

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF NEW BRAUNFELS CODE OF ORDINANCES, CHAPTER 86-PARKS AND RECREATION, ARTICLE I-GENERAL, SECTION 86-4 BE AMENDED TO PROHIBIT POSSESSION OF GRILLS IN CITY PARKS, INCLUDING ON EASTER WEEKEND; DEFINING CATERING STYLE GRILLS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the existing park rules prohibit the use of personal grills in city parks but not actual possession of such grills; and

WHEREAS, there have been an increasing number of visitors bringing personal grills to city parks even though use is not allowed; and

WHEREAS, there have been an increasing number of visitors bringing personal grills to city parks and grilling on property adjacent to city parks to circumvent the City's park rules on grills; and

WHEREAS, City Council finds that this behavior is making staff enforcement of park rules increasingly difficult and that part of the solution is to prohibit possession of personal grills in city parks; 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:

I.

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.

II.

That Chapter 86-Parks and Recreation, Article I-General, Section 86-4, of the Code of Ordinances, City of New Braunfels be hereby amended to read as follows:

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

(r) Possession or use of all types of portable grills is not allowed in city parks. Only permanently installed park grills may be used. ~~[Exception is allowed on Easter Weekend~~

~~(Saturday and Sunday).~~ Catering style grills ~~may be~~ are allowed for limited special events with a permit issued at the discretion of the Parks and Recreation Department in certain limited areas. A catering style grill means a large barbecue grill or pit that is located on a trailer or on wheels and that is pulled by a motor vehicle.

III.

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.

IV.

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.

V.

All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

VI.

In accordance with the provisions of Section 3.10 of the City Charter, this Ordinance may be read and published by descriptive caption only. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

VII.

This Ordinance shall become adopted and effective upon its final reading and must 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 on the _____ day of _____, 2017.

PASSED AND APPROVED: Second Reading on the _____ day of _____, 2017.

CITY OF NEW BRAUNFELS, TEXAS

By: _____
Barron Casteel, Mayor

ATTEST:

Patrick Aten, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney