

ORDINANCE NO. 2024-

AN ORDINANCE AMENDING THE CITY OF NEW BRAUNFELS, TEXAS CODE OF ORDINANCES, SECTION 86-3 (b) TO CLOSE THE FAUST STREET BRIDGE RIGHT OF WAY ON BOTH SIDES OF THE GUADALUPE RIVER TO PUBLIC ACCESS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of New Braunfels has identified the need to close the Faust Street Bridge right of way on both sides of the Guadalupe River to protect the health and safety of first responders, other city staff members, residents and visitors, private property, and City infrastructure;

WHEREAS, the number of citations written by the Faust Street Bridge and the number of calls for service to the area has increased substantially over the last several years;

WHEREAS, the residents living near the Faust Street Bridge along the Guadalupe River have asked the City to take action on the activity in the area;

WHEREAS, there is a significant amount of trespassing on private residential and private commercial property;

WHEREAS the New Braunfels Fire Department was challenged to respond to an injury at this location caused by trespassing and jumping from a high height into the Guadalupe River;

WHEREAS, the observed behavior at this location is often dangerous, with jumping from abandoned buildings and walking over the dam;

WHEREAS, there has been a significant amount of trash and litter left behind that is not City property but that the City pays for clean up with the River Activities Fund;

WHEREAS, the City cannot generate revenue at this location due to a lack of property ownership and the area that people gather at is not a park property;

WHEREAS, there is not adequate parking for the type of visitation this area receives;

WHEREAS, there is a public health concern with no public bathrooms available at this location;

WHEREAS, a City staff team comprised of the City Manager's Office, Public Works, Parks and Recreation, New Braunfels Police Department, and New Braunfels Fire Department considered different options and variables before presenting the option to close the right of way access to the public at the Faust Street Bridge;

WHEREAS, public access to the street level of the Faust Street Bridge will not be restricted;

WHEREAS, the City Council finds that this ordinance is necessary to protect health, life and property and to preserve the good government, order and security of the municipality and its inhabitants and visitors; and

WHEREAS, the River Advisory Committee and the Parks and Recreation Advisory Board reviewed the proposed changes on October 8, 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 86-3(b) is hereby amended with new language indicated using underlined font and deleted language indicated using strikethrough font:

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

(b) City owned properties shall be open to the public between the hours of 6:00 a.m. and 12:00 midnight each and every day, except **as follows:** ~~for~~ 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. 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.

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 28th day of October, 2024.

PASSED AND APPROVED: Second reading this 12th day of November, 2024.

CITY OF NEW BRAUNFELS

NEAL LINNARTZ, Mayor

ATTEST:

GAYLE WILKINSON, City Secretary

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, City Attorney