

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 86 OF THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS, ARTICLE 1, SECTION 86-7 BY INCREASING THE FEE FOR PARKING IN PRINCE SOLMS PARK; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of New Braunfels, Texas has determined that there is a public benefit to the collection of fees for parking; and

**WHEREAS**, the City Council of the City of New Braunfels, Texas has determined that certain parking areas have value that should be recognized; and

**WHEREAS**, the City Council of the City of New Braunfels, Texas has determined that parking in Prince Solms Park, near the Comal river during the period of May 1 to Labor Day represents an opportunity to collect revenue that supports the funding for management of river operations; and

**WHEREAS**, the City Council of the City of New Braunfels, Texas has determined that increasing the parking fee at Prince Solms Park during this time period would be born primarily by visitors to the community and would remove some of the burden of funding river operations from the residents of the City of New Braunfels, Texas; and

**WHEREAS**, the River Advisory Committee has unanimously recommended to the City Council on December 11, 2017 that the fees for parking at Prince Solms Park during this time period be increased to properly recognize the value of these parking spaces within such close proximity to the Comal River and the City Tube Chute.

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

**SECTION 1.** 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.

**SECTION 2. AMENDMENTS.**

That Chapter 86, Article I, Section 86-7 of the New Braunfels Code of Ordinances shall be amended to read as follows, with new language indicated below by use of underlined font:

Sec. 86-7. - Operation of vehicles in parks.

- (a) *Landa Park.* It shall be unlawful for any person to operate a motor vehicle of any kind on that portion of Landa Park Drive as designated by signage and/or barricades between the hours of 7:00 a.m. and 8:00 p.m. on Saturdays, Sundays, and legal holidays from the Saturday prior to Easter Sunday through Labor Day. Notwithstanding the above provision, such prohibition shall apply on Easter Sunday of each year between the hours of 6:00 a.m. and 8:00 p.m. The location of such signage and/or barricades indicating the portion of Landa Park Drive that shall be subject to this section may be changed from time to time upon order of the city manager.
- (b) *Hinman Island.* It shall be unlawful for any person to operate a motor vehicle of any kind on that portion of Hinman Island Drive from its west side intersection with Liberty Avenue in a westerly direction to its east side intersection with Elizabeth Avenue between the hours of 7:00 a.m. and 8:00 p.m. on Saturdays, Sundays and legal holidays from the Saturday prior to Easter Sunday through Labor Day when the barricades on Hinman Island Drive are closed, unless determined by the parks and recreation director or designee allows for authorized shuttle traffic. Notwithstanding the above provision, such prohibition shall apply on Easter Sunday of each year between the hours of 6:00 a.m. and 8:00 p.m. when the barricades on Hinman Island Drive are closed.
- (c) *Barricades authorized.* The director of parks and recreation is hereby authorized and directed to install barricades at the locations designated in this section in order to prohibit vehicular traffic on designated streets.
- (d) *Prince Solms Park.*
  - (1) *Parking fees in Prince Solms Park.* There shall be a parking fee charged for all parking spaces in Prince Solms Park between the hours of 8:00 a.m. and 7:00 p.m. daily from ~~the Saturday before Memorial Day~~ May 1 through Labor Day. Such parking fee shall be paid by the operator of each vehicle at the designated locations and shall be charged ~~\$10.00~~ \$20.00 for every parking space utilized by a vehicle of any size. If city personnel determine that a vehicle is using more than one parking space, then an additional ~~\$10.00~~ \$20.00 fee will be charged. Once paid by the operator, the space is not transferable to another vehicle. If a vehicle leaves and then returns later in the same day when the fee is applicable, a new ~~\$10.00~~ \$20.00 fee will be charged to park in one space.
  - (2) *Exceptions.*
    - a. A resident tennis player-parking pass shall be made available for users of the Prince Solms Park tennis courts. For the purpose of this section, the term "resident" applies to persons who reside within the city limits. The term of the resident tennis player-parking pass is Memorial Day weekend through Labor Day in the same year the pass was purchased. The annual fee for the resident tennis player-parking pass shall be \$20.00. All holders of a resident tennis player parking pass shall be entitled entry into Prince Solms Park parking area at no additional charge, seven days a week, excluding holidays, from Memorial Day weekend through Labor Day for the purpose of parking their vehicles to utilize the tennis courts in the park.
    - b. Vehicles with disabled veteran license plates will be exempt from parking fees.

- c. When it has been determined by the city manager or his designated representative that weather or other conditions do not warrant charging such a fee, it may be temporarily suspended.

~~(3) a. *Penalties.* Any person who shall violate any provision of this section or fail to comply with any of the provisions herein, shall be guilty of a misdemeanor, and upon conviction shall be fined a sum not exceeding \$200.00. Each day any violation of this section continues shall constitute a separate and distinct offense.~~

~~b. *Towing of vehicles.* In addition to being cited for violations of this section, such vehicles can be towed at the discretion of the city manager, the chief of police, or the parks and recreation director, or their designated representatives. All towing costs incurred shall be the responsibility of the vehicle owner or operator. The installation and erection of appropriate signs is hereby authorized.~~

- (e) *No through truck traffic.* It shall be unlawful for any person to operate a truck upon the roads or streets entering, within, or immediately adjacent to Landa Park or Hinman Island Park, specifically including Landa Park Drive; Hinman Island Drive; Golf Course Drive; Aquatic Circle; Paddle Boat Lane; Gazebo Circle; Playground Drive; Monument Drive; E.P. Nowotny Drive; Mill Race Road; that portion of Elizabeth Avenue that lies within and immediately adjacent to Landa Park; and all other unmarked streets within Landa Park and Hinman Island Park, all such streets being within the city limits of New Braunfels, Texas. "Trucks," for purposes of this subsection, means every motor vehicle designed, used or maintained primarily for the transportation of property.

Exception to the provisions of this subsection (e) shall be:

- (1) Light trucks including any truck with a manufacturer's rated carrying capacity not to exceed 2,000 pounds and including those trucks commonly known as pickup trucks, panel delivery trucks, vans and carryall trucks shall be excluded from the provisions of this section.
- (2) Recreational vehicles and passenger buses shall be excluded from the provisions of this subsection.
- (3) Any truck which has a destination point, for commercial purposes, within Landa Park or Hinman Island Park shall be permitted to proceed by the shortest route through such parks to its destination, and shall exit by the same route.

None of the exceptions created under this subsection (e) shall be construed so as to permit any violation by any vehicles of the maximum weight limit restrictions for bridges created in subsection (f) of this section.

- (f) *Maximum weight limits for bridges in Landa Park.* It shall be unlawful for any person to operate a motor vehicle of any kind upon the bridges that are in or near the entrance to Landa Park, within the city limits, which vehicle's and/or loaded vehicle's weight exceeds the maximum safe load limit posted upon or near such bridge:

- (1) Bridge on Landa Park Drive at the Comal River and Landa Railroad Train Depot, TxDOT location number 15-046-8403-15-004, shall have a maximum safe load limit of 12,500 pounds, axle or tandem;

- (2) Bridge in Landa Park at the main spring flow from Panther Canyon area nearest the wading pool, TxDOT location number 15-046-8403-15-003, shall have a maximum safe load limit of 24,000 pounds tandem;
- (3) Arched bridge on Landa Park Drive at the Comal River Springs closest to California Street, TxDOT location number 15-046-8403-15-002, shall have a maximum safe load limit of 24,000 pounds tandem.

(g) Penalties.

(1) The culpable mental state required by chapter 6.02 of the Texas Penal Code is hereby specifically negated. The offenses under this section 86-7 shall be strict liability offenses.

(2) In addition to any other legal remedies available to the City, any person, firm, partnership or corporation who shall violate any provision of this section or who failed to comply therewith shall be deemed guilty of a Class C misdemeanor and upon conviction, shall be subject to a fine not exceeding \$200.00. Each day any violation of this ordinance continues shall constitute a separate and distinct offense. Nothing in this ordinance shall be construed as to limit any civil action the City may take to enforce the terms of this section.

(3) *Towing of vehicles.* In addition to prosecution of violations of this section, such vehicles can be towed at the discretion of the city manager, the chief of police, or the parks and recreation director, or their designated representatives. All towing costs incurred shall be the responsibility of the vehicle owner or operator. The installation and erection of appropriate signs is hereby authorized.

SECTION 3: All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 4: If any provisions of this Ordinance shall be held void, illegal, or unconstitutional, it is hereby provided that all other parts of the same which are not held void, illegal or unconstitutional shall remain in full force and effect.

SECTION 5: 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.

SECTION 6: 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 11 day of December, 2017.

PASSED AND APPROVED: Second Reading on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

**CITY OF NEW BRAUNFELS, TEXAS**

By: \_\_\_\_\_  
Barron Casteel, Mayor

**ATTEST:**

\_\_\_\_\_  
Patrick Aten, City Secretary

**APPROVED AS TO FORM:**

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Valeria M. Acevedo, City Attorney