float commences up stream of the San Antonio Street Bridge and shall be responsible for providing sufficient personnel to assure the safe and expeditious exit of persons and removal of flotation devices from the Comal River at the restricted area.~~
- ~~(d) Any person, business, or other entity that provides, for a fee, flotation devices or other equipment necessary to float the Comal River, which float commences up stream of the San Antonio Street Bridge, shall be responsible for posting and providing adequate notice of the restricted area similar to the following: "San Antonio Street Bridge Safety Zone, You Must Exit the Comal River and stay out of the restricted area marked by buoys and other markers."~~
- ~~(e) This section shall terminate upon the announcement by the city manager that Comal River activities can safely and lawfully resume in the San Antonio Street bridge safety zone. The announcement shall be published one time in the local newspaper.~~
- ~~(f) Any person who violates any provision of this section shall be guilty of a misdemeanor offense punishable by a fine not to exceed \$500.00 for each offense.~~

~~Sec. 86-97. Landa Park miniature golf and paddle boat fees.~~

~~The following schedule of fees shall be paid by patrons of Landa Park in the city for miniature golf and paddle boats. The city manager is hereby authorized to set appropriate fees in writing, not to exceed the following limits:~~

- ~~(1) Patrons of the miniature golf course in Landa Park shall be charged a "per round" fee of not less than \$3.00 and not more than \$10.00 per person.~~
- ~~(2) Patrons of Landa Park shall be charged for paddle boat rentals as follows:
Not less than \$3.00 nor more than \$10.00 per person per one-half hour rental.~~

SECTION 2: REPEALER. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only. All provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

SECTION 3: SEVERABILITY.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable and, if any phrase, clause, sentence, paragraph or section of this Ordinance should be declared invalid by the final judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

SECTION 4: SAVINGS CLAUSE.

The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this ordinance.

SECTION 4. EFFECTIVE DATE AND PUBLICATION.

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This ordinance must also be published in a newspaper of general circulation at least one time within ten (10) days after its final passage, as required by the City Charter of the City of New Braunfels.

PASSED AND APPROVED: First reading this ____ day of _____, 2026.

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CITY OF NEW BRAUNFELS, TEXAS

NEAL LINNARTZ, Mayor

ATTEST:

Gayle Wilkinson, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney