

RULES AND REGULATIONS FOR CITY OF TOMBALL PARKS

Except as specifically noted, these Rules and Regulations apply to all parks located within the City of Tomball, unless given prior written approval by the City Manager or designee.

I. 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) **City Manager or designee** means any administrator of the City of Tomball authorized to make decisions on behalf of City Council
- (e) **Explosive** means any chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion.
- (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, carryall trucks, and vans.
- (g) **Park** means a property owned, operated, or maintained by the City for recreation and enjoyment by the general public.
- (h) **Parks Superintendent (Superintendent)** means the individual named or designated as a Park Superintendent or Park Manager by the City Manager to which the rules are being applied.
- (i) **Peace Officer** means a peace officer as defined in Article 2.12 of the Texas Code of Criminal Procedure, as amended.
- (j) **Person** means any individual, group of individuals, organization, corporation, or other legal entity, but does not include the City.
- (k) **Pet** means a domesticated animal kept for pleasure rather than utility.
- (l) **Road** means any road maintained or controlled by the City for public passage for vehicles within a park.
- (m) **Special Event** means a non-routine organized activity intended for more than 100 individuals to share a common purpose as a group.
- (n) **Truck** means a motor vehicle designed, used, or maintained primarily to transport property.
- (o) **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.
- (p) **Weapon** means those objects defined as weapons or prohibited weapons in Chapter 46 of the Texas Penal Code.
- (q) **Wildlife** means living creatures that are neither human nor domesticated.

II. 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.

III. 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 City Manager or designee.

IV. 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 City.
- (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 and shall not impede the flow of traffic.
- (e)** No person shall leave a vehicle within a park after-hours unless approval is granted by the City Manager or designee. Vehicles remaining within a park for which approval has not been granted will be towed at the owner's expense.

V. 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 City Manager or designee.
- (b)** Fishing in accordance with State of Texas laws and regulations shall be permitted within all parks, except as specifically prohibited.

VI. 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 City Manager or designee.

VII. 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; only propane barbecue pits be utilized inside of parks. 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 City of Tomball Fire Marshal.

VIII. 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.

IX. 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.

X. 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 animal confined to a vehicle or secured by a leash not exceeding six (6) feet in length (including retractable leashes), maintain control of the animal at all times and maintaining a safe distance from people and other animals in the park.

No person shall abandon an animal in a park.

XI. GLASS BEVERAGE CONTAINERS

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

XII. METAL DETECTORS

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

XIII. RESERVATIONS

Any person may reserve a pavilion or other designated park facility (e.g., tennis courts, baseball fields) by completing the Park Reservation Application, in its entirety, and submitting it to the Public Works Administrative Assistant. Use of a pavilion or other park facility will be approved on a first-come, first-served basis. A deposit is not required for the reservation of the facilities but a credit card must be placed on file to be charged for any damages resulting from the reservation; cardholders will be contacted before any such charges are completed.

Upon verification of the completed application and required documents, if any, payment shall be made for the reservation of the City facility; rental fee is non-refundable. The park grounds are public areas and are not subject to rental; the City will not restrict others from entering the park as long as they are not within the rented area and interfering with renter's event.

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 City, shall be entitled to continuous, exclusive use of a park or park facility.

XIV. SPECIAL CONDITIONS/RESTRICTIONS PERTAINING TO THE USE AND CONSUMPTION OF ALCOHOLIC BEVERAGE

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

- (a) Alcoholic beverages may be consumed only if authorized in the concessionaire's agreement or rental contract, or if approved by City Council.

XV. 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*, or as referenced in the City of Tomball Code of Ordinance Chapter 18, Article IV.

XVI. 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 City 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 waster material.

All litter and debris from an event must be disposed of from the rented area, landscaping and surrounding areas. If waste will not fit within the trash receptacles located at the reserved facility it must be removed.

XVII. 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 City Council.

XVIII. CAMPING

No person shall engage in overnight camping in a park.

XIX. 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 City Manager or designee, who shall require the provision of liability insurance, if needed, with the City named as insured.

In addition, the person or organization may be required to employ and have on site to provide security at least one uniformed Texas certified Peace Officer for the first 300 attendees or fraction thereof, and at least one additional such peace officer for each additional 250 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 appointed department as determined by the City facility being utilized. All special events must meet with the City Special Events Team, unless otherwise directed by City staff.

Applicants requesting to use a City park facility for a special event that is intended to raise money must provide proof of 501 (c) (3) nonprofit tax exemptions and/or Medical Trust Fund Documents from bank. Admission cannot be charged and solicitation of park users who are not participating in the event is not allowed, unless the person or organization receives the prior written consent of City Council.

XX. SPECIAL RULES FOR SPECIFIC PARK FACILITIES

Each park facility may develop rules and regulations that address problems specific to that facility, which shall be in writing and approved by City Council. All persons shall comply with the rules and regulations posted for individual facilities or special events.

XXI. SPECIAL PROVISIONS

The following special provisions apply only to the parks designated:

- *All City Parks:*
 - No unaccompanied children under the age of 12.
 - Weddings and parties are allowed with approval through reservation. 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.
 - 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.

- Generators, balloons, and/or moonwalks allowed; moonwalks shall require Liability Insurance from the company supplying the equipment with the City listed as an additional insured.
- Piñatas or water recreation activities are not allowed in parks unless for special events or as approved by City Council or staff.
- No loud or abusive language.
- Bicycles, skates, and skateboards allowed.
- Pets allowed.
- No posters, banners, signs or other devices will be allowed to be displayed or posted on park fixtures using tacks, nails, staples, tape or other fasteners.
- Items are prohibited from driven or staked into the ground.
- *Railroad Depot Plaza & Gazebo:*
 - Reservations are for the Gazebo only.
 - Renters must provide their own tables and chairs.
- *Juergens Park:*
 - Renters may obtain keys to the interior of the park but area is to be used for temporary access for setup and clean up.
- *Theis Attaway Nature Center:*
 - Catch and Release Fishing only.
 - No cast nets permitted.
- *Broussard Community Park:*
 - Catch and Release Fishing only.
 - No cast nets permitted.
 - Soccer fields are maintained through a contract and if not in use by league soccer are open to the public and may not be rented.

XXII. PARK SIGNS

All persons shall comply with signs and markers installed, or caused to be installed, in the parks.

XXIII. 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.

XXIV. 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 subsections of the Texas Penal Code or City of Tomball Code of Ordinances.

XXV. 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 City Council that these Rules and Regulations would have been adopted as to the remaining portions, regardless of the invalidity of any part.

XXVI. AMENDMENTS

These Rules and Regulations may be amended at any time at the discretion of the City Council.

XXVII. POSTING

These Rules and Regulations shall be posted on the City website.

XXVIII. OFFENSES

In accordance with the Texas Penal Code and City of Tomball Code of Ordinances, a violation of these Rules and Regulations may be punishable.

XXIX. EFFECTIVE DATE

These Rules and Regulations shall become effective on August 5, 2019. All previously adopted rules and regulations are superseded and repealed effective the same date.