

AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING CHAPTER 86, ARTICLE I. – SECTION 86-4(i) BY PROHIBITING PUBLIC ACCESS TO THE OLD CHANNEL OF THE COMAL RIVER FROM CITY OWNED PROPERTY; REPEALING ALL LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY, PUBLICATION AND AN EFFECTIVE DATE.

Whereas, the City of New Braunfels is a permittee of the Edwards Aquifer Habitat Conservation Plan and is responsible to protect endangered species habitat in the Comal River system; and

Whereas, the City of New Braunfels seeks to protect the Old Channel of the Comal River, which is excellent Fountain Darter Habitat, as required by the Edwards Aquifer Habitat Conservation Plan; and

Whereas, an existing ordinance protects the Old Channel of the Comal River from the Golf Course, but not other city owned properties;

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

CHAPTER 86- PARKS AND RECREATION

ARTICLE I. – IN GENERAL

Sec. 86-4. - Additional rules and regulations for control of parks and recreation areas and facilities.

- (i) It shall be unlawful for any person to wade or swim in any pond, stream, or water hazard within the boundaries of the Landa Park Golf Course for the purpose of recovering golf balls or for any other purpose. All public access to the Old Channel of the Comal River is prohibited from City-owned property.

SECTION 2:

This Ordinance shall be and is hereby declared to be cumulative to all other ordinances of the City of New Braunfels relating to parking within the City of New Braunfels, and same shall not operate to repeal or affect any such ordinance or ordinances except insofar as the provisions of such ordinance or ordinances are inconsistent or in conflict with the provisions of this Ordinance, in which instance or instances those provisions shall be and they are hereby repealed.

SECTION 3:

That if any provisions of this Ordinance shall be held void, illegal, or unconstitutional, it is hereby provided that all other parts of the same which are not held void, illegal or unconstitutional shall remain in full force and effect.

SECTION 4:

This Ordinance shall become adopted and effective after second reading, signature, and upon its filing with the City Secretary's Office.

PASSED AND APPROVED: