

**ORDINANCE NO. 2024-**

**AN ORDINANCE AMENDING THE CITY OF NEW BRAUNFELS, TEXAS CODE OF ORDINANCES, SECTIONS 138-167(E)(2) and 138-167(F)(2) TO CHANGE THE ANNUAL WATER RECREATION SHUTTLE VEHICLE PERMIT DEADLINE TO MAY 15TH; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.**

**WHEREAS**, the City of New Braunfels requires a water recreation shuttle vehicle permit for a river outfitter to operate as a shuttle service;

**WHEREAS**, extending the current deadline of May 1<sup>st</sup> to May 15<sup>th</sup> provides more flexibility on opening dates for river outfitters, while continuing to have the same permit standards to protect the public; and

**WHEREAS**, the River Advisory Committee and Parks reviewed the proposed changes on September 19, 2024, and unanimously recommended the proposed ordinance for approval.

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

**SECTION 1**

THAT City of New Braunfels Code of Ordinances, Section 138-67(e)(2) and (f)(2) be hereby amended as shown below with new language indicated in underlined font and deleted language indicated in strikethrough font:

- (e) Guadalupe River Water Recreation Shuttle Permits allow access only to the Guadalupe River and associated shuttle zones, and:
- (1) The number of permitted water recreation shuttles available for the Guadalupe River is limited due to the limited space available at Cypress Bend Park. The number of Guadalupe River water recreation shuttle permits will be determined on an annual basis by the City Manager or their designee. Distribution of Guadalupe River water recreation shuttle permits using Cypress Bend Park will be determined by, but not limited to, the following criteria:
    - a. Historical use of a Guadalupe River Water Recreation Shuttle Permit.
    - b. Historical record of compliance with state laws pertaining to vehicles and trailers.
    - c. Historical compliance with city ordinances including but not limited to:
      - Chapter 138, article VI—Water recreation shuttle services
      - Chapter 86, article V—River management fee wristbands
      - Chapter 86, article VI—River management fee
    - d. The date and time in which a new application is received.
  - (2) Guadalupe River Water recreation shuttle permits must be applied for or renewed by May ~~1<sup>st</sup>~~ 15<sup>th</sup> of each year unless a replacement shuttle is required.
  - (3) Only shuttles operating with a certificate of occupancy Guadalupe River water recreation shuttle permit may operate said shuttle in the area designated for use by Guadalupe River water recreation shuttle permits (see subsection 138-170(b)).
- (f) Comal River water recreation shuttle permits allow access only to the Comal River and associated shuttle zones, and:
- (1) The number of permitted shuttles available for the Comal River is limited due to limited space at the Union Street's Last Tuber's Exit. The number of Comal River water recreation shuttle permits will be determined on an annual basis by the city manager or their designee. Distribution of Comal water recreation shuttle permits will be determined by, but not limited to, the following criteria:
    - a. Historical use of a Comal water recreation shuttle permit.
    - b. Historical record of compliance with state laws pertaining to vehicles and trailers.
    - c. Historical compliance with city ordinances including but not limited to:
      - Chapter 138, article VI—Water recreation shuttle services
      - Chapter 86, article V-River activity wristbands
      - Chapter 86, article VI—River management fee
    - d. The date and time in which a new application is received.
  - (2) Comal River water recreation shuttle permits must be applied for, or renewed, and purchased by May ~~1<sup>st</sup>~~ 15<sup>th</sup> of each year unless a replacement shuttle is required for an existing permit.
  - (3) Only water recreation shuttles operating with a certificate of occupancy Comal River water recreation shuttle permit may operate said shuttle in the area designated for use by Comal River water recreation shuttle permits (Reference: Comal River water recreation shuttle permit boundary map).

## SECTION 2

**THAT** all other ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent that they are in conflict.

## SECTION 3

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

**SECTION 4**

**THIS** ordinance will take effect upon the second and final reading in accordance with the provisions of the Charter of the City of New Braunfels.

**PASSED AND APPROVED:** First reading this 28<sup>th</sup> day of October, 2024.

**PASSED AND APPROVED:** Second reading this 12<sup>th</sup> day of November, 2024.

**CITY OF NEW BRAUNFELS**

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**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**