

**ORDINANCE NO. 2017-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 114-94 OF THE NEW BRAUNFELS CODE OF ORDINANCES TO PROVIDE GUIDANCE FOR ACCESS NEAR PUBLIC HIGHWAY-RAIL GRADE CROSSINGS.**

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WHEREAS, railroad quiet zone crossing locations in the city require supplementary safety measures;

WHEREAS, future development near public highway-rail grade crossings needs to meet the railroad quiet zone standards;

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.**

THAT the City of New Braunfels Code of Ordinances Section 114-94 is hereby amended as follows:

Sec. 114-94. – Permit required; application.

- d. Railroad quiet zones are established throughout the city at designated public highway-rail grade crossings per Title 49 of the Code of Federal Regulations. Supplementary safety measures, including “Gates with Medians or Channelization Devices” were installed for public highway-rail grade crossings in the established quiet zones in the city and should be referenced with all development permits within 100 feet of the gate arm of a crossing. No permit shall be issued that will alter the supplementary safety measures or risk removal of an established quiet zone crossing. New access shall not be granted within 100 feet of an existing or future railroad gate arm in order to maintain and plan for future quiet zones.

**II.**

All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only. All provisions of the Code of Ordinances of the City of New Braunfels not herein amended or repealed shall remain in full force and effect.

**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.**

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 the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

PASSED AND APPROVED: Second reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2017.

CITY OF NEW BRAUNFELS, TEXAS

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*BARRON CASTEEL, MAYOR*

ATTEST:

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*PATRICK D. ATEN, CITY SECRETARY*

APPROVED AS TO FORM:

VALERIA M. ACEVEDO, CITY ATTORNEY