

ORDINANCE NO. 2026 - ____

AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 86-1 "OVERNIGHT CAMPING PROHIBITED; HOURS PARKS CLOSED" AND SECTION 86-3 "RULES AND REGULATIONS FOR CONTROL OF PARK AND RECREATION AREAS" OF THE NEW BRAUNFELS CODE OF ORDINANCES TO ESTABLISH A PARK OPERATING HOURS AND UNIFORM DEFINITIONS; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Parks and Recreation Department recommends amending park curfew hours and has support from the Parks and Recreation Advisory Board and the New Braunfels Police Department; and

WHEREAS, the Parks and Recreation Department believes the amendment of operating hours will reduce vandalism and graffiti, reducing staff hours and budget spent on repairs; 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:

That Chapter 86, Parks and Recreation, Article I – In General, Section 86-1 and 86-3 are hereby amended with additions as underlines and deletions as strikeouts as follows:

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

Sec. 86-1. - Overnight camping prohibited; Hours closed; penalty.

- (a) The term "city owned property" as used in this chapter includes the Faust Street bridge and related property located beneath the bridge on both sides of the Guadalupe River, the Lincoln Street River Exit (also known as "Last Public Exit" and "Last Tubers' Exit"), city property controlled or maintained by the city parks and recreation department, any city park, playground or cemetery within the city limits.
- (b) There shall be no overnight camping within any city owned properties that are controlled or maintained by the city parks and recreation department.
- (c) There shall be no erection of tents by campers or for campers upon any city owned property, park, playground or cemetery within the city limits.
- (d) There shall be no overnight parking of any portable building, any camping unit of any type, or any motor vehicle within any city owned property, park, playground or cemetery within the city limits.

- (e) There shall be no person, vehicle, equipment or activity within any city owned property, park, playground, cemetery within the city limits between the hours of ~~12:00 midnight~~ 10:00 p.m and 6:00 a.m. each day, unless stricter hours are provided for in another section of this chapter.
- (f) The only exception to the provisions of this section shall be with the approval of an exemption granted by the city council or city manager.
- (g) Persons found in violation of this section shall receive notice to depart from the city owned property, park, playground or cemetery. Such notice to depart means an oral or written communication from either the city manager, the director of parks and recreation, the police chief, any city park ranger or city police officer. Any person failing to comply with such notice to depart within a reasonable length of time, which shall not exceed 30 minutes, shall be guilty of a misdemeanor and a conviction of this violation shall be punishable by a fine not to exceed \$500.00.

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 12:00 midnight~~ 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 6:00 p.m. during Central Standard time and 8:00 a.m. to 8:00 p.m. during Daylight Savings time.~~ 8:00 a.m. until dusk. All such city owned areas 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. 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: 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: REPEALER.

All provisions of the New Braunfels Code of Ordinances, or other ordinances, whether codified or uncoded, in conflict with the provisions of this ordinance are hereby repealed, and all other provisions of the Code of Ordinances or other ordinances, codified or uncoded, not in conflict with the provisions of the ordinance shall remain in full force and effect.

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 5. EFFECTIVE DATE:

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

PASSED AND APPROVED: First reading this 9th day of February, 2026.

PASSED AND APPROVED: Second reading this 23rd day of February, 2026.

CITY OF NEW BRAUNFELS, TEXAS

Neal Linnartz, Mayor

ATTEST:

Gayle Wilkinson, City Secretary APPROVED AS

TO LEGAL FORM:

Valeria M. Acevedo, City Attorney

