

ORDINANCE NO. 2018 -

AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS, CHAPTER 86, SECTION 86-2 REGARDING RESERVED PICNIC AREAS AND INDIVIDUAL PICNIC TABLES USAGE FEES IN CITY PARKS; SECTION 86-94, REGARDING SWIMMING POOL FEES ; AND SECTION 86-98 REGARDING LANDA HAUS RENTAL AND USE; REPEALING ALL ORDINANCE IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the fees for reserving parks and facilities were adjusted in 2012 and the fees for admission to the Landa Park Swimming Pool were adjusted in 2014; and

WHEREAS, the need to amend certain fees has arisen; and

WHEREAS, the Parks and Recreation Department recommends adjusting certain fees as use of these facilities is becoming more popular and requiring additional maintenance needs.

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

I.

SECTION 1: AMENDMENT.

The City of New Braunfels Code of Ordinances is hereby amended in the following sections with deleted language indicated using strikethrough font and new language indicated using underlined font:

Sec. 86-2. - Reserved picnic areas and individual picnic table usage fees in city parks.

- (a) The following scheduled fees shall be paid by patrons of any city-owned municipal park in the city. Reserved areas are those designated on the map of the city parks on file in the office of the parks and recreation department:

Area No.	No. of Tables	Usage Fee Resident	Usage Fee Non-Resident
1	5	\$ 55.00	126.50
2	10	110.00	253.00

Area No.	No. of Tables	Usage Fee Resident	Usage Fee Non-Resident
3	5	55.00	126.50
4(P)	8	110.00	253.00
5(P)	8	110.00	253.00
6(P)	8	110.00	253.00
7	10	110.00	253.00
7A(P)	7	75.00	172.50
8	10	110.00	253.00
9	10	110.00	253.00
10	5	65.00	149.50
11	25	275.00	632.50
11A	25	225.00	632.50
11B	15	165.00	379.50

Area No.	No. of Tables	Usage Fee Resident	Usage Fee Non-Resident
11C	15	165.00	379.50
11D	10	110.00	253.00
11E	10	110.00	253.00
12	5	55.00	126.50
13	5	55.00	126.50
14A	5	55.00	126.50
14B	5	55.00	126.50
14C	5	55.00	126.50
15(P)	8	110.00	253.00
15A	5	65.00	149.50
16(P)	12	225.00	517.50
Dance slab		150.00	345.00

Area No.	No. of Tables	Usage Fee Resident	Usage Fee Non-Resident
Gazebo, per two hours		75.00	172.50
Cypress Bend pavilion		110.00	253.00
FP Pavilion A - F (4 tables)		50.00 75.00	172.50
FP Grand Pavilion 18 (tables)		250.00	575.00
FP Hilltop Pavilion (18 tables)		300.00	690.00
FP Amphitheater (must rent Hilltop Pavilion)		150.00	345.00
FP Plaza (must rent Hilltop Pavilion)		100.00	230.00
Faust Street Bridge		75.00 (per 2 hours)	172.50

Area No.	No. of Tables	Usage Fee Resident	Usage Fee Non-Resident
Landa Lake Gazebo		75.00 (per 2 hours)	172.50
Cypress Bend grass area		150.00	345.00
Solms pavilion		45.00	103.50
Haymarket pavilion		45.00	103.50
Kraft pavilion		45.00	103.50
Individual picnic tables		0—20.00	25.00
Live/amplified music permit		25.00	25.00
Inflatable game permit		25.00	25.00
Walk/race/run permit		50.00	50.00

(b) Picnic permit fees will be paid by all non-residents for the use of each picnic area/table used in Landa Park, Hinman Island, Fischer and Prince Solms Parks. Residents of the City

of New Braunfels may use one picnic area/table at no cost. Each additional picnic table/area will be charged the picnic permit fee.

(c) The reservation fee, as set forth in this section, may be refunded under the following conditions:

- (1) A \$7.00 handling fee will be assessed to any patron requested refund.
- (2) Full refund of the reservation fee in those cases where the director of parks and recreation is notified in writing of cancellation of reservation not less than 14 days prior to the date of use of the reserved area less the \$7.00 handling fee.
- (3) Refund of one-half of the reservation payment may be authorized if cancellation is received by the director of parks and recreation in writing between 14 days and the day prior to the date of use of the reserved area, less the \$7.00 handling fee.
- (4) The only exception to the refund provisions as set forth in this subsection shall be with the approval of the parks and recreation advisory board.

(d) Persons reserving the city-owned Landa Park gazebo shall be responsible for the control of traffic by employing sufficient law enforcement officers to direct traffic at the entrance of the roadway known as the peninsula circular driveway. Such law enforcement officers may prohibit motor vehicles from crossing the bridge at the entrance of the circular drive only during the period this gazebo is reserved. The director of parks and recreation shall be authorized to install barricades at the entrance to the peninsula circular driveway when traffic controls are paramount and the safety of the participants is jeopardized. Cost of such precautions shall be borne by the persons reserving the gazebo.

~~Sec. 86-9. - Gazebo and dance slab usage fees in Landa Park.~~

~~Persons desiring to use the city-owned Landa Park gazebo or Landa Park dance slab shall be required to reserve these facilities in advance, and furnish a usage fee of \$75.00 for each facility prior to utilization for each day or portion of a day.~~

~~(1) Usage fees shall apply every day of the week during January 1 through December 31 each year. All payment of scheduled fees shall be handled through the parks and recreation office.~~

~~(2) The reservation fee, as set forth in this section, may be refunded under the following conditions:~~

- ~~a. A \$7.00 handling fee will be assessed to any patron requested refund.~~
- ~~b. Full refund of the reservation fee in those cases where the director of parks and recreation is notified in writing of cancellation of reservation not less than 14 days prior to the date of use of the reserved area less the \$7.00 handling fee.~~
- ~~c. Refund of one-half of the reservation payment may be authorized if cancellation is received by the director of parks and recreation in writing between 14 days and the day prior to the date of use of the reserved area, less the \$7.00 handling fee.~~
- ~~d. The only exception to the refund provisions as set forth in this subsection shall be with the approval of the parks and recreation advisory board.~~

~~(3) Persons reserving the city-owned Landa Park gazebo shall be responsible for the control of traffic by employing sufficient law enforcement officers to direct traffic at the entrance of the roadway known as the peninsula circular driveway. Such law enforcement officers may prohibit motor vehicles from crossing the bridge at the entrance of the circular drive only during the period~~

~~this gazebo is reserved. The director of parks and recreation shall be authorized to install barricades at the entrance to the peninsula circular driveway when traffic controls are paramount and the safety of the participants is jeopardized. Cost of such precautions shall be borne by the persons reserving the gazebo.~~

Sec. 86-94. - Landa Park swimming pool fees.

- (a) The following scheduled fees shall be paid by patrons of the Landa Park swimming pools within the city. For the purposes of this section, the term "resident" applies to persons who reside within the city limits, and the term "nonresident" refers to all other persons. The terms "resident" and "nonresident" only apply to the schedule of fees for season swim passes.

(1) Daily swimming tickets **(Monday – Friday)** , one day only:

- a. Children, ages 3 to 12, each ~~\$4.00~~ **5.00**
- b. Adults, ages 13 to 59, each ~~5.00~~ **6.00**
- c. Senior citizens, ages 60 and over, each ~~4.00~~ **5.00**
- d. Spectators, each ~~1.00~~ **2.00**

(2) Daily swimming tickets (Saturday – Sunday and holidays) , one day only:

- a. Children, ages 3 to 12, each \$7.00**
- b. Adults, ages 13 to 59, each 8.00**
- c. Senior citizens, ages 60 and over, each 7.00**
- d. Spectators, each 4.00**

(3) Resident season swimming passes:

- a. Children, ages 3 to 12, each \$30.00
- b. Adults, ages 13 to 59, each 55.00
- c. Senior citizens, ages 60 and over, each 30.00
- d. Family season swim pass, each 105.00

A family season swim pass includes a maximum of four family members, at least one of which shall be the parent or legal guardian of any children on the pass. Family members are defined as children under the age of 18 and their father, mother or legal guardian. Additional children may be added to the pass for \$20.00 each.

(4) Nonresident season swimming passes:

- a. Children, ages 3 to 12, each \$40.00
- b. Adults, ages 13 to 59, each \$65.00
- c. Senior citizens, ages 60 and over, each \$40.00

(5) Inner tube rental:

- a. Tube rental, per day, per tube \$5.00 to 15.00
- b. Security rental deposit (refundable) \$10.00 to 15.00

(6) Locker \$0.25—1.25

(7) Swim team passes:

- a. Swim team pass, each \$17.00
- b. Adult swim team upgrade, ages 13 to 59, each 45.00
- c. Child swim team upgrade, ages 12 and under, each 25.00
- d. Senior swim team upgrade, ages 60 and over, each 25.00

A swim team upgrade allows a swim team member to use the swim team pass for entry in to the Landa Park Aquatic Complex the same as a season swim pass.

(b) All swimming pool fees shall be payable in advance before service or ticket is rendered.

(c) Season swimming passes will entitle the bearer only to the right to swim during regularly scheduled pool hours during the operating season in the same year the pass was purchased.

(d) Daily swimming tickets will be valid only on the day the bearer purchased such ticket.

(e) All holders of a resident season swimming ticket shall be entitled to entry into the Prince Solms Park tube chute at no additional charge during the term of the season swim pass. This privilege does not extend to holders of nonresident season swimming tickets.

Sec. 86-98. - Landa Haus rental and use fees.

(a) The following schedule of fees shall be paid by users of the Landa Haus facility when reserved:

Day	Hours	<u>Resident</u> Fee	<u>Non-Resident Fee</u>	Deposit Required
Monday—Thursday	All day	\$300.00 <u>\$400.00</u>	<u>\$800.00</u>	\$150.00 <u>\$250.00</u>
Monday—Thursday	Per two hours	75.00 <u>\$100.00</u>	<u>\$200.00</u>	\$150.00 <u>\$250.00</u>
Friday, Saturday, Sunday & <u>Holidays</u>	All day	350.00 <u>\$500.00</u>	<u>\$1,000.00</u>	\$150.00 <u>\$250.00</u>
Holiday	All day	350.00		150.00

Extra fees:

Set-up 75.00

(b)

Landa Haus rental/use fees paid by users of the Landa Haus may be refunded under the following conditions:

Full refund less \$25.00 handling fee if cancellation is made two weeks prior to the reservation date. The renter is to notify the parks and recreation department in writing of cancellation of rental/use not less than 14 days prior to the date of use of the facility. Renter is not entitled to a refund if cancellation is made less than 14 days prior to date of use of the facility.

(c)

All rental/use agreements for the use of the facility known as the Landa Haus shall be completed on the parks and recreation department's Landa Haus rental agreement form designed for such use. All such rental/use agreements shall be executed on behalf of the city by and through a designated member of the parks and recreation department. Such designated representative shall represent the city in all rental/use negotiations for the facility.

(d)

All payments and charges pursuant to the rental use agreements shall be due and payable to the city. The city, acting through the parks and recreation department, reserves the right to refuse to rent or allow the use of the Landa Haus facility or any part thereof to any individual, organization, or group when it is deemed by the city that such rental would not be in the best interest of the city.

(Ord. No. 00-04, § I, 2-14-00; Ord. No. 2006-01, § I(1.), 1-9-06)

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

SECTION 3: 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 4: This ordinance shall become effective upon its passage by City Council. This Ordinance has been publicly available in the office of the City Secretary prior to its adoption.

PASSED AND APPROVED: First reading this the 12th day of February 22, 2018

PASSED AND APPROVED: Second reading this the 26th day of February, 2018.

CITY OF NEW BRAUNFELS, TEXAS

BARRON CASTEEL, Mayor

ATTEST:

Patrick D. Aten, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney