

ORDINANCE NO. 2019 - ____

AN ORDINANCE OF THE CITY OF NEW BRAUNFELS, TEXAS, AMENDING SECTION 86-7 “OPERATION OF VEHICLES IN PARKS,” SUBSECTION (d) (2) “EXCEPTIONS” OF THE NEW BRAUNFELS CODE OF ORDINANCES AND TO REPEAL SUBSECTION (d) (2) EFFECTIVE MAY 1, 2019; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Staff has recommended specific parking regulations to be implemented to manage traffic parking within a city owned public park; and

WHEREAS, the City Council of the City of New Braunfels has determined that the additional parking regulations will be beneficial to the City of New Braunfels and should be modified as recommended by Staff; 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 the findings and recitations set out in the preamble to this Ordinance are found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes.

SECTION 2: That Section 86-7 “Operation of vehicles in parks,” Subsection (d) (2) “*Exceptions*” of the New Braunfels Code of Ordinances shall be amended to hereinafter read as follows:

(d)(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 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 \$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 \$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 \$20.00 fee will be charged to park in one space.

(2) *Exceptions.*

a. A Prince Solms Resident Parking Pass shall be made available for users of the Prince Solms Park tennis courts, basketball courts and disc golf course.

For the purpose of this section, the term "resident" applies to persons who reside within the city limits. The duration of the Prince Solms Resident Parking Pass is May 1st through Labor Day in the same year the pass was purchased. The annual fee for the Prince Solms Resident Parking Pass shall be \$40.00. All holders of a Prince Solms Resident Parking Pass shall be entitled entry into Prince Solms Park parking area at no additional charge, seven days a week, excluding holidays, from May 1st through Labor Day for the purpose of parking their vehicles to utilize the tennis courts, basketball courts and disc golf course 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.

(e) (1) *Parking fees at the Landa Park parking lots located off Elizabeth Avenue.* There shall be a parking fee charged for the 155 parking spaces located in Landa Park parking lots located off Elizabeth Avenue

between the hours of 8:00 a.m. and 7:00 p.m. daily from 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 for every parking space utilized vehicle of any size. If city personnel determine that a vehicle is using more than one parking space, then an additional \$10.00 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 fee will be charged to park in one space. All fees collected from this parking lot will go into the River Activities Fund.

(2) Exceptions.

a. The Landa Park parking lot with 43 spaces located directly in front of the park and recreation department operations buildings will be reserved for staff use from May 1 through Labor Day and will not be available for paid parking. There will be reserved parking spots in this parking lot for mini-golf patrons that will be clearly marked and signed.

b. A Resident Parking Pass shall be made available for users of the Landa Park parking lots located off Elizabeth Avenue.

For the purpose of this section, the term "resident" applies to persons who reside within the city limits. The duration of the Resident Parking Pass is May 1st through Labor Day in the same year the pass was purchased. The annual fee for the Resident Parking Pass shall be \$40.00. All holders of a Resident Parking Pass shall be entitled entry into Elizabeth Street parking area at no additional charge, seven days a week, excluding holidays, from May 1st through Labor Day for the purpose of parking their vehicles.

c. Vehicles with disabled veteran license plates will be exempt from parking fees.

d. 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.

SECTION 3: 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: 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 5: All Ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict only.

SECTION 6: In accordance with the provisions 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 7: This Ordinance shall become adopted upon its second reading, signature required by City Charter, 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 _____, 2019.

PASSED AND APPROVED: Second reading this _____ day of _____, 2019.

CITY OF NEW BRAUNFELS, TEXAS

By: _____
Barron Casteel, Mayor

ATTEST:

Patrick D. Aten, City Secretary

APPROVED AS TO FORM:

Valeria M. Acevedo, City Attorney