

**ORDINANCE NO. 2024 - \_\_\_\_**

**AN ORDINANCE AMENDING THE CITY OF NEW BRAUNFELS, TEXAS, CODE OF ORDINANCES, CHAPTER 86 – PARKS AND RECREATION, SECTION 86-95 TUBE CHUTE ENTRANCE FEES; AND MOVING THESE FEES TO APPENDIX D, FEE SCHEDULE; PROVIDING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council has adopted Tube Chute Entrance fees to include a tube rental deposit that has not been increased since 2003; and

**WHEREAS**, an increase to the tube deposit is necessary to discourage the loss of tubes and to cover the cost of replacing lost tubes; and

**WHEREAS**, the City Council has never adjusted Tube Chute Facility Rental fees; and

**WHEREAS**, an increase to the Tube Chute Facility Rental fees is necessary to help offset expenses related to the rental of the Tube Chute Facility to public safety entities for swift-water rescue training, and

**WHEREAS**, City Council finds the staff’s recommendations both reasonable and necessary.

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

SECTION 1: The findings and recitations set out in the preamble to this Ordinance are found to be true and correct and they are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2: That Section 86-95 Tube Chute Entrance Fees, of the New Braunfels Code of Ordinances shall be amended to hereinafter read as follows:

**Section 86-95 Tube Chute Entrance Fees**

- (a) The following scheduled fees shall be paid by the patrons of the City Tube Chute in the city, beginning the first weekend in May and ending Labor Day Monday. The city manager is hereby authorized to set appropriate fees in writing, not to exceed the limits ~~Appendix D~~ below:

~~(1) Daily entrance tickets (including Saturday, Sunday and holidays):~~

~~All ages.....\$5.00—10.00~~

~~(2) Tube rentals per day, per tube ..... \$5.00—20.00~~

~~Security rental deposit, per day.....10.00—20.00~~

- (b) Daily entrance tickets will entitle the bearer only the rights to entrance the City Tube Chute and use of recreation facilities within such park area.
- (c) Daily entrance tickets to the City Tube Chute will be valid only on the day the bearer purchased such ticket.
- (d) All entrance fees to the City Tube Chute shall be payable in advance, before service or ticket is rendered.
- (e) A patron may obtain a City Tube Chute By-Pass wristband, free of charge, that will allow the patron access to the City Tube Chute for the sole purpose of entering the Comal River below the chute to float down the river. The City Tube Chute By-Pass wristband does not allow a patron to cross Clemens Dam or grant prolonged access to the City Tube Chute property.
- (f) The city shall not be responsible for injury to any person caused by or the result of dangerous acts or disregard of safety by patrons at the City Tube Chute.
- (g) The city manager may negotiate a suitable agreement with adjoining recreation property owners to honor their customers in exchange for use of their facility by patrons of the City Tube Chute.

(Code 1961, § 14A-13; Ord. No. 99-4, § II, 1-11-99; Ord. No. 2003-51, § I(8.), 8-11-03; Ord. No. 2020-09, § 2, 2-10-20)

Editor's note— Ord. No. 2020-09, § 2, adopted February 10, 2020, changed the title of section 86-95 from "Prince Solms Park fenced area entrance fees" to "City Tube Chute entrance fees." The historical notation has been preserved for reference purposes.

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## APPENDIX D FEE SCHEDULE

### Sec. A. Schedule of Fees.

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**TUBE CHUTE FEES**

<u>TUBE CHUTE ENTRANCE FEES - The following fees shall be paid by the patrons of the City Tube Chute beginning the first weekend in May and ending Labor Day Monday. The City Manager is hereby authorized to set appropriate fees in writing, not to exceed the limits set below.</u>		
<u>Daily Entrance Tickets (including Saturday, Sunday, and holidays)</u>		<u>\$5.00 - \$10.00</u>
<u>Tube Rentals per Day, per Tube</u>		<u>\$5.00 - \$20.00</u>
<u>Security Rental Deposit, per Day</u>	<del>\$10.00-\$20.00</del>	<u>\$30.00</u>
<u>Tube Chute Facility Rental - Day Rental</u>	<del>\$75.00</del>	<u>\$200.00</u>
<u>Tube Chute Facility Rental - Night Rental</u>	<del>\$75.00</del>	<u>\$200.00</u>

**SECTION 3: Savings Clause.**

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 4: Effective Date.**

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing by the City Secretary, except that the effective date of the new fees will be June 1, 2024.

**PASSED AND APPROVED:** First reading this \_\_\_\_\_ day of May, 2024.

**PASSED AND APPROVED:** Second reading this \_\_\_\_ day of May, 2024.

**CITY OF NEW BRAUNFELS, TEXAS**

By: \_\_\_\_\_  
**Neal Linnartz, Mayor**

**ATTEST:**

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**Gayle Wilkinson, City Secretary**

**APPROVED AS TO FORM:**

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**Valeria M. Acevedo, City Attorney**