

ORDINANCE NO. 2017 - _____

AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING CHAPTER 86, SECTION 86-4, "ADDITIONAL RULES AND REGULATIONS FOR CONTROL OF PARKS AND RECREATION AREAS AND FACILITIES" BY PROHIBITING SMOKING AS THAT TERM IS DEFINED IN CHAPTER 62, ARTICLE VII, OF THE CODE OF ORDINANCES; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, tobacco use is currently prohibited in the Chapter 86 of the New Braunfels Code of Ordinances, but does not include electronic smoking devices commonly referred to as vaping or e-cigarettes; and

WHEREAS, the New Braunfels City Council recently amended the smoking ordinance to reflect the new tobacco technology and this amendment to Chapter 86 is needed to maintain continuity of terminology in park rules and regulations; 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:

Section 1: That Chapter 86 of the New Braunfels Code of Ordinances shall be amended to hereinafter read as follows:

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.

- (a) It shall be unlawful for any person to launch any type of boat, canoe, water vehicle or flotation device from the banks of Landa Park Lake within designated park areas, except for authorized city equipment and city council approved concessionaire aquatic equipment.
- (b) It shall be unlawful for any person to throw, deposit, place or drop loose paper, cans, bottles, sacks, boxes, cloths, waste materials, or any kind of rubbish on or alongside any street, alley, sidewalk, body of water, playground, or recreation area of city park land within the city limits.
- (c) It shall be unlawful for any person to drive any motor-driven vehicle into, along or cross any grassy area of any public park, public playground, golf course or public recreation area which is owned, operated or maintained by the city, except upon public roadways maintained by the city for the operation of such vehicles. No such vehicles shall be driven upon any hike-bike trail, footpath or footbridge spanning a creek or stream located therein. This subsection shall not apply to powered

golf carts, vehicles being used strictly for the purpose of loading or unloading freight therein or in the construction, maintenance or repair of such public parks, public playgrounds, golf course or public recreation areas which are owned or maintained by the city.

- (d) It shall be unlawful for any person to operate any vehicle on any street, drive, roadway, or surface within any city park property at a speed greater than 20 miles per hour.
- (e) No person shall park a vehicle upon any public roadway, city-owned or maintained park lands, public playground or public recreation area which is owned, operated or maintained by the city for the principal purpose of:
 - (1) Displaying such vehicle for sale;
 - (2) Washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency.
- (f) It shall be unlawful for any person to possess, use or consume any alcoholic beverage, as defined in the Alcoholic Beverage Code, as amended, in the enclosed area of any swimming pool which is owned or maintained by the city.
- (g) It shall be unlawful for any person to willfully pick, pull, pull up, tear up, dig up or out, mutilate, break, bruise, injure, burn, remove, carry away, or destroy any tree, shrub, plant, vine, flower, moss or vegetation, or portion thereof, including but not limited to leaf, mold, foliage, berries, fruit, grass, turf, humus, cones, dead or downed wood, except by written approval issued by the director of parks and recreation for scientific or educational purposes.
- (h) It shall be unlawful for any person to injure or remove any animal from any city park land, playground or recreational area within the city limits except by written approval of the director of parks and recreation for scientific or educational purposes. It shall be further unlawful for any person to pull up, tear up, dig up or out, mutilate, break, burn, remove or carry away any geological formation or historical artifact or geological artifact or portions thereof in any city park land, playground or recreational area within the city limits, except by written approval issued by the director of parks and recreation for scientific or educational purposes. Any such items listed in this subsection that are removed must be returned to the place of origin or to the city, except by written approval from the director of parks and recreation. For the purposes of this section, "historical or archaeological artifact" shall be defined as those artifacts, items or implements of archaeological, historical, scientific or educational interests, including, but not limited to, those pertaining to prehistoric or historical American Indians. Nothing in this section shall be deemed to prohibit persons from fishing in a lawful manner in any stream, river or lake located in or adjacent to city park land, playgrounds or recreational areas.
- (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.
- (j) Smoking and the use of tobacco products is hereby prohibited on or within 50 feet of any outdoor city-owned youth athletic fields, skate park, playgrounds, or playground equipment located within the city limits of the city. The term *smoking* is defined in Chapter 62, Article VII- Smoking in Public Places & Places of Employment, as amended.
- (k) It shall be unlawful to stake any item into the ground including tents and hammocks. Only freestanding canopies with no bottoms are allowed.
- (l) It shall be unlawful to tape, nail, tack or staple any item to park benches, tables or structures.

- (m) Skateboarding and skating is allowed on sidewalks only.
- (n) Only skates and skateboards are allowed at JAWS Skatepark.
- (o) Metal detectors are not allowed in any city park.
- (p) Ground fires are prohibited in any city park.
- (q) Volleyball and horseshoe games are allowed in permitted areas only.
- (r) Use of personal 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 are allowed with a permit issued by the parks and recreation department at limited areas.
- (s) The following rules and regulations shall be in place for the city-owned off leash dog park:
 - (1) Dog park hours are dawn to dusk.
 - (2) Owners are legally and financially liable for damage or injury inflicted by their dog(s). The city has no liability or responsibility for injuries in the dog park.
 - (3) No dogs without people. Dogs must be under voice control at all times. No more than three dogs per human.
 - (4) Watch your dogs at all times. Discourage barking and digging. If your dog digs a hole, fill it in.
 - (5) Your dog must wear a collar in the park at all times with up to date annual vaccinations and licenses of New Braunfels visible. No spike, prong or pinch collars.
 - (6) Your dog must be leashed to and from the parking area.
 - (7) Clean up after your dog and dispose of waste materials properly.
 - (8) No contagious or aggressive dogs. Do not let your dog mount other dogs. Watch for signs of aggressive. If your dog becomes aggressive leave the park immediately.
 - (9) No dogs in heat. Closely monitor un-neutered males.
 - (10) Dogs must be over four months old.
 - (11) Bring children at your own risk. Children under 14 must be accompanied by an adult.
 - (12) No smoking, using tobacco products, alcohol, glass containers, bicycles, rollerblades, skateboards, other animals, or toys (including play pools) allowed in the park. The term *smoking* is defined in Chapter 62, Article VII- Smoking in Public Places & Places of Employment, as amended.
 - (13) No dog or human food, except for training purposes in the agility area.
 - (14) Commercial/professional dog training is not allowed, unless approved by the parks and recreation department. If approved, 20 percent of gross sales will be remitted to the city.
- (t) Any person violating any of the provisions of this section shall, upon conviction thereof, be fined in a sum not to exceed \$500.00.

Exception: It shall not be a violation of this section for persons authorized by the director of parks and recreation or golf course superintendent to swim or wade in any pond, stream, or water hazard within the boundaries of the Landa Park Golf Course for the purpose of recovering golf balls.

SECTION 2: REPEALER. All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only. 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.

SECTION 3: 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. EFFECTIVE DATE AND PUBLICATION:

This Ordinance shall become adopted and effective upon its second reading, signature required by City Charter, and filing with the City Secretary's Office. This ordinance must also 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 this ____ day of _____, 2017.

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CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, Mayor

ATTEST:

Patrick D. Aten, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney