

No. 10 Re: Rules Regulating Conduct In Public Parks

Motion by Commissioner Travis, seconded by Commissioner Rouse that Rules Regulating Conduct in Public Parks be approved. Motion carried, all present voting aye.

APPROVED

THE STATE OF TEXAS)
COUNTY OF BRAZORIA)

I, H. R. Stevens, Jr., Clerk County Court and Ex-Officio Clerk of the Commissioners' Court of Brazoria County, Texas, do hereby certify that the foregoing is a true and correct copy of that certain _____

No. 10 Re: Rules Regulating Conduct in Public Parks

as passed by the Commissioners' Court at the _____ September 27,
A. D., 19 82, _____ Special _____ Term of Commissioners' Court, and as the same appear (s) in the Commissioners' Court Records of Brazoria County, Texas.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ 6
day of _____ October _____, A. D., 19 82.

H. R. STEVENS, JR., Clerk County Court and Ex-Officio Clerk of the Commissioners' Court of Brazoria County, Texas.

By *[Signature]* Deputy

RULES REGULATING CONDUCT IN PUBLIC
PARKS IN THE COUNTY OF BRAZORIA, TEXAS
AND PROHIBITING CERTAIN TYPES OF CONDUCT,
MAKING PROHIBITED CONDUCT A MISDEMEANOR
PUNISHABLE BY A FINE NOT TO EXCEED \$200.00
PROVIDING FOR A SAVINGS CLAUSE, AND PRO-
VIDING FOR PUBLICATION BY NOTICE.

BE IT ORDAINED BY THE COMMISSIONERS COURT OF THE COUNTY OF BRAZORIA,
TEXAS:

SECTION 1. Short Title.

These Rules shall be known and may be cited as the "Rules Regulating
Conduct in Public Parks".

SECTION 2. Definitions.

For the purposes of these Rules, the following terms, phrases, words,
and their derivations shall have the meaning given herein. When not
inconsistent with the context, words used in the present tense in-
clude the future, words in the plural number include the singular
number, and words in the singular number include the plural number.
The word "shall" is always mandatory and not merely directive.

- (1) "County" is the County of Brazoria.
- (2) "Director" is a person immediately in charge of any park
area and its activities, and to whom all park attendants
of such area are responsible.
- (3) "Park" is a park, reservation, playground, recreation center
or any other area designated by the County, owned or used by
the County, and devoted to active or passive recreation.
- (4) "Person" is any person, firm, partnership, association, corp-
oration, company or organization of any kind.
- (5) "Vehicle" is any wheeled conveyancy, whether motor powered,
animal-drawn, or self-propelled. The term shall include any
trailer in tow of any size, kind or description. Exception
is made for baby carriages and vehicles in the service of
the County Parks.

SECTION 3. Park Property. No person in a park shall:

- (1) Buildings and Other Property.
 - (a) Disfiguration and Removal. Wilfully mark, deface, dis-
figure, injure, tamper with, or displace or remove,
any building, bridges, tables, benches, fireplaces,
railings, paving or paving material, water lines, or
other public utilities or parts or appurtenances
thereof, signs, notices or placards whether temporary
or permanent, monuments, stakes, posts, or other boundary
markers, or other structures or equipment, facilities
or park property or appurtenances whatsoever, either
real or personal.

- (b) Restrooms and Washrooms. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of 5 years shall use the restrooms and washrooms designated for the opposite sex.
 - (c) Removal of Natural Resources. Dig, or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs, or plants, down-timber or other wood materials, or make any excavation by tool, equipment, blasting, or other means or agency.
 - (d) Erection of Structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon, or across such lands, except on special written permit issued hereunder.
- (2) Trees, Shrubbery, Lawns.
- (a) Injury and Removal. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant. Nor shall any person attach any rope, wire, or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas, dune vegetation, or in any way injure or impair the natural beauty or usefulness of any area.
 - (b) Climbing Tree, etc. Climb any tree or walk, stand or sit upon monuments, vases, fountains, railing, fences or guncarriages or upon any other property not designated or customarily used for such purposes.
 - (c) Hitching of Animals. Tie or hitch a horse or other animal to any tree or plant.
- (3) Wild Animals, Birds, Etc.
- (a) Hunt. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot, or throw missiles at any animal, reptile or bird; nor shall he remove or have in his possession the young of any reptile or bird; nor shall he collect, remove, have in his possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift, any specimen alive or dead of any of the group of tree snails. Exception to the foregoing is made in that snakes known to be deadly poisonous, such as rattle snakes, moccasins, coral snakes, or other deadly reptiles may be killed on sight.
 - (b) Feeding. Give or offer, or attempt to give to any animal or bird any tobacco, alcohol, or other known noxious substances.

SECTION 4. Sanitation. No person in a park shall:

- (1) Pollution of Waters. Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, by or other body of water in adjacent to any park or any tributary, stream, storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid, or solid, which will or may result in the pollution of said waters.
- (2) Refuse and Trash. Have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper boxes, cans, dirt, rubbish, waste, garbage, or refuse, or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence, and properly disposed of elsewhere.

SECTION 5. Traffic. No person in a park shall:

- (1) State Motor Vehicle Laws Apply. Fail to comply with all applicable provisions of the state motor vehicles traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this and other ordinances.
- (2) Enforcement of Traffic Regulations. Fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and where ever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the Director.
- (3) Obey Traffic Signs. Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping, or parking, and all others posted for proper control and to safeguard life and property.
- (4) Speed of Vehicles. Ride or drive a vehicle at a rate of speed exceeding 20 miles an hour, except upon such roads as the Director may designate, by posted signs, for speedier travel.
- (5) Operation Confined to Roads.
 - (a) Drive any vehicle on any area except the improved park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Director.

- (b) Drive any vehicle on beach which has been designated by County as a park or as being closed to vehicular traffic.

(6) Parking.

- (a) Designated Areas. Park a vehicle in other than an established or designated parking area, such use shall be in accordance with the posted directions there at and with the instructions of any attendant who may be present.
- (b) Full-Parking. Full-park on the road or driveway at any time. In order to enjoy some special natural scenic feature, vehicles may be parked with the two left wheels near the right edge of the paving for not more than 15 minutes. No stopping or parking is permitted even briefly on the lefthand side of any road or driveway.
- (c) Immovable Vehicles. Leave any vehicle anywhere in the park with one or more wheels chained, or in any manner fixed or arranged so that such vehicle cannot readily be moved by hand.
- (d) Night Parking. Leave a vehicle standing or parked at night without lights clearly visible for a least 200 feet from both front and rear on any driveway or road area except legally established parking areas.
- (e) Emergency Procedure. Fail to immediately notify an attendant of an emergency in the nature of a breakdown requiring the assistance of a tow-truck, mechanic or other person.
- (f) Double-Parking. Double-park any vehicle on any road or parkway unless directed by a park official.
- (g) Muffler Required. Fail to use a muffler adequate to deaden the sound of the engine in a motor vehicle.

(7) Bicycles.

- (a) Confined to Roads. Ride a bicycle on other than an improved vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use.
- (b) Operation. Ride a bicycle other than on the right-hand side of the road paving as close as conditions permit, and bicycles shall be kept in single file when two or more are operating as a group. Bicyclists shall at all times operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to

the right of any vehicles they may be meeting.

- (c) Rider Prohibited. Ride any other person on a bicycle.
- (d) Designated Racks. Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.
- (e) Immobile. Leave a bicycle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by them.
- (f) Night operation. Ride a bicycle on any road between 30 minutes after sunset or before 30 minutes before sunrise without an attached head-light plainly visible at least 200 feet in front of, and without a red tail light or red reflector plainly visible from at least 200 feet from the rear of, such bicycle.

SECTION 6. Recreational Activities. No person in a park shall:

(1) Bathing and Swimming.

- (a) Designated Areas. Swim, bath, or wade in any waters or waterways in any park, except in the ocean adjacent to any beach, or in such waters and at such places as are posted as swimming areas provided thereof, and in compliance with such regulations as are herein set forth or may be hereafter adopted.
- (b) Costume. Allow himself to be so covered with a bathing suit as to indecently expose his person or call forth merited criticism.

(2) Boating.

- (a) Designated Areas. Bring into or operate any boat, raft, or other water craft, whether motor-powered or not, upon any waters, except at places designated for boating by the Director. Such activity shall be in accordance with applicable regulations as are now or may hereafter be adopted.
- (b) Public Docks and Boat Ramps. Use the public docks or boat ramps for dockage or other purpose, exclusive of launching and temporary loading and unloading, without first making arrangements for such accommodation with the Director, who shall assign space and collect reasonable rental charges in conformity with established regulations and rates.
- (c) Operation of Boats. Navigate, direct, or handle any boat in such a manner as to unjustifiably annoy or frighten or endanger the occupants of any other boat.

- (d) Prohibition During Closing Hours. Launch, dock, or operate any boat of any kind on any waters between the closing hour of the park at night and opening hour the following morning, nor shall any person be on, or remain on or in, any boat during the said closed hours of the park.
- (3) Fishing.
- (a) Commerce Prohibited. Engage in commercial fishing in the park or the buying or selling of fish in the park caught in any waters in the park.
 - (b) General Prohibition. Fish in any waters, whether fresh or salt, and whether by the use of hook-and-line, net, trap, or other device, except in waters designated by the Director for that use and under such regulations and restrictions as have been or may be prescribed by the Director.
 - (c) Off-Shore. Fish off-shore from the ocean beaches in a beach park except from such portions thereof as may be staked off and posted therefor, nor shall any person at any time fish in any area where bathing is permitted.
- (4) Hunting and Firearms. Hunt, trap, or pursue wild life at any time. No person shall exhibit or discharge firearms of any description, or air-rifles, spring-guns, bow-and-arrow, slings or any other forms of weapons potentially inimical to wild life and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device. Shooting into park areas from beyond park boundaries is forbidden.
- (5) Picnic Areas and Use.
- (a) Regulated. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.
 - (b) Availability. Violate the regulation that use of the individual fireplaces together with tables and benches follows generally the rule of "First come, first served".
 - (c) Non-exclusive. Use of any portion of the picnic area or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded, except as specifically permitted after application under the provisions of Section 9 (4) hereof.

- (d) Duty of Picnicker. Leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere.
- (c) Handicapped Persons. Handicapped persons have first priority over handicap tables.
- (6) Camping. Camp in other than posted camping areas within a park, provided by the Director and used by groups of persons under adequate supervision. No person shall set up tents, shacks, or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as a house-trailer, camp trailer, camp-wagon, or the like.
- (7) Games. Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins, or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and quoits is regulated to preserve the safety and welfare of the public, except on the fields and courts or areas provided therefor. Roller-skating or skate boarding shall be confined to those areas specifically designated for such pastime.
- (8) Horseback Riding. Ride a horse except on designated bridle trails. Where permitted, horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree, or shrub.

SECTION 7. Behavior. **No person in a park shall:**

- (1) Intoxicating Beverages.
 - (a) Use and consume alcoholic beverages in the parks, except in accordance with state law.
- (2) Fireworks and Explosives. Brought, or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecrackers, Torpedo, rocket, or other fireworks or explosives of inflammable material, or discharge them or throw them into any park area from land or highway adjacent thereto. This prohibition includes any substance, compound, mixture, or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints, except on permit from the Director.

- (3) Domestic Animals. All dogs, cats and other domestic animals in those areas where such animals are permitted shall be restrained at all times on adequate leashes not greater than 6 feet in length.
- (4) Reservation of Facilities. Occupy any seat or bench in the park or enter into or litter or remain in any pavilion or other structure in the park or section thereof which has been reserved and designated by the Board.
- (5) Dress. Appear at any place in other than proper clothing.
- (6) Alms. Shall solicit alms or contributions for any purpose whether public or private.
- (7) Fires. Build or attempt to build a fire except in such park areas and under such regulations as may be designated by the Director. No person shall drop, throw, or otherwise scatter lighted matches, burning cigarettes, or cigars, tobacco paper or other inflammable material, within any park area or on any highway, road or street abutting or contiguous thereto.
- (8) Closed Areas. Enter an area posted as "Closed to the Public" nor shall any person use, or abet the use of any area in violation of posted notices.
- (9) Disorderly Conduct. Engage in any disorderly conduct or behavior tending to a breach of the public peace.
- (10) Exhibit Permits. Fail to produce and exhibit any permit from the Director he claims to have, upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rules.
- (11) Interference with Permittees. Disturb or interfere unreasonably with any person or party occupying any area, or participating in any activity, under the authority or a permit.

SECTION 8. Merchandising, Advertising and Signs. No person in a park shall:

- (1) Vending and Peddling. Expose or offer for sale any article or thing, nor shall be station or place any stand, cart, or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any regularly licensed concessionaire acting by and under the authority and regulation of the Director.
- (2) Advertising. Announce, advertise, or call the public attention in any way to any article or service for sale or hire.

- (3) Signs. Paste, glue, tack or otherwise post any sign, placard, advertisement, or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park.

SECTION 9. Park Operating Policy.

- (1) Hours. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during designated hours. The opening and closing hours for each individual park shall be posted therein for public information.
- (2) Closed Areas. Any section or part of any park may be declared closed to the public by the Director at any time and for any interval of time, whether temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the Director shall find reasonably necessary.
- (3) Lost and Found Articles. The finding of lost articles by park attendants shall be reported to the Director who shall make every reasonable effort to locate the owners. The Director shall make every reasonable effort to find articles reported as lost.
- (4) Permit. A permit shall be obtained from the appropriate Director before participating in activities otherwise prohibited by this rule.
 - (a) Application. A person seeking issuance of a permit hereunder shall file an application with the appropriate Director. The application shall state:
 - (a-1) The name and address of the applicant;
 - (a-2) The name and address of the person, persons, corporation or association sponsoring the activity, if any;
 - (a-3) The day and hours for which the permit is desired;
 - (a-4) The park or portion thereof for which such permit is desired;
 - (a-5) An estimate of the anticipated attendance;
 - (a-6) A description of the proposed activities;
 - (a-7) Any other information which the Director shall find reasonably necessary to a fair determination as to whether a permit should issue hereunder.

- (b) Standards for Issuance. The Director shall issue a permit hereunder when he finds;
- (b-1) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park.
 - (b-2) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation.
 - (b-3) That the proposed activity or use is not reasonable anticipated to incite violence, crime, or disorderly conduct.
 - (b-4) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the County.
 - (b-5) That the facilities desired have not been reserved for other use at the day and hour required in the application.
- (c) Appeal. Within seven days after receipt of an application the Director shall apprise an applicant in writing of his reasons for refusing a permit, and any aggrieved person shall have the right to appeal in writing within seven days to the Brazoria County Board of Park Commissioners, which shall consider the application under the standards set forth in subsection (b) hereof and sustain or overrule the Director's decision within thirty days. The decision of the Park Commissioners shall be final.
- (d) Effects of Permit. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits.
- (e) Liability of Permittee. The person or persons to whom a permit is issued shall be liable for any loss, damage, or injury sustained by person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued.
- (f) Revocation. The Director shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown.

SECTION 10. Penalties.

- (1) Penalty for Violation: Any person, firm, corporation or association who violates any of these provisions of this Code shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than two hundred dollars (\$200.00), on any offensive where the prohibited conduct or condition continues each and every day of continuance thereof shall constitute a distinct and separate offense.
- (2) Violation: Violation of any of the terms or provisions of the Code by any corporation or association shall subject the officer and agents actively in charge of the business of such corporation or association to the penalty herein provided.
- (3) Conviction: Conviction under the provisions of the Code shall be deemed just cause for the revocation of any license or permit which said person, firm, corporation or association may have and/or hold for the use of the parks in this County.
- (4) Ejectment. The Director and any park attendant shall have the authority to eject from the park any person acting in violation of the Rule.

SECTION 11. Validity, Repeal of Conflicting Ordinances and Publication:

- (1) Validity Clause: If for any reason, any section, paragraph, subdivision, clause, phrase, or provision of the Rule shall be held invalid, it shall not affect any valid provisions of this or any Ordinance of the County of Brazoria, Texas, to which these rules and regulations regulate.
- (2) Other Laws and Ordinances: The prohibitions set forth in these Rules are in addition to and cumulative of any other traffic and penal laws of the United States, the State of Texas, the County of Brazoria, Texas or any other applicable governmental body and shall not prohibit or bar prosecution under any other such applicable law.
- (3) Publication: These Rules shall take effect from and after its publication in the official publication of the County of Brazoria, Texas, for each issue ten (10)

days which publication shall contain the caption stating in summary the purpose of the Rules and the penalty for violation thereof.

PASSED AND APPROVED THIS Twenty-Seventh day of September A.D., 1982.



E. E. Brewer, Brazoria County Judge

ATTEST: