Harris County
Precinct One

El Franco Lee, COMMISSIONER

1001 Preston Ave., Suite 950
Houston, Texas 77002
713/755-6111

AGENDA ITEM

September 23, 2003

County Judge Robert Eckels
Members of Commissioners Court
Building

Re: Revised Park Regulations

Gentlepersons:

Please consider the following item for the Commissioners Court Agenda of September 23, 2003: Approval and adoption of the **Revised Park Regulations.**

Thank you for your consideration,

Sincerely,

El Franco Lee

EL FRANCO LEE

/hc

Attachment

Vote of the Court:	Yes	No	Abstain
Judge Eckels			
Comm. Lee			
Comm. Garcia			
Comm. Radack			
Comm. Eversole			

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HARRIS COUNTY
MANAGEMENT SERVICES

Presented to Commissioner's Court

SEP 23 2003

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RULES AND REGULATIONS FOR COUNTY PARKS IN HARRIS COUNTY, TEXAS

Section 1. **Authority.**

These rules and regulations are adopted by the Commissioners Court of Harris County, Texas, acting in its capacity as the governing body of Harris County, Texas. These rules and regulations are authorized by Chapter 320 of the Texas Local Government Code, as amended, for all public parks, owned, operated, or maintained by Harris County.

Section 2. **Administration.**

The Commissioners Court hereby designates the Park Superintendent, along with the Harris County Sheriff, the Harris County Constables, and their respective deputies to enforce these rules and regulations.

Section 3. **Area Covered.**

Except as expressly exempted in these rules and regulations, they shall apply to all county parks located within Harris County, Texas.

Section 4. **Definitions.**

As used in these rules and regulations:

(a) *"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;

(b) *"Commissioners Court"* means the Commissioners Court of Harris County, Texas;

(c) *"County"* means Harris County, Texas;

(d) *"Explosives"* means any chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion;

(e) *"Individual"* means a human being;

(f) *"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, carry-all trucks, and vans;

(g) *"Park"* means a park owned, operated, or maintained by Harris County for recreation and enjoyment by the general public;

(h) *"Park 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;

(i) *"Peace Officer"* means a peace officer as defined in Tex. Code Crim. Proc. Ann. art. 2.12, as amended;

(j) *"Person"* means any individual, group of individuals, organization, corporation or other legal entity, but does not include Harris County;

(k) *"Pet"* means a domesticated animal kept for pleasure rather than utility;

(l) *"Road"* is any road maintained or controlled by the County for public passage for vehicles within a park;

(m) *"Special event"* means a special, organized activity intended for more than fifty (50) individuals to share a common purpose as a group;

(n) *"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;

(o) *"Weapon"* means a rifle, bow and arrow, club, handgun, firearm, illegal knife, shotgun, short-barrel firearm, gas gun or gas pistol, BB gun or BB pistol, pellet gun or pellet pistol, zip gun, sling or sling shot, and includes those objects defined as weapons or prohibited weapons in Chapter 46 of the Texas Penal Code, as amended; and

(p) *"Wildlife"* means living things that are neither human nor domesticated.

Section 5. **Hours Open.**

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.

Section 6. **Vehicles.**

(a) No person shall operate a vehicle within a park except on the roads or parking lots within the park. 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. This provision does not apply to light trucks nor trucks 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 part 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 7. **Wildlife.**

(a) No person shall willfully harm, harass, trap, confine, catch, or possess any wildlife within a park.

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

Section 8. **Plant Life.**

No person shall willfully destroy or remove any tree, shrub, vine, wildflower, grass, fern, moss, leaves, cones, or dead or downed wood within a park.

Section 9. **Fires.**

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. This rule does not apply to the lighting, burning, or smoking of a cigar, cigarette, or pipe used for the smoking of tobacco.

Section 10. **Weapons.**

No person, other than a peace officer, may carry or possess a weapon within a park, except at specifically designated shooting and archery ranges or at special events for which weapons are expressly authorized in writing by the Park Superintendent.

Section 11. **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 nor to petroleum products intended to be used as fuel for cooking.

Section 12. **Animals.**

No person may bring into or possess in a park any animal other than a dog or domestic cat. 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. No person shall bring into, or keep a horse in a park, except in areas or trails designated for horses.

Section 13. **Glass Beverage Containers.**

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

Section 14. **Alcoholic Beverages and Procedures for Use of Certain Park Facilities.**

No person shall possess or consume an alcoholic beverage in a park, except in the following locations and subject to the stated conditions:

Park	**Area with Park**	**Conditions or Restrictions**
Christia Adair Park	Barbecue pavilions	(a)
Christia Adair Park	Community building	(a)
Tom Bass Park, Section I	Barbecue pavilions	(a)
Tom Bass Park, Section I	Arts pavilion	(f)
Tom Bass Park, Section II	Picnic areas	(d)
Tom Bass Park, Section II	Clear Creek Golf Course	(f)
Tom Bass Park, Section III	Barbecue pavilions	(a)
Tom Bass Park, Section III	Community building	(g)
Frankie Carter Park	Barbecue pavilions	(a)
Challenger 7 Park	Barbecue pavilion	(a)
Bill Crowley Park	Picnic area	(d)
Alexander Deussen Park	Barbecue pavilions/shelters	(a)
Alexander Deussen Park	Community building	(g)
Dow I Park	Baseball complex and picnic area	(e)
Dow II Park	Baseball complex and picnic area	(e)
Finnegan Park	Picnic areas	(d)
Finnegan Park	Community building	(g)
Gerber Park	Pavilion	(a)
Barbara Jordan Park	Community building	(a)

El Franco Lee Park	Barbecue pavilion	(a)
El Franco Lee Park	Picnic areas	(d)
Hardy Senior Center	Community building	(g)
Lincoln Park	Community building	(g)
"Pep" Mueller Park	Baseball complex	(e)
"Pep" Mueller Park	Community building	(a)
Sheldon Park	Baseball complex	(e)
Leon Grayson Community Center/Baldree Building	Community Centers	(f) & (g)
Highlands Park	Highlands Community Center/San Jacinto Center	(f) & (g)
Edna Mae Washington Park	J. D. Walker community Center	(f) & (g)
James Driver Park	James Driver Community Center/North East 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, White Top Pavilion, Meeting Room, Bay Area Rowing Club, 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)
Alief Amity Park	Pavilion	(b)
Bayland Park	Pavilion	(b)
Bayland Park	Community Center	(c)
Bear Creek Park	Pavilions	(b)
Bear Creek Park	Community Center	(c)
Bear Creek Park	Golf course (Bear Creek Golf World)	(f)
Bear Creek Park	Houston Farm & Ranch Club	(f)
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)
Cypresswood Golf Course	Cypresswood Golf Club	(f)
Spring Creek Park	Pavilions	(h)

Special Conditions or Restrictions:

(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, to County property. The user fees and cleanup deposits shall be based on the following schedule:

No. of Individuals	*User fee*	*Deposit*
1 –25	-0-	$25.00
26 –50	$25.00	$25.00
51 –100	$35.00	$25.00
101 – 200	$50.00	$50.00

More than 200 to 400 can only be accommodated at Alexander Deussen Park Open Air Pavilion with Cookhouse and Christia Adair Park pavilion #1 with Cookhouse

201 – 250	$ 75.00	$75.00
251 – 300	$100.00	$75.00
301 – 350	$125.00	$75.00
351 - 400	$150.00	$75.00

If the area is not cleaned or if the facility or its furnishings are damaged, the Park Superintendent shall determine the amount necessary to compensate the County for the cost and 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 that makes the reservation must employ and pay the required number of peace officers who will provide security during the reserved period. The minimum number of officers required for security is one (1) peace officer per 1-100 individuals.

(b) A person who desires to use the facility must make a reservation and furnish a deposit of one hundred twenty-five dollars ($125) for cleanup costs and damages, if any, to County property. If the area is not cleaned or if the facility or its furnishings are damaged, the Park Superintendent shall determine the amount necessary to compensate the County for the cost and 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 that makes the reservation must employ and pay the required numbered of peace officers who will provide security during the reserved period. The minimum number of officers required for security is one (1) peace officer per 1-100 individuals.

(c) A person who desires to use the facility must make a reservation, pay a user fee of $50 per hour and furnish a deposit of $125 for cleanup costs and damages, if any, to County property. If the area is not cleaned or if the facility or its furnishings are

damaged, the Park Superintendent shall determine the amount necessary to compensate the County for the cost and 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 who makes the reservation must employ and pay the required number of peace officers who will provide security during the reserved period. The minimum number of officers required for security is one (1) peace officer per 1-100 individuals.

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

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

(g) Contact community center director for information.

(h) A person who desires to use the facility must make a reservation and furnish a deposit of one hundred twenty-five dollars ($125) for cleanup costs and damages, if any, to County property. If the area is not cleaned or if the facility or its furnishings are damaged, the Park Superintendent shall determine the amount necessary to compensate the County for the cost and 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 that makes the reservation must employ and pay the required numbered of peace officers who will provide security during the reserved period. The minimum number of officers required for security is two (2) peace officers per 1-100 individuals.

General Conditions or Restrictions:

Any person may reserve a pavilion or other designated park facility (*i.e.,* meeting room in a community center) by submitting a request to the Park Superintendent on any weekday, between the hours of 8:00 a.m. and 4:00 p.m. Use of the pavilion or other park facility will be approved by the Park Superintendent on a first-come, first-served basis. Requests must be delivered at least ten

(10) 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 15. **Use of Loudspeakers.**

Use of loudspeakers within a park shall be governed by Penal Code § 42.01(a)(5) and (c), Disorderly Conduct.

Section 16. **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, is prohibited. No person shall bring into a park any trash, refuse, or waste material.

Section 17. **Solicitation and Sale of Goods and Services.**

The solicitation or the sale of goods and services are prohibited unless the person receives the prior written approval of the Commissioners Court.

Section 18. **Camping.**

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

Section 19. **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 Park Superintendent, who shall require the provision of liability insurance in the amounts 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, naming the County as insured, and the furnishing of one or more peace officers, depending on the size of the special event, for security. The minimum number of officers required for security is one (1) peace officer per 1-100 individuals.

Section 20. **Park Use.**

No person shall use any area or facility or a park for any purpose other than for the purpose for which it was designed or designated.

Section 21. **Special Provisions.**

The following special provisions shall apply to the parks designated:

The Astrodomain/Reliant Park Complex is exempt from the application of these Rules and Regulations.

Jones Park: No pets, balloons, moonwalks, or piñatas allowed.

Ray Miller Park and Alief Amity Park: No pets allowed.

Mercer Arboretum:
(a) No pets are allowed in the Botanical Gardens.
(b) Picnicking shall be allowed in designated areas only.
(c) No special events may be held in the Botanical Gardens.
(d) No weddings are allowed.

Armand Bayou Nature Center: (281) 474-2551

Section 22. **Effect on Existing Law.**

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

Section 23. **Enforcement.**

The Park 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 27.

Section 24. **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 25. **Amendments.**

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

Section 26. **Posting.**

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

Section 27. **Offense.**

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

Section 28. **Effective Date.**

These Rules and Regulations shall become effective on October 1, 2003. All previously adopted Rules and Regulations are superseded and repealed effective the same date.

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 Huston, Texas, on the _____ day of SEP 23 2003, 2003, with the following members present, to-wit:

Robert Eckels	County Judge
El Franco Lee	Commissioner, Precinct No. 1
Sylvia Garcia	Commissioner, Precinct No. 2
Steve Radack	Commissioner, Precinct No. 3
Jerry Eversole	Commissioner, Precinct No. 4

and the following members absent, to-wit: None, constituting a quorum, when among other business, the following was transacted:

ORDER ADOPTING REVISED RULES AND REGULATIONS FOR COUNTY PARKS IN HARRIS COUNTY, TEXAS

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

	Vote of the Court:	Yes	No	Abstain
AYES:	Judge Eckels	✓		
NAYS:	Comm. Lee	✓		
ABSTENTIONS:	Comm. Garcia	✓		
	Comm. Radack	✓		
	Comm. Eversole	✓		

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:

RECITALS:

WHEREAS, the Legislature of the State of Texas has conferred broad powers on the Commissioners Court to maintain, finance, and operate public parks owned or to be acquired by the County (chapter 320 of the Texas Local Government Code, as amended); and

WHEREAS, the statutes of the State of Texas, particularly Tex. Loc. Gov't Code Ann. §320.0455, as amended, authorize the Commissioners Court to adopt and promulgate rules and

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APPROVE _____

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regulations concerning the use of any and all public parks owned or to be acquired by Harris County;

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF HARRIS COUNTY, TEXAS THAT:

Section 1: The recitals set forth in this order are true and correct.

Section 2: The revised Rules and Regulations for County Parks in Harris County, Texas, are hereby adopted to be effective on October 1, 2003. Any person reserving a park facility and paying a user fee and/or damage deposit before the effective date of these Revised Rules shall be governed by the Rules in effect at that time. A copy of such revised rules and regulations is attached hereto and incorporated herein for all purposes: