The Office of Vince Ryan
County Attorney

HARRIS COUNTY
BUDGET MANAGEMENT
DEPARTMENT
15 AUG -5 AM 9: 12

July 29, 2015

Harris County Commissioners Court
1001 Preston, 9th Floor
Houston, Texas 77002

Re: Revised Rules and Regulations for County Parks in Harris County, Texas

Dear County Judge and Commissioners:

Transmitted herewith are the revised Rules and Regulations for County Parks in Harris County, Texas, for review and adoption by Commissioners Court. Proposed revisions have been received from all Commissioner Precincts and have been reviewed and approved by our Office.

Please place this on the agenda for August 11, 2015.

Sincerely,

VINCE RYAN
County Attorney

By ROBERT SOARD
First Assistant County Attorney

VR:RS:mb

cc: Judge Ed Emmett
Commissioner El Franco Lee
Commissioner Jack Morman
Commissioner Steve Radack
Commissioner R. Jack Cagle
Carla Wyatt, ITC
Chambers Washington, Pct. 1 Parks
Gilbert Smith, Pct. 2 Parks
Steve Dorman, Pct. 3 Parks
Dennis Johnston, Pct. 4 Parks
M. Scott Bresk, CAO

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THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

The Commissioners Court of Harris County, Texas, convened at a meeting of said Court at the Harris County Administration Building in the City of Houston, Texas, on the ____ day of _____ 2015, with the following members present, to-wit:

Ed Emmett	County Judge
El Franco Lee	Commissioner, Precinct No. 1
Jack Morman	Commissioner, Precinct No. 2
Steve Radack	Commissioner, Precinct No. 3
R. Jack Cagle	Commissioner, Precinct No. 4

and the following members absent, to-wit: _____, constituting a quorum, when among other business, the following was transacted:

ORDER ADOPTING RULES AND REGULATIONS FOR COUNTY PARKS

Commissioner _____ introduced an order and made a motion that the same be adopted. Commissioner _____ seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

	Yes	No	Abstain
Judge Ed Emmett	☐	☐	☐
Comm. El Franco Lee	☐	☐	☐
Comm. Jack Morman	☐	☐	☐
Comm. Steve Radack	☐	☐	☐
Comm. R. Jack Cagle	☐	☐	☐

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted. The order thus adopted follows:

IT IS ORDERED that the revised Rules and Regulations for County Parks in Harris County, Texas, are adopted to be effective September 1, 2015, the revised Rules and Regulations being attached hereto and incorporated herein for all purposes. Any person reserving a park facility and paying a user fee or damage deposit before the effective date of the revised Rules and Regulations shall be governed by the rules and regulations in effect at that time.

RULES AND REGULATIONS FOR COUNTY PARKS IN HARRIS COUNTY, TEXAS

SECTION 1 AUTHORITY

The Commissioners Court of Harris County, Texas, acting in its capacity as the governing body of Harris County, Texas, adopted these Rules and Regulations. These Rules and Regulations are authorized by chapter 320 of the Texas Local Government Code for parks owned, operated, or maintained by the County.

SECTION 2 ADMINISTRATION

The Commissioners Court hereby designates the Park Superintendent for each precinct, along with the Harris County Sheriff, the Harris County Constables, and their respective deputies, to enforce these Rules and Regulations.

SECTION 3 AREAS COVERED

Except as specifically noted, these Rules and Regulations apply to all County parks located within Harris County, Texas.

SECTION 4 DEFINITIONS

As used in these Rules and Regulations:

(a) ***Abandon*** means a person giving up custody of an animal without making arrangements for another person to assume custody.

(b) ***Alcoholic Beverage*** means any beverage containing more than one-half of one percent (.5%) of alcohol by volume, which is suitable for use as a beverage, either alone or diluted.

(c) ***Animal*** means a domesticated living creature (e.g., cat, dog, chicken, or rabbit) or a wild living creature previously captured.

(d) ***Commissioners Court*** means the Commissioners Court of Harris County, Texas.

(e) ***County*** means Harris County, Texas.

(f) ***Explosive*** means any chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion.

(g) ***Individual*** means a human being.

(h) ***Light truck*** means any truck with a manufacturer's rated carrying capacity not to exceed two thousand (2,000) pounds and is intended to include those trucks commonly known as pickup trucks, panel delivery trucks, carryall trucks, and vans.

(i) ***Park*** means a property owned, operated, or maintained by the County for recreation and enjoyment by the general public.

(j) ***Park Superintendent (Superintendent)*** means the individual named or designated as a Park Superintendent or Park Manager by the County Commissioner of the precinct occupied by the park, or part thereof, to which the rules are being applied.

(k) ***Peace Officer*** means a peace officer as defined in article 2.12 of the Texas Code of Criminal Procedure, as amended.

(l) ***Person*** means any individual, group of individuals, organization, corporation, or other legal entity, but does not include the County.

(m) ***Pet*** means a domesticated animal kept for pleasure rather than utility.

(n) ***Road*** means any road maintained or controlled by the County for public passage for vehicles within a park.

(o) ***Special Event*** means a non-routine organized activity intended for more than fifty (50) individuals to share a common purpose as a group.

(p) ***Truck*** means a motor vehicle designed, used, or maintained primarily to transport property.

(q) ***Vehicle*** means every device in, upon, or by which any individual or property may be transported or drawn upon a road, except a device moved by human power.

(r) ***Weapon*** means those objects defined as weapons or prohibited weapons in Chapter 46 of the Texas Penal Code.

(s) ***Wildlife*** means living creatures that are neither human nor domesticated.

SECTION 5 PARK USE

No person shall use a park, or any area or facility therein, for any purpose other than for the purpose for which it was designed or designated. Any activity that will disrupt the normal purpose of the park is prohibited. Anyone seeking to use the park facilities for the purposes of video recordings and/or photography for profit is strictly prohibited without proper permission from designated park personnel.

SECTION 6 PARK HOURS OF OPERATION

No person shall enter into or remain within a park at any time other than during such time as the park is open to the public as designated on the sign posted at or near the entrance of the park, unless given prior written approval by the County Commissioner of the precinct occupied by the park.

SECTION 7 VEHICLES

(a) No person shall operate a vehicle within a park except on the roads or parking lots therein. Operation of a vehicle on the shoulder of the road will be permitted only if the driver is parking on the shoulder of the road or is driving a previously parked vehicle from the shoulder of the road to the paved portion of the road. This provision does not apply to park maintenance or patrol vehicles.

(b) No person shall operate a truck within a park, other than a light truck (e.g., pickup truck, panel delivery truck, carryall truck, or van) or a truck making deliveries of materials, supplies, and equipment purchased or rented by the County.

(c) No person shall operate a vehicle in a park at a speed in excess of the posted speed limit.

(d) No person shall cause a vehicle to be parked within a park, except in a designated parking area. Vehicles parked on the shoulder of a road in designated areas must be parked parallel to the road.

(e) No person shall cause a vehicle to remain within a park after-hours or in excess of twenty-four (24) hours at any given time unless one of the officers named in Section 2 is notified and approval is granted. Vehicles remaining within a park for which approval has not been granted will be towed and placed in storage by the appropriate peace officer at the owner's expense.

SECTION 8 WILDLIFE

(a) No person shall willfully harm, harass, disturb, trap, confine, catch, possess, feed, hunt, release, or remove any wildlife within a park, without specific authority from the Superintendent.

(b) Fishing in accordance with State of Texas laws and regulations shall be permitted within all parks, except as specifically prohibited.

SECTION 9 PLANT LIFE

No person shall willfully destroy or remove any tree, shrub, vine, wildflower, grass, fern, moss, leaves, cones, dead or downed wood, or any other plant life within a park without the consent of or under the direct supervision of the Superintendent.

SECTION 10 FIRES/SMOKING

Except in designated areas, no person may light, build, or maintain a fire within a park other than within a camp stove or barbecue pit. Smoking of tobacco products shall be confined to those areas designated for such in the park. If a burn ban is in effect, no fires or smoking will be allowed, except during special events and in facilities with a preapproved fire prevention plan reviewed by the Harris County Fire Marshal.

SECTION 11 WEAPONS

The constitution and laws of the State of Texas, and those of the United States of America, govern the possession of Weapons within a park.

SECTION 12 EXPLOSIVES

No person may possess gunpowder or other combustibles, explosives, or fireworks within a park. This provision does not apply to gasoline and other petroleum products in fuel tanks of motor vehicles, propane or petroleum products intended to be used as fuel for cooking, or petroleum products used to power an electric generator. Note: This provision does not apply to reenactment of historical events where the Superintendent has authorized demonstrations using black powder weaponry as either an educational or theatrical tool.

SECTION 13 ANIMALS

No person may bring into or possess in a park any animal other than a dog, domestic cat or horse. Any person bringing a dog or domestic cat into a park shall keep the dog or domestic cat confined to a vehicle or secured by a leash not exceeding six (6) feet in length (including retractable leashes), keeping the dog or domestic cat under control at all times and a safe distance from people and other dogs or domestic cats in the park. And any person bringing a horse into a park shall keep the horse in areas or trails designated for horses. No person shall abandon an animal in a park.

SECTION 14 GLASS BEVERAGE CONTAINERS

No person shall use or possess any glass containers in a park.

SECTION 15 METAL DETECTORS

No person may bring into or possess in a park any metal detector unless the operator has specifically contracted with the County for survey, discovery, excavation, restoration, demolition, or study.

SECTION 16 RESERVATIONS

Any person may reserve a pavilion or other designated park facility (e.g., meeting room).

Reservations may be made by submitting a request to the Park Reservation Office for the precinct in which the park is located during the posted hours of operation. Additionally, reservations may be made for some, but not all, parks on-line 24/7 via the County's on-line site reservation system at http://www.harriscountytx.gov/parks.aspx.

Use of a pavilion or other park facility will be approved by the applicable Park Reservation Office on a first-come, first-served basis. Requests should be made at least ten (10) business days prior to the proposed use, but no person, except a concessionaire who has contracted with the County, shall be entitled to continuous, exclusive use of a park or park facility.

SECTION 17 SPECIAL CONDITIONS/RESTRICTIONS PERTAINING TO THE USE AND CONSUMPTION OF ALCOHOLIC BEVERAGES

No person shall possess or consume an alcoholic beverage in a park, except in compliance with the special conditions and restrictions noted below.

Park	**Area Within Park**	**Conditions or Restrictions**
PRECINCT 1		
Christia Adair Park	Barbecue pavilions	(a)(f)
Christia Adair Park	Community building	(a)(f)

Tom Bass Park, Section I	Barbecue pavilions	(a)(f)
Tom Bass Park, Section I	Arts Pavilion	(f)(h)
Tom Bass Park, Section II	Clear Creek Golf Course	(f)
Tom Bass Park, Section III	Barbecue pavilions	(a)(f)
Tom Bass Park, Section III	Community building	(g)(f)
Frankie Carter Park	Barbecue pavilions	(a)(f)
Challenger 7 Park	Barbecue pavilions	(a)(f)
Alexander Deussen Park	Barbecue pavilions/shelters	(a)(f)
Alexander Deussen Park	Community building	(g)(f)
Finnigan Park	Sports Complex	(e)(f)
Finnigan Park	Community building	(g)(f)
Barbara Jordan Park	Community building	(a)(f)
El Franco Lee Park	Barbecue pavilion	(a)(f)
El Franco Lee Park	Community Center	(g)(f)
Lincoln Park	Community building	(g)(f)
Lincoln Park	Baseball complex	(a)(f)
Gene Green Park		(a)(f)
PRECINCT 2		
Leon Grayson Community Center/Baldree Buildings	Community center	(f) & (g)
Highlands Park	Highlands Community Center/San Jacinto Center	(f) & (g)
Edna Mae Washington Park	J.D. Walker Community Center	(f) & (g)
Riley Chambers Park	Riley Chambers Community Center/Barrett Station	(f) & (g)
North Shore Rotary Pavilion	Pavilion	(f) & (g)
Clear Lake Park	Landolt Pavilion	(f) & (g)
Clear Lake Park	White Top Pavilion	(f) & (g)
Clear Lake Park	Meeting Room	(f) & (g)
Clear Lake Park	Bay Area Rowing Club	(f) & (g)
Clear Lake Park	Bay Area Community Center	(f) & (g)
East Harris County Activity Center	Community Center	(f) & (g)
V. V. Ramsey Center/ Flukinger Center	Community Centers	(f) & (g)
Bill Crowley Park	Picnic Area	(d)(f)
PRECINCT 3		
Alief Amity Park	Pavilion	(b)
Bayland Park	Pavilion	(b)

Bayland Park	Community Center	(c)
Bear Creek Pioneers Park	Pavilions	(b)
Bear Creek Pioneers Park	Community Center	(c)
Bear Creek Pioneers Park	Golf Course (Bear Creek Golf World)	(f)
Bear Creek Pioneers Park	Houston Farm & Ranch Club Pavilions	(b)
George Bush Park	Pavilions	(b)
George Bush Park	Shooting Range (American Shooting Centers, Inc.)	(f)
Tracy Gee Community Center	Community Building	(c)
Katy Park	Pavilion	(b)
New Kentucky Park	Pavilion	(b)
Hockley Park	Hockley Community Center	(c)
Mary Jo Peckham Park	Pavilion	(b)
PRECINCT 4		
Cypresswood Golf Course	Cypresswood Golf Club	(f)
Dennis Johnston Park	Big Stone Lodge	(f)(g)
Spring Creek Park	Pavilions	(h)
Doss Park	Mangum Howell	(g)
Mercer Botanic Gardens	Botanical Information Center	(f)
Burroughs Park	Pavilion	(h)

(a) A person who desires to use the facility must make a reservation, pay the appropriate user fee, and furnish the appropriate deposit for cleanup costs and damages, if any.

If the area is not cleaned, or if the facility or its furnishings are damaged, the Superintendent shall determine the amount necessary to compensate the County for the expense of remedying this default. This amount shall be deducted from the deposit, and the balance, if any, shall be refunded to the person who paid the deposit. In addition, the person making the reservation must employ and pay the required number of uniformed Texas certified peace officers who will provide security during the reserved period. The minimum number of such peace officers required for security is one (1) per 1-100 individuals.

(b) A person who desires to use the facility must make a reservation and furnish a deposit of $125 for cleanup costs and damages, if any. If the area is not cleaned, or if the facility or its furnishings are damaged, the Superintendent shall determine the amount necessary to compensate the County for the expense of remedying this default. This amount shall be deducted from the deposit, and the balance, if any, shall be refunded to the person who paid the deposit. In addition, the person making the reservation must employ and pay the

required number of uniformed Texas certified peace officers who will provide security during the reserved period. The minimum number of such peace officers required for security is one (1) per 1-100 individuals.

(c) A person who desires to use the facility must make a reservation, pay a user fee of $100.00 for the first 4 hours plus $20 an hour up to 8 hours or the time the community center building closes. If the area is not cleaned, or if the facility or its furnishings are damaged, the Superintendent shall determine the amount necessary to compensate the County for the expense of remedying this default. This amount shall be deducted from the deposit, and the balance, if any, shall be refunded to the person who paid the deposit. In addition, the person making the reservation must employ and pay the required number of uniformed Texas certified peace officers who will provide security during the reserved period. The minimum number of such peace officers required for security is one (1) per 1-100 individuals.

(d) The person using the area or facility must employ and pay the required number of uniformed Texas certified peace officers who will provide security during the reserved period. The minimum number of such peace officers required for security is one (1) per 1-100 individuals.

(e) No alcohol may be consumed in the baseball complex during games held by youth leagues. When no games are being conducted by youth leagues, alcohol may be consumed only if the person desiring to use the facility has employed and paid the required number of uniformed Texas certified peace officers who will provide security during the reserved period. The minimum number of such peace officers required for security is one (1) per 1-100 individuals.

(f) Alcoholic beverages may be consumed only if authorized in the concessionaire's agreement or rental contract, or if approved by Commissioners Court.

(g) Contact the community center director or park reservationist for rental information.

(h) Alcoholic beverages may be consumed only if the person who desires to use this facility makes a reservation and furnishes a signed "Release and Indemnity" form for damages, if any. If the facility or its furnishings are damaged, the Superintendent shall determine the amount necessary to repair and restore the facility and shall have the County Attorney recover that amount from the person making the reservation. In addition, the person who makes the reservation must employ and pay the required number of uniformed Texas certified peace officers who will provide security during the reserved period. The minimum number of such peace officers required for security is two (2) per 1-100 individuals.

SECTION 18 USE OF LOUDSPEAKERS

The use of loudspeakers within a park shall be governed by sections 42.01(a)(5) and (c) of the Texas Penal Code, *Disorderly Conduct.*

SECTION 19 DUMPING AND LITTERING

The disposal of rubbish in any manner other than by depositing it in trash cans provided for this purpose; the willful destruction of or damage to or theft of County property; the creation of any hazard to persons or things; and the climbing upon plant bedding areas or any part of a public building are prohibited. No person shall bring into a park any trash, refuse, or waste material.

SECTION 20 SOLICITATIONS AND SALE OF GOODS AND SERVICES

The solicitation or sale of goods and services, or the seeking of donations for a cause, is prohibited unless the person receives the prior written approval of Commissioners Court.

SECTION 21 CAMPING

No person shall engage in overnight camping in a park, except, when authorized by the Superintendent, in an area specifically designated for camping

SECTION 22 SPECIAL EVENTS

No person shall solicit for, hold, or sponsor a special event in a park or park facility without the prior written permission of the Superintendent, who shall require the provision of liability insurance in the amount of $100,000 for injury or death to one person, $300,000 for injury or death to more than one person, and $100,000 for injury or damages to property in any one accident or occurrence, with the County named as insured. In addition, the person is required to employ and have on site to provide security at least one uniformed Texas certified peace officer for the first 100 attendees or fraction thereof, and at least one additional such peace officer for each additional 100 attendees or fraction thereof, depending on the type and size of the special event. Security, as well as other details of the event, is to be coordinated with the Superintendent.

SECTION 23 SPECIAL RULES FOR SPECIFIC PARK FACILITIES

Each park facility (including, but not limited to, dog and skate parks, equestrian areas, and nature centers) may develop rules and regulations that address problems specific to that facility, which shall be in writing and approved by the Park Superintendent. All persons shall comply with the rules and regulations posted for individual facilities or special events.

SECTION 24 SPECIAL PROVISIONS

The following special provisions apply only to the parks designated:

- *All Precinct Parks* - Weddings are allowed with Superintendent's approval. All party favors containing paper, confetti, rice, silly string, glitter or other filling which is designed to pop/break/shatter or otherwise burst and litter are prohibited except where expressly permitted.
- *NRG Park Complex* - exempt from the application of these Rules and Regulations.

- *Jones Park* -
    - Fishing allowed in Spring Creek only.
    - Bicycles, skates, and skateboards allowed on Spring Creek Greenway only.
    - Pets allowed on Spring Creek Greenway only.
    - No unaccompanied children under the age of 12.
    - No generators, balloons, or moonwalks allowed.
    - Professional photographers or videographers shall register with the park director prior to any photography session at the park.
- *Ray Miller Park, Alief Amity Park, Bear Creek Pioneers Park – Equestrian Area* - no pets allowed.
- *Mercer Arboretum* -
    - Picnicking shall be allowed only in designated areas.
    - Professional photographers or videographers shall register with the park director prior to any photography session at the park.
- *Armand Bayou Nature Center* - Please call 281-474-2551 or go to the web site – http://www.abnc.org.
- *All Precinct Hike and Bike Trails* – A bicyclist using a hike and bike trail shall not exceed the posted speed limit while passing a pedestrian using the hike and bike trail.
- *All Precinct Parks* – A person may not operate a drone or model aircraft in a park except in a specifically designated area, and the drone or model aircraft must remain in the operator's line of sight, unless otherwise authorized in writing by the Park Superintendent.

SECTION 25 PARK SIGNS

All persons shall comply with signs and markers installed, or caused to be installed, in a park by the Park Superintendent.

SECTION 26 GEOCACHING

(a) Geocache sites may be either virtual or the person creating the site may leave a geocache container at the site, but regardless requires the prior written approval of the park superintendent.

(b) The person creating the geocache site shall provide the park superintendent with contact information, including name, address, telephone number, and geocache site listing, and shall notify the park superintendent when the site has been removed.

(c) If a geocache container is left in the park, the park superintendent must approve the location prior to the container being placed. Park staff will check the container regularly for safety purposes. If deemed necessary by the park superintendent, park staff may remove the container. If visitors going to the container are causing damage to the park, park staff will remove the container from the site and notify the person creating the site to pick up the container and remove the site from the geocache website. If visitors going to a virtual site are causing damage to the park, the person who created the virtual site will be notified to remove it from the geocache website.

(d) Geocache containers must be non-breakable, with a latch or other closing mechanism, and they must not include food, drugs, alcoholic beverages, glass, or hazardous items. Geocache containers are subject to random inspection, and if inappropriate items are found, the containers are subject to immediate removal.

(e) The geocache container or virtual site shall not be located in an area that is environmentally, historically, or culturally sensitive, that poses a danger to visitors or the park, or that leads to the creation of spur trails. Geocache containers may not be buried, and living vegetation or historic features may not be disturbed to place them.

(f) No digging is allowed, and no geocache signs are allowed in the park.

(g) The person creating the geocache site, as well as the people searching for it, shall follow all park rules.

SECTION 27 EFFECT ON EXISTING LAW

These Rules and Regulations are in addition to, and not in lieu of, all federal, state, and municipal laws, rules, and regulations applicable within a park.

SECTION 28 ENFORCEMENT

The Superintendent or his designee shall be authorized to remove any person who violates any of these Rules and Regulations from the park. In addition to removal from the park, charges may be filed against a violator under Section 32.

SECTION 29 SEVERABILITY

The provisions of these Rules and Regulations are severable. If any word, phrase, clause, sentence, section, provision, or part of these Rules and Regulations should be held invalid or unconstitutional, it shall not affect the validity of the remaining provisions, and it is hereby declared to be the intent of the Commissioners Court that these Rules and Regulations would have been adopted as to the remaining portions, regardless of the invalidity of any part.

SECTION 30 AMENDMENTS

These Rules and Regulations may be amended at any time at the discretion of Commissioners Court.

SECTION 31 POSTING

These Rules and Regulations shall be conspicuously posted at or near the entrance of all County parks.

SECTION 32 OFFENSES

In accordance with section 320.0455 of the Texas Local Government Code, a violation of these Rules and Regulations is an offense punishable as a Class C misdemeanor.

SECTION 33 EFFECTIVE DATE

These Rules and Regulations shall become effective on September 1, 2015. All previously adopted rules and regulations are superseded and repealed effective the same date.