

December 13, 2007

TIMBER LANE UTILITY DISTRICT

**RULES AND REGULATIONS
FOR
TIMBER LANE PARKS
AND
RECREATIONAL AREAS**

MISSION STATEMENT

In pursuit of an enhanced quality of life through a greater opportunity for recreational activity, Timber Lane Utility District seeks to develop and maintain versatile park and recreational facilities for the residents of the District and further seeks to preserve the health and well-being of residents of the District.

STANDARDS

The board of directors of Timber Lane Utility District has determined that expenditures of funds derived from fees paid by users of park and recreational facilities and customers of the District's water and wastewater systems, together with proceeds of grants from other agencies and bonds issued by the District will facilitate the acquisition, development, construction, improvement, maintenance and operation of park and recreational facilities for the people in the District and will not impair or reduce the District's ability to provide an adequate water supply system and wastewater collection and treatment system for customers of the District.

The Board has further determined that the size and location of recreational facilities to be developed and operated by the District, including the Timber Lane Park, Liberty Park, the Spring Community Playground and the Cypress Creek Hike and Bike Trails and related recreational areas, have been established in consideration of and taking into account municipal and county recreational facilities, whether existing or proposed, that will serve the area of the District, that the District's recreational facilities are needed and will not duplicate any similar facilities provided by other governmental entities.

RULES

Section 1: **AUTHORITY.** These rules and regulations ("Rules") were adopted by the Board of Directors of Timber Lane Utility District under authority of §54.205 of the Texas Water Code and the order adopted by the Board of Directors on January 12, 1995, as amended on March 14, 1996, April 10, 2003, July 12, 2007 and December 13, 2007. These Rules apply to the Timber Lane Park, Liberty Park, the Spring Community Playground and the Cypress Creek Hike and Bike Trails and related recreational areas developed and maintained pursuant to §54.773 of the Texas Water Code.

Section 2: ADMINISTRATION. The Board of Directors, along with the Harris County Sheriff, the Harris County Precinct 4 Constable and their respective Deputies, shall enforce these Rules.

Section 3: AREA COVERED. These Rules shall apply to the area known as the Timber Lane Park, described in the plat recorded at Film Code No. 359127 of the Map Records of Harris County, Texas, and the area known as the Spring Community Playground, comprised of a 1.6853-acre tract of land described in a deed recorded at Clerk's File No. W371112 and Film Code No. 562-01-0883 in the Real Property Records of Harris County, Texas, and a 1.819-acre tract of land described in a deed recorded at Clerk's File No. W302887 and Film Code No. 560-69-0800 in the Real Property Records of Harris County, Texas, together with such land as may be added by the District.

Section 4: DEFINITIONS. As used in these Rules:

- 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 beverage, either alone or diluted;
- b. "Board of Directors" or "Board" means the Board of Directors of Timber Lane Utility District of Harris County, Texas;
- c. "County" means Harris County, Texas;
- d. "Cypress Creek Hike and Bike Trails" or "Trails" means a series of paths or walking surfaces in marked areas along and adjacent to Cypress Creek;
- e. "District" means Timber Lane Utility District;
- f. "Explosives" means any chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion;
- g. "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 and carryall trucks;
- h. "Park" or "Parks" means the Timber Lane Park, Liberty Park and such areas along and adjacent to the Cypress Creek Hike and Bike Trails, if any, as may be designated as parks;
- i. "Peace Officer" means sheriffs and their deputies; constables and deputy constables; and all other peace officers as defined in Article 2.12 of the Code of Criminal Procedure of the State of Texas, as amended;
- j. "Pet" means a domesticated animal kept for pleasure rather than utility;

k. "Recreational Area" means any Park, Playground, Trail or other area, whether within or outside the District's boundaries, that has been designated by the District for recreational use by residents of the District and the public;

l. "Road" means any road maintained or controlled by the County for public passage for vehicles;

m. "Special event" means an organized activity intended for more than twenty five (25) persons to share a common purpose as a group;

n. "Spring Community Playground" or "Playground" means the community-built playground on the south side of Trailing Vine Road across from Hirsch Elementary School, together with all structures within the fenced playground area and the pavilion, parking lot and grounds around the fenced playground area;

o. "Tot Lot" means the area within the Playground that contains only small-scale play structures for children between ages 2 and 5;

p. "Vehicle" means every motor-driven device in, upon, or by which any person or property is or may be transported or drawn upon a road except devices moved by human power;

q. "Weapon" means a rifle, pistol, bow and arrow, shotgun, gas gun or gas pistol, BB gun or BB pistol, pellet gun or pellet pistol, sling or sling shot;

r. "Wildlife" means living things that are neither human nor domesticated.

Section 5: HOURS OPEN. Unless otherwise posted, the Parks, Playground and Trails shall be open from sunrise to sundown. No person shall enter into or remain within the Parks, Playground or Trails at any other time without prior written approval of the Board.

Section 6: VEHICLES.

a. No person shall operate a motor-driven vehicle within the Parks, Playground or Trails except on the public roads or parking lots. Operation of a motor-driven vehicle on the shoulder of a road will be limited to driving thereon for the purpose of parking on the shoulder of the road or driving a parked vehicle from the shoulder of the road to the paved portion of the road. This provision does not apply to light trucks nor trucks making deliveries of material, supplies and equipment purchased or rented by the District;

b. No person shall operate a motor-driven vehicle in the Parks at a speed in excess of the posted speed limit;

c. No person shall cause a motor-driven vehicle to be parked within the Parks or Trails except in a designated parking area. Motor-driven vehicles parked on the shoulder of a road in designated areas must be parked parallel to the road. This provision does not apply to

light trucks nor trucks making deliveries of materials, supplies and equipment purchased or rented by the District;

d. No person shall cause a motor-driven vehicle to remain within the Parks, Playground or Trails after hours unless one of the officers named in Section 2 above is notified, provided however, that in no event shall any person cause a motor-driven vehicle to remain within the Parks in excess of twenty-four (24) hours at any given time. Motor-driven vehicles remaining within the Parks, Playground or Trails for which notification has not been received will be towed and placed in storage by the proper law enforcement officer at the owner's expense.

Section 7: WILDLIFE. No person shall willfully harm, harass, trap, confine, catch, or possess any wildlife within the Parks, Playground or Trails.

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 the Parks or Playground except with prior written approval of the Board.

Section 9: FIRES. No person may light, build or maintain a fire within the Parks other than within a camp stove and/or barbecue pit.

Section 10. SMOKING. No person shall light, burn or smoke any cigar, pipe, cigarette or other device used for smoking tobacco or any other legal substance within the fenced area of the Playground.

Section 11: WEAPONS. No person other than a peace officer or a person duly licensed by the State of Texas may carry or possess a weapon within the Parks, Playground or Trails.

Section 12: EXPLOSIVES. No person may possess gun powder or other combustibles, explosives or fireworks within the Parks, Playground or Trails. Provided, however, that 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 13: ANIMALS. No person may bring into or possess in the Parks or Trails any animal other than a dog or domestic cat. Any person bringing a dog or domestic cat into the Parks or Trails shall keep such dog or domestic cat confined to a vehicle or secured by a leash not exceeding fifteen (15) feet in length. No person may bring into or possess any animal in the Playground.

Section 14: GLASS BEVERAGE CONTAINERS. No person shall use any glass beverage containers in the Parks, Playground or Trails. This provision shall not apply to baby bottles, baby food jars, glass lined thermos bottles and glass lined picnic beverage coolers.

Section 15: ALCOHOLIC BEVERAGES. No person shall consume an alcoholic beverage in the Parks, Playground or Trails.

Section 16: USE OF LOUDSPEAKERS. No person shall use any loudspeaker, public address system or amplifier within the Parks, Playground or Trails without prior written permission from the Board of Directors.

Section 17: DUMPING AND LITTERING. All persons shall dispose of trash only in the receptacles provided therefore. No person shall bring into the Parks, Playground or Trails any trash, refuse or waste material.

Section 18: ADVERTISING. No person shall place, erect, or attach any structure, sign, bulletin board, post, pole or advertising device of any kind whatever, or attach any notice, bill, poster, sign, wire, rod or cord to any tree, shrub, fence, railing, post or structure in the Parks, Playground or Trails.

Section 19: SOLICITING AND SALES. No person shall solicit funds or donations, or sell or offer to sell services or goods or distribute circulars in the Parks, Playground or Trails. This rule does not apply to the following:

a. Persons soliciting donations or conducting fund-raising events for and on behalf of non-profit organizations, who have secured prior written permission from the Board of Directors;

b. Concessionaires and persons employed by concessionaires when selling goods or services, or charging for amusements pursuant to written authority of the Board of Directors and,

c. Fees, including reasonable security deposits, for the use of specific Parks or Playground facilities as may be established by the Board of Directors from time to time.

Section 20: CAMPING. No person shall engage in overnight camping in the Timber Lane Park except with prior written approval of the Board. No camping shall be permitted in Liberty Park, the Playground or Trails at any time.

Section 21: SUPERVISION OF CHILDREN. Children under 10 years of age must be supervised by an adult at all times.

Section 22: TOT LOT. Use of the Tot Lot shall be restricted to children between the ages of 2 and 5. Children using the Tot Lot must be supervised by an adult at all times.

Section 23: NUISANCE: No person shall use profanity or vulgar language within the playground area of the Timber Lane Park or within the Playground.

Section 24: SPECIAL EVENTS. No person or organization shall solicit for, hold or sponsor a special event in the Parks, or Playground without receipt of a completed Application for Use for Special Event form and the prior written permission of the Board of Directors, who may require the providing of liability insurance in the amounts of \$100,000 for each person, \$300,000 for each single occurrence for bodily injury or death and \$100,000 for each single

occurrence for injury to or destruction of property, naming the District as insured, and the furnishing of one or more peace officers. The opinion of the Board of Directors as to whether or not insurance will be required and as to the required number of peace officers shall be final and binding.

Section 25: USE OF BASEBALL/SOCCER FIELD.

a. Use of the Timber Lane Park baseball/soccer field and the Liberty Park soccer field shall be on a first come, first served basis, except with prior reservations approved by the Board.

b. Use of the Timber Lane Park baseball/soccer field for simultaneous games of soccer and baseball is prohibited.

c. Use of the Timber Lane Park baseball/soccer field and the Liberty Park soccer field is prohibited when the fields are wet following rainfall.

Section 26: USE OF JOGGING/WALKING TRAIL. Bicycling is not permitted on the Timber Lane Park or Liberty Park jogging/walking trails.

Section 27: USE OF PLAYGROUND: Bicycling and skateboarding are not permitted within the Playground.

Section 28: SCHULTZ GULLY. The Harris County Flood Control District Drainage Ditch known as Schultz Gully is not part of the Timber Lane Park. Persons using the Timber Lane Park are not authorized to enter Schultz Gully.

Section 29: BUILDING AT 2806 TRAILING VINE. The building at 2806 Trailing Vine, including the yard, driveway, garage and out buildings, is the Liberty Park Community Center and is not part of the Spring Community Playground. Persons using the Playground are not authorized to enter the Community Center or its premises at any time.

Section 30: CYPRESS CREEK HIKE AND BIKE TRAILS. The Cypress Creek Hike and Bike Trails consist of walking surfaces of between five (5) and ten (10) feet in width on which materials such as concrete, asphalt, crushed stone and the like have been or will be placed for persons to walk, jog or ride bicycles, together with a cleared area up to ten (10) feet in width on either side of the walking surface.

a. The areas designated as Trails shall be used for walking, jogging and bicycling only. Unless otherwise indicated, the Trails do not constitute parks and may not be used for other recreational purposes.

b. Alterations and/or modifications of the Trails and adjacent areas, including digging, cutting of trees and vegetation of any kind, placement of graffiti, construction of forts or play areas or placement of any man-made structure or material are prohibited.

c. Motorized conveyances are prohibited on the Trails and adjacent areas except for vehicles used for maintenance or repairs of the Trails as authorized by the District.

d. Horses are prohibited on the Trails and adjacent areas.

e. Dumping of trash, grass clippings, garbage, litter or any debris on the Trails and adjacent areas is prohibited.

f. No form of plant, flower, bush or vine may be planted on or adjacent to the Trails without prior approval of the District.

g. Open fires and burning of any object on the Trails or adjacent areas is prohibited.

Section 31: VIOLATIONS; REWARDS. No person shall use any area or facility of the Parks, Playground or Trails for any purpose other than for the purpose for which it was designed or designated. The District will pay a reward of up to \$1,000 for information leading to the arrest of persons responsible for vandalism or destruction of District property in the Parks, Playground or Trails.

Section 32: PENALTIES. Compliance with these Rules and state and federal law is a condition of the use of the Parks, Playground or Trails. Pursuant to the authority granted by §§49.004 and 54.205, Texas Water Code, as amended, the Board of Directors may seek reasonable penalties for the failure of any person to comply with these rules and regulations, which penalties shall not exceed the jurisdiction of a justice court as provided in Section 27.031, Texas Gov't Code, currently, up to \$5,000.00. Such penalties shall be in addition to any other penalties provided by the laws of the state and may be enforced by complaints filed in the appropriate court of jurisdiction in the county in which the District's principal office or meeting place is located. In any suit to enforce its rules the District shall seek to recover reasonable fees for attorneys, expert witnesses and other costs incurred by the District before the court.

Section 33: EFFECT ON EXISTING LAW. These Rules are in addition to, and not in lieu of, all federal and state laws, and other rules and regulations applicable within the Parks, Playground and Trails.

Section 34: SEVERABILITY. The provisions of these Rules are severable. If any word, phrase, clause, sentence, section, provision or part of these Rules 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 Board of Directors that these Rules would have been adopted as to the remaining portions, regardless of the invalidity of any part.

Section 35: AMENDMENTS. These Rules may be reviewed and amended from time to time by the Board of Directors.

Section 36: POSTING: A summary of these Rules shall be conspicuously posted at or near the entrances to the Timber Lane Park, Liberty Park and the Spring Community Playground and at entry points along the Trails, and a copy or an excerpt of these Rules shall be

provided to any person who requests a copy and to any person who submits an Application for Use for Special Event of the Parks or the Playground.

Section 37: EFFECTIVE DATE: These Rules shall become effective and enforceable five days after the first publication of the notice of adoption or any amendment of these Rules as provided in §54.207 and §54.208 of the Texas Water Code.