ORDER NO. 019-09

AN ORDER OF THE BOARD OF DIRECTORS OF THE WOODLANDS TOWNSHIP ADOPTING RULES AND REGULATIONS GOVERNING THE USE OF THE PARK, RECREATION AND OPEN SPACE AREAS OF THE TOWNSHIP; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED $500.00 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; AND PROVIDING FOR SEVERABILITY.

WHEREAS, pursuant to Chapter 289, Acts of the 73rd Legislature, Regular Session, 1993, as amended (the "Act") the Board of Directors (the "Board") of The Woodlands Township (the "Township") is authorized to regulate the private or public use of the Township's facilities, including parks, to provide for the safe and orderly use thereof; and

WHEREAS, the Township owns and operates Town Green Park and Waterway Square and will in the foreseeable future assume the ownership and operation of a number of community parks, pools, pathways, and open space reserves; and

WHEREAS, in accordance with the authority granted by the Act, and having found and determined that the adoption of rules and regulations governing the use of Town Green Park and Waterway Square was necessary and appropriate and would promote the safe and orderly use of such parks, the Board did, by Order No. 001-007 and Order No. 006-008, passed and approved the 24th day of January, 2007, and the 26th day of March, 2008, respectively (the "Prior Orders"), adopt such rules and regulations governing the use of Town Green Park and Waterway Square; and

WHEREAS, the Board now deems it necessary and appropriate to repeal the Prior Orders and to adopt similar rules and regulations to apply to Town Green Park, Waterway Square and to all other parks, pools, pathways and open space reserves owned or to be owned by the Township, or in which the Township has or may hereafter have a real property interest in order to promote the safe and orderly use of all the parks, pools, pathways and open space reserves; N ow, Therefore,

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE WOODLANDS TOWNSHIP THAT:

SECTION 1. The facts and matters set forth in the preamble of this Order are hereby found to be true and correct.

SECTION 2. The Board of Directors of The Woodlands Township hereby adopts and promulgates the following rules and regulations:

A. **DEFINITIONS.** For the purposes of this Order, or the rules and regulations adopted hereby, the following words, terms and phrases shall have the meanings ascribed thereto, unless the context clearly indicates otherwise:

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

ii. **Amplified Sound** means music, sound wave, vibration or speech projected or transmitted by electronic equipment, including amplifiers or other devices.

iii. **Athletic Fields** and **Athletic and Recreation Facilities** mean soccer, football, baseball, softball and rugby fields, tennis, basketball and volleyball courts, swimming pools, activity rooms, the Recreation Center, park pavilions and all similar sport or athletic facilities of the Township.

iv. **Area Park** means a recreational area, usually between 2 and 4 acres in area, and developed centrally within several neighborhoods to encompass an approximate 1/2 mile service radius, which contains tennis and basketball courts.

v. **Daily Use** means one-day use, not to exceed one 24-hour period.

vi. **Department** means the Parks and Recreation Department of the Township.

vii. **Explosives** mean any chemical compound, mixture or device that is commonly used or intended for the purpose of producing an explosion.

viii. **Motor Vehicle** means every device in, upon or by which any person or property is or may be transported or drawn upon a roadway, except devices moved by human power.

ix. **Neighborhood Park** means a small recreational area, usually between 0.5 and 2 acres in area, and developed centrally within the neighborhoods to encompass an approximate ¼ mile service radius, serving as a recreational and social focus of the neighborhoods.

x. **Park** or **Parks** includes, but is not limited to, parks, swimming pools, playgrounds, sports fields, courts, ponds, lakes, open space reserves and similar facilities of the Township.

xi. **Pathway** or **Pathways** means the paved and unpaved area that comprises the Township Pathway System.

xii. **Pet** means a domesticated animal kept for pleasure, rather than utility.

xiii. **Procedures** are guidelines set forth by the President of the Township, or his/her designee, to provide specific directions and instructions and to assign or identify responsibilities towards achieving intended results.

xiv. **Public** means both residents of the Township and non-residents.

xv. **Qualified Organization** means any non-profit organization which promotes or sponsors athletic, recreational or social activities and primarily serves residents of the Township, and which meets the criteria set forth herein.

xvi. **Road** is any public or private road intended for use for the passage of Motor Vehicles within a Park.

xvii. **ROSR** means a restricted open space reserve.

xviii. **Season** or **Seasonal Use** means a pe riod of at least eight weeks with consistent weekly and weekend use.

xix. **Sign** means a sign, placard, commercial or personal advertisement, flag, banner or other similar advertising or promotional device, but does not include directional, instructional, wayfinding or monument signs.

xx. **Special Event** means a single occurrence, an unusual or extraordinary activity or happening of significance, an event deviating from the routine or normal, or a one-time or infrequently occurring event outside the normal program of activities of the sponsoring or organizing body.

xxi. **Town Center** means the area bordered by Grogan's Mill Road on the west, Woodlands Parkway on the south, Research Forest Drive on the north and Interstate 45 on the east.

xxii. **Township** shall mean The Woodlands Township.

xxiii. **Township Facility** or **Township Facilities** means any Park, Pathway, Athletic Fields, Athletic and Recreation Facilities, Area Park, Neighborhood Park, Townwide Park, Urban Plaza, Village Park, Waterway Square, open space, ROSR, Specific Use Facility, Road, Recreation Center or any similar or related or appurtenant property or improvement owned or controlled by the Township or in which the Township holds an interest in real property.

xxiv. **Townwide Park** means a large recreational area developed to accommodate large gatherings and events.

xxv. **Urban Plaza** means a public area developed typically in the Town Center to attract residents and visitors and which serves as a recreational or social focus of the Township.

xxvi. **Village Park** means a large recreational area, usually between 6 and 10 acres in area, and developed centrally within a Village to encompass an approximate 1 mile service radius, which includes a swimming pool.

xxvii. **Waterway Square** shall mean that portion of Unrestricted Reserve "D" of The Woodlands Waterway Square tract as recorded in Cabinet "Z" Sheet 392 of the Montgomery County Map Records containing 0.883 acres.

xxviii. **Weapon** means a firearm or any device manifestly designed, made or adapted for the purpose of inflicting death or serious bodily injury.

xxix. **Wildlife** means living animals that are not domesticated as a Pet.

B. GENERAL POLICIES:

i. Park hours are from dawn to dusk unless specifically posted otherwise or designated herein. Lighted play courts and sports fields (e.g., tennis, basketball, soccer) close at 11pm. Northshore Park designated fishing area shall close at 11pm. Park use hours may be reduced or extended by the President or his designee for permitted Special Events, or when deemed appropriate because of Special Events or activities, including maintenance activities. It shall be unlawful for any person other than authorized personnel and contractors to be within any park during hours that the park is closed; provided, however, that the use of Roads or Pathways shall be permitted at any time as a course of transportation.

ii. It shall be the responsibility of the President to submit to the Board of Directors, from time to time as appropriate, revisions to the park hours, as

well as the hours of operation for swimming pools, Riva Row Boat House and the Recreation Center.

iii. All parks of the Township shall be open for public use under such reasonable rules, regulations and policies as prescribed by the Township.

iv. All parks of the Township shall be open to entry and use by all persons regardless of race, color, religion, sex or national origin.

C. MOTOR VEHICLES:

i. It shall be unlawful for any person to operate a Motor Vehicle larger than one ton within any park, except for trucks making deliveries of materials, supplies and equipment for the use of the Township.

ii. It shall be unlawful for any person to operate a Motor Vehicle in a Park except on Roads and in parking lots, in an unsafe manner, or at a speed in excess of 10 mph.

iii. It shall be unlawful for any person to cause a Motor Vehicle to be parked within a park, except in designated parking areas and times.

iv. It shall be unlawful for any person to operate a Motor Vehicle on a Pathway, except for approved maintenance vehicles and wheelchairs or scooters necessary for the physically disabled.

D. DUMPING, LITTERING, VANDALISM:

i. It shall be unlawful for any person to willfully mark, deface, disfigure, injure, tamper with, displace or remove any of the Township's property or any other property within or appurtenant to any Park, swimming pool, open space, Pathway, Athletic Field or Athletic and Recreation Facility. It shall likewise be unlawful for any person to: 1) remove, destroy, damage, mark, cut, break or disfigure any tree, shrub, flower, grass or any other plant; or 2) plant any tree, shrub, vine, wildflower, grass or other types of plant material on or within any such facility without Township approval.

ii. It shall be unlawful for any person to throw, release, discharge or otherwise place or cause to be placed in the air, waters or lands of any Township Facility, including any fountain, stream, pond, lake, open space reserve, storm sewer or drain, any substance or matter, liquid, solid or gaseous, which will or may result in the pollution of such air, water or land.

iii. It shall be unlawful for any person to dump, deposit, discard or leave within any Township facility, any bottles, glass, ashes, boxes, cans, dirt, rubbish, waste, green waste, garbage or other forms of refuse or trash, other than in a Township designated receptacle suitable for such purposes.

E. SAFETY OF USERS:

i. It shall be unlawful for any person to possess or use glass containers on or within a Township Facility.

ii. It shall be unlawful for any person to build, or attempt to build, a fire anywhere within a Township Facility except in barbecue pits provided at a Park or in portable barbecue grills or cooking stoves permitted in designated areas. It shall further be unlawful for any person to drop, throw

or otherwise scatter lighted matches, burning cigarettes or cigars, hot embers or coals or any other similar material that could ignite a fire when placed in contact with a flammable material, except as authorized herein.

iii. Except as otherwise specifically authorized by law, it shall be unlawful for any person to carry, or possess or discharge any firearm of any description, or any air rifle, spring gun, bow and arrow, slingshot, or any other form of weapon potentially harmful to Wildlife or humans, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device, in, along or within any Township Facility. It shall further be unlawful to discharge any firearm or weapon into any Township Facility from areas beyond its boundaries, except by duly authorized peace officers in the lawful exercise of their duties.

iv. It shall be unlawful for any person to bring or possess, or set off, or otherwise explode, discharge or burn any fireworks or other form of Explosives in, along or within any Township facility, unless specifically authorized to do so by the Township.

v. It shall be unlawful for any person to boat, swim, bathe or wade in any pond, open waters or waterways of any Township Facility, except in areas specifically designated for such purpose or by special permit issued by the President or his designee.

vi. It shall be unlawful for any person to camp within any Township facility, except in areas specifically designated for such purpose or by special permit issued by the President or his designee.

vii. It shall be unlawful for any person to cause or permit any wild or dangerous animal, or breed of animal that traditionally displays vicious tendencies, to be within Township facilities, or to cause or permit any domestic Pet to be within any Township facility unless such domestic Pet is under the direct control by the owner or possessor and securely leashed on a leash not to exceed ten (10') feet in length, except for domestic dogs within a designated off-leash dog friendly area or dog park.

viii. It shall be unlawful for any person to fail to immediately remove any feces deposited in, along or within any Township Facility, including facilities including any Pathways, by a domestic Pet that is under the control or possession of such person.

ix. Horseback riding through, on and within any Township facility is prohibited unless duly authorized by action of the Township Board of Directors.

x. It shall be unlawful for any person to consume any Alcoholic Beverage at, in or within any Neighborhood Park, swimming pool or area of Town Center designated by the Township as a "Children's Use" area. For purposes of this Order, the following Parks are not considered Neighborhood Parks: Bonny Branch, Cottage Green, Piper's Green and St. Peter's Gate.

F. PROTECTION OF ENJOYMENT:

i. It shall be unlawful for any person to practice or play at any game of basketball, football, golf, cricket, lacrosse, soccer, polo, hockey or other game of like character in any Park, except at the places or the facility designed, set apart or designated as grounds for such purposes.

ii. It shall be unlawful for any person to paste, glue, tack or otherwise post any sign in, along or within any Township facility, except for identification signs of duly licensed concessionaires or contractors, and then only pursuant to and under the authority and regulation of the Township.

iii. Except in the case of Special Events produced by or permitted by the Township, it shall be unlawful for any person to use, operate or allow to be used or operated any device for the production of Amplified Sound in such a manner as to disturb the peace, quiet, comfort or enjoyment of persons within any Park. The operation of any such Amplified Sound device in such a manner as to be plainly audible at a distance of one hundred feet (100') or more from the source of the sound shall constitute a violation. For the sound to be "plainly audible" words or phrases need not be distinguishable, and bass reverberations are sufficient. This prohibition may be waived pursuant to a Special Event permit issued by the President or his designee if the event normally includes sound production, such as concerts, fireworks displays or similar events.

iv. Except pursuant to Special Events permits and facility reservations permits approved and issued by the President or his designee, no area of a Township Facility shall be reserved or used for organized events, such as sports league games or practices, concerts, weddings, family reunions or group meetings, or any other similar function that would substantially impede access to or use of such Township Facility by members of the general public.

v. It shall be unlawful for any person to solicit funds or donations or to sell or offer to sell any article, services or goods, or to station or place any stand, cart, kiosk or vehicle for the transportation, sale or display of any such article, good or service, or to announce, advertise or call the public's attention to any article, good or service for sale or hire, including the distribution of circulars within any Township Facility, unless such person is operating as a duly licensed concessionaire or contractor pursuant to and under the authority and regulation of the Township, or unless such person has received approval under a Special Event permit.

vi. It shall be unlawful for any person to remove or keep fish or any other aquatic animal from the lakes and ponds owned by the Township. All lakes and ponds are "Catch & Release" fishing areas, and all fish caught must be immediately released back into the lake or pond.

vii. It shall be unlawful for any person to smoke cigarettes, cigars, pipes or other similar devices or products within any swimming pool or related facility.

G. SPECIFIC USE FACILITIES:

i. Specific Use Facilities (Dog Friendly Areas, Wheel Friendly Areas / Skate Parks, Disc Golf Courses, Swimming Pools, Community Gardens, etc.) may have additional rules and regulations that are posted inside or in the vicinity of each facility. The President or his designee shall have the authority to prescribe such rules and regulations for Specific Use Facilities as deemed necessary, provided that said rules are consistent with industry standards and are in compliance with health and safety regulations. It shall be unlawful for any person to violate any posted rules for Specific Use Facilities.

H. TOWN CENTER FACILITIES:

i. The Township Facilities known as Town Green Park, Waterway Square, Riva Row Park, Millennium Park, Koi Pond and The Woodlands Waterway may have additional rules and regulations that are posted inside or in the vicinity of each facility. Due to the nature of these facilities and contractual obligations associated with the use, operation and maintenance authority of the Township for these facilities, all such rules and regulations shall be approved by the Board of Directors of the Township. The President shall have the authority to establish Procedures and guidelines for the administration of all Township Facilities within Town Center, including the granting of Special Event permits and facility reservation permits pursuant to the Procedures established herein for such permits. It shall be unlawful for any person to violate any posted rules for Township Facilities within Town Center.

ii. Town Green Park shall be closed from 12:00 midnight until 6:00 am daily; provided, however, that park use hours may be reduced or extended by the President or his designee for permitted Special Events or activities in other area venues. It shall be unlawful for any person, other than authorized personnel and contractors, to be within Town Green Park during hours that the Park is closed; provided, however, that the use of paved Pathways or tramways within Town Green Park shall be permitted at any time as a course of transportation or for recreational purposes.

iii. Waterway Square shall be closed from 12:00 midnight until 6:00 am daily; provided, however, that Park use hours may be reduced or extended by the President or his designee for permitted Special Events or when deemed appropriate because of Special Events or activities in other area venues. It shall be unlawful for any person, other than authorized personnel and contractors, to be within Waterway Square during hours that the Park is closed; provided, however, that the use of paved Pathways or tramways shall be permitted at any time as a course of transportation or for recreational purposes.

iv. It shall be unlawful for any person to ride or use a bicycle, roller-skate or skateboard within any Town Center facility, other than on a vehicular Road or path designated for that purpose. Bicyclists, skaters and skateboarders shall at all times operate same with reasonable regard for the safety of others.

I. PENALTIES:

i. Any person found guilty of an offense hereunder shall be subject to a fine in an amount not to exceed $500.00. Each day of violation shall constitute a separate offense.

ii. The President, all other employees of the Parks and Recreation Department of the Township and Montgomery and Harris County Sheriff or Constable Deputies providing law enforcement services to the Township are hereby individually and severally authorized and directed for and on behalf of the Township to notify any person who fails or refuses to comply with any applicable provision of this Order, or of any additional posted rules and regulations, to depart from any Township property. Any such person who upon such notice fails to depart from any such property shall be subject to prosecution for criminal trespass in addition to prosecution for any other offense or violation of this Order that such person may have committed. The President or his designee is authorized to file charges against any and all persons for any offense or violation of this Order, and to execute any necessary documents related to such charges.

J. RESERVATIONS OF TOWNSHIP FACILITIES:

i. The following facilities may be reserved by Qualified Organizations and members of the general public in accordance with these rules:

a. Athletic Fields, such as soccer, baseball or other grassy play fields;
b. Outdoor Courts, such as tennis, basketball or volleyball;
c. Indoor Basketball Court at the Recreation Center;
d. Park Pavilions;
e. Swimming Pools;
f. The Woodlands Recreation Center, or portions thereof; and
g. Town Green Park or portions thereof.

ii. Individual facilities may be reserved on a first come, first served basis, but no more than one year in advance of the date requested. When an individual facility or portion within a Park is reserved, members of the public shall have access to all other areas of such Park, other than the reserved individual facility.

iii. No person or organization may schedule regular use of Athletic Fields, courts, pavilions or any other area of a Park on a continuing basis without a facility reservation.

iv. Only Qualified Organizations may reserve Athletic Fields, courts, pavilions or any other areas of a Park for a Season.

v. Permits will be issued subject to the applicant's compliance with the permit requirements, and only if the proposed activity or use of a Township facility will not:
   a. unreasonably interfere with or detract from the general public's enjoyment of the area;
   b. unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;
   c. unreasonably conflict with any other scheduled or reserved activity at that day and hour;
   d. substantially interrupt the safe and orderly movement of traffic;
   e. likely cause injury to persons or property, or invite violence, crime or disorderly conduct; or
   f. be used for the purpose of advertising any product, goods or services, except by special permit.

vi. No person or entity shall use any area or facility of a Park for which a reservation or permit was received for any purpose other than the stated purpose on the application for such reservation or permit.

vii. Each person or entity using a Park under a reservation or permit is subject to all other rules and regulations in force at the time of use.

K. QUALIFIED ORGANIZATIONS:

i. Upon application to the Department, an organization shall be designated as a Qualified Organization provided the following requirements are satisfied:
   a. Submission of a current financial statement for the organization;
   b. Provision of a list of the governing body's, including officers' or other authorized representatives' contact information prior to using facilities;
   c. At least 60% of the members of the Qualified Organization and the participants in the programs or activities to be conducted by the Qualified Organization at the Township Facility must be residents of the Township;
   d. Provision of a minimum of $1,000,000 General Liability insurance policy covering each participant and naming the Township as an additional insured.

L. PARK USER FEES:

i. Fees and charges for Park concessions, rentals, reservations, equipment, vending licenses and permits, admissions, ceremonies, Special Events, commercial filming or movie production, as well as program registration fees associated with athletics, recreation, aquatics and other classes sponsored by the Department (collectively denoted "park user fees") shall be established by the Board of Directors of the Township.

ii. A different fee schedule may be adopted for residents of the Township and those who are not residents of the Township, but at no time shall a non-resident fee be more than three times the fee for residents.

iii. User fees shall be waived one time per year upon the request of a duly constituted Village Association to allow free use of a Park, including swimming pool, located within the village for the purposes of a one-day event produced by the Village Association designed for the residents of that village. For the purposes of the Village Association event, pool use must be scheduled during regular operating hours for that pool.

iv. It shall be the responsibility of the President to submit to the Board of Directors, from time to time as appropriate, revisions to the schedule of park user fees.

v. The President or his designee shall establish uniform Procedures relating to permits, reservations, deposits and the manner for paying park user fees.

vi. The President may waive park user fees for any Township sponsored or co-sponsored function or event. For purposes of this subsection, the President is authorized to declare Township sponsorship.

vii. The President is authorized to approve special promotions, rates and fees for Parks and recreation facilities that are designed to market and maximize utilization of such facilities.

viii. Rates and/or admission policies for special civic, educational, non-profit and guided tour groups may be established by the President or his designee.

ix. Additional Park user fees and/or admission policies may be established by other agreements or contracts approved by The Township.

x. The President may establish Procedures relating to refunds of park user fees.

M. AUTHORITY OF THE PRESIDENT:

i. The President shall have the authority to prescribe written Procedures for the administration of and use of Parks, provided that such Procedures do not conflict with this Order, or any valid and applicable law or ordinance. A copy of such Procedures shall be maintained for public inspection in the offices of the Township.

ii. The President or his designee shall be authorized to contract for instructors for athletic, recreation and aquatic classes, programs or events, coaches, referees, entertainers, performers and others for the purposes of carrying out the programs and services provided by the Township. Fee schedules establishing payments to or revenue sharing with such instructors, coaches, referees, entertainers, performers and others shall be submitted from time to time as appropriate to the Township Board of Directors for review.

iii. The President or his designee shall be authorized to contract for concessionaires licensees and others for the production of Special Events that occur at a Township facility. Fees or cost-sharing/revenue-sharing agreements for such Special Events shall be approved by the President and shall be submitted from time to time as appropriate to the Township Board of Directors for review.

iv. The President or his designee shall be authorized to solicit sponsorships, donations and in-kind services that contribute to the quality and financial performance of Township Parks, facilities, programs and Special Events.

Reports on these sponsorships, donations and in-kind services shall be submitted from time to time as appropriate to the Township Board of Directors for review.

N. CUL-DE-SAC ISLAND MAINTENANCE:

i. Cul-de-sacs islands 3,400 square feet and larger in size within the Road rights-of-way within the Township shall be treated as open spaces and will be maintained by the Township not less than eleven times per year. Maintenance service is limited to mowing, edging, litter and trash removal and dead tree removal. The Township assumes no responsibility or maintenance for cul-de-sacs smaller than 3400 square feet.

O. RESTRICTED OPEN SPACE RESERVES:

i. It shall be unlawful for any person to willfully remove, damage, mark, deface, disfigure, injure, tamper with, displace or remove any of the Township's property, including trees, shrubs, vines, plants, groundcover and grass in an ROSR, or to place, construct or cause to construct any improvement, change, alteration or utility within an ROSR, except as provided by written agreement approved by the Township. For such purposes, the President or his designee is authorized to approve temporary access agreements for the purposes of residential and commercial construction occurring on property adjacent to an ROSR if there is no other reasonable access to the adjacent property's improvement location. Access fees may be established by the President for such purposes.

SECTION 3. The Board of Directors hereby finds, determines and declares that the foregoing rules and regulations have been adopted after a public hearing duly called and held within the Township.

SECTION 4. The Prior Orders are hereby repealed, revoked and rescinded and shall be of no further force and effect.

SECTION 5. In the event any clause, phrase, provision, sentence or part of this Order, or of the rules and regulations adopted hereby, or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Order, or the rules and regulations adopted hereby, as a whole or as to any part or provision hereof other than the part declared to be invalid or unconstitutional.

SECTION 6. It is further found, determined and declared that notices of a public hearing concerning the adoption of the foregoing rules and regulations and of the meeting of the Board of Directors have been published, given and posted as required by law, and that this meeting has been open to the public, as required by law.

PASSED, APPROVED AND ADOPTED this 16th day of November, 2009.

Chairman, Board of Directors

ATTEST:

Secretary, Board of Directors

(SEAL)

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