

## ORDINANCE NO. 2019 - \_\_\_\_

AMENDING THE CODE OF ORDINANCES OF THE CITY OF NEW BRAUNFELS, TEXAS, CHAPTER 86, SECTION 86-2 REGARDING REFUNDS OF RESERVED PICNIC AREAS AND PICNIC TABLE USAGE FEES IN CITY PARKS; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Parks and Recreation Department recently reviewed refund policies for both program registrations and park reservations and developed the Parks and Recreation Refund Policy to ensure uniformity; and

WHEREAS, the current ordinance in 86-2 sets a handling fee of \$7.00 for processing refunds that covered the costs associated with check refunds; and

WHEREAS, the majority of customers pay with credit cards so that refunds can be credited back to the customer's credit card thereby eliminating the need to issue refund checks; and

WHEREAS, due to the popularity of these park amenities that are limited in quantity and availability, additional costs are associated with providing and maintaining these amenities for the benefit of the public; and

WHEREAS, staff recommends a new refund structure for peak season, off season, inclement weather related cancellations, and special circumstances; and

WHEREAS, the City Council intends that the revenue shall not materially exceed the cost associated with providing these amenities.

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

### 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.**

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.~~

1. Inclement Weather (rain out): Inclement weather rain outs will be determined by the Parks and Recreation Director or designee. Reservation holders may reschedule based on availability and within 90 days from the original reservation date. Customers must notify the Parks Administration Office (830) 221-4350 within the first three working days of the rain out date in order to reschedule.
2. Cancellations by Customer:
  - a. Peak season is defined as March – September. During peak season, if cancellation is received less than two weeks prior to the reservation date, customer will be issued a 50% refund or account credit. Outside of peak season, customer will be issued a full refund when reservation is cancelled independent of cancellation date.
3. No Refund: If customer fails to show up or no cancellation notice is received prior to the date of the reservation, no refund will be issued.
4. Special Circumstances: Special circumstances related to cancellation requests not specifically covered within this policy will be determined at the discretion of the Parks and Recreation Director or designee.

**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 \_\_\_\_ day of \_\_\_\_\_, 2019.

**PASSED AND APPROVED:** Second reading this the \_\_\_\_ day of \_\_\_\_\_, 2019.

**CITY OF NEW BRAUNFELS, TEXAS**

---

BARRON CASTEEL, Mayor

ATTEST:

---

Patrick D. Aten, City Secretary

APPROVED AS TO FORM:

---

Valeria M. Acevedo, City Attorney