

ORDINANCE NO. 2026 - ____

AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 86-3 “RULES AND REGULATIONS FOR CONTROL OF PARK AND RECREATION AREAS” OF THE NEW BRAUNFELS CODE OF ORDINANCES AUTHORIZING THE CITY MANAGER TO SET OPERATING HOURS FOR CITY PARKS FACILITIES; PROVIDING A REPEALER, SEVERABILITY AND SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, Parks and Recreation Department recently presented to City Council adjustments to operating hours for certain parks, cemeteries and facilities that City Council adopted in Ordinance No. 2026-11, on February 23, 2026; and

WHEREAS, the ordinance already delegates certain authority to the City Manager, Chief of Police and Director of Parks and Recreation Department to adjust hours in limited circumstances; and

WHEREAS, the Code of Ordinances needs to be amended to allow the City Manager to manage the day-to-day hours of operations of city parks and facilities, including Das Rec, Landa Aquatics Center, Fischer Park Nature Center, and park concessions; 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: That Chapter 86 of the New Braunfels Code of Ordinances shall be amended to hereinafter read as follows:

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

Sec. 86-3. - Rules and regulations for control of park and recreation areas.

a) The city shall have and shall exercise the power to control all activities, hours of visitation, and days and times of opening to city owned property as defined in this chapter, in order to properly protect the citizens of this community. All city owned property covered by this chapter shall be under the direct supervision of the city manager, the parks and recreation director and the chief of police. These officials shall have the authority to delegate their power of supervision to other employees of the city, not limited to but including as well the police officials and police officers of the city.

b) City owned properties shall be open to the public between the hours of 6:00 a.m. and 10:00 p.m. each and every day, except as follows: Cypress Bend Park, which shall be open

to the public between the hours of 6:00 a.m. and dusk of each and every day; the City Tube Chute Park will close at 7:00 p.m. on Saturdays, Sundays, and Independence Day, including July 3rd when it falls on a Monday and July 5th when it falls on a Friday, starting Memorial Day weekend and ending Labor Day weekend; the right-of-way under the Faust Street Bridge will be closed on both sides of the Guadalupe River to prevent public access; and the Comal Cemetery and the New Braunfels Cemetery which shall be open from 8:00 a.m. until dusk. All such city owned area properties shall be open during the above-described hours unless otherwise stated in this ordinance or closed by order of the city manager or the parks and recreation director and/or the chief of police for the purposes of rehabilitation, cleaning, general supervision, or to protect the health, safety and general welfare of the public. The city manager or their designee is authorized to establish the operating hours of city buildings and enclosures on city owned or leased property including, but not limited to Das Rec, Landa Aquatics Center, City Tube Chute, Mission Hill, Fischer Park Nature Education Center, Westside Community Center, Landa Park Golf Course, and any park concessions. If such areas are to be open prior to 6:00 a.m. in the morning or after the specific closing times set forth in this section, specific permission must be secured from the parks and recreation director for anyone to use such areas during those extra hours.

- c) The police department of the city is charged with the responsibility of supervising and maintaining law and order in the city owned properties in order to protect the peace, health, safety and general welfare of the public. In order to carry out this provision, the police department, and any and all officers therein, shall have the authority to make any arrests for violation of any state law or city ordinance. In addition thereto, it is hereby declared that a person commits an offense of trespass if he/she enters or remains on city owned properties, during hours other than those set out in this section, without effective consent, and he/she:
 - (1) Had notice that the entry was forbidden; or
 - (2) Received notice to depart but failed to do so.

For purposes of this section, "entry" means the intrusion of the entire body and "notice" means an oral or written communication by the city manager, the parks and recreation director, or the chief of police or any police officer; or fencing or other enclosure obviously designed to exclude intruders during the closed hours; or signs posted to be reasonably likely to come to the attention of intruders.

- d) For the purposes of this section, the definition of the city owned ~~park~~ properties includes all applicable areas of the same for any and all immediate parking of vehicles. Such parking areas shall be defined as city streets and shall be supervised and regulated by the police department in the same manner as all city streets. Further, for the purposes of this section, a user of all parks shall also cover individuals who are sitting inside their vehicles while parked in any of the parking areas.
- e) It is further an offense and a violation of this section for any person to be standing, walking, running, sitting, jumping, diving or doing any other act on or off Clemens Dam itself. It shall likewise be illegal for any person to swim through the openings of Clemens Dam, or attempt

to swim through such openings or wade through such openings, and this illegal act shall also apply to anyone who attempts to swim over Clemens Dam.

- f) The refusal of any person to carry out the orders and provisions of this section shall be deemed a misdemeanor, punishable by a fine of not more than \$500.00.

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.

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

CITY OF NEW BRAUNFELS, TEXAS

NEAL LINNARTZ, Mayor

ATTEST:

Gayle Wilkinson, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney