

NEWPORT MUNICIPAL UTILITY DISTRICT

Order Adopting Rules and Regulations for District Parks, Recreational Areas and District Property, Facilities, Easements and Rights-of-Way

The board of directors of Newport Municipal Utility District ("District") met at its regular meeting place, on December 16, 2015, with a quorum of directors present, as follows:

Wayne Scott, President
Don Cox, Vice President
Dale Glazner, Assistant Secretary
Jim Hembree, Director

and the following absent:

Robert Archer, Secretary

when the following business was transacted:

The order set out below was introduced for consideration of the board. It was duly moved and seconded that said order be adopted; and, after due discussion, said motion carried by the following vote:

Ayes: All directors present
Noes: none

The order thus adopted is as follows:

The order hereinafter set forth shall become effective on January 1, 2016.

**RULES AND REGULATIONS
FOR
DISTRICT PARKS, RECREATIONAL AREAS AND
DISTRICT PROPERTY, FACILITIES, EASEMENTS AND
RIGHTS-OF-WAY**

MISSION STATEMENT

In pursuit of an enhanced quality of life through a greater opportunity for recreational activity, Newport Municipal 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 Newport Municipal Utility District has determined that expenditures of general operating 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 and to protect the District's property, facilities, easements and rights-of-way.

The Board has further determined that the size and location of recreational facilities to be developed and operated by the District, including the Port O'Call Park, South Diamondhead Park, Flying Bridge Park and Gum Gully Nature Trail 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 Newport Municipal Utility District under authority of §54.205 of the Texas Water Code and the order adopted by the Board of Directors on December 16, 2015. These Rules apply to the Port O'Call Park, South Diamondhead Park, Flying Bridge Park, and Gum Gully Nature Trail and related Recreational Areas developed and maintained pursuant to §49.463 of the Texas Water Code, and to all District Property, facilities, easements and rights-of-way.

Section 2: **ADMINISTRATION.** The Board of Directors and its duly designated agents, along with the Harris County Sheriff, the Harris County Precinct 3 Constable and their respective deputies, shall enforce these Rules.

Section 3: 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 currently serving Board of Directors of Newport Municipal Utility District of Harris County, Texas;
- c. "County" means Harris County, Texas;
- d. "District" means Newport Municipal Utility District;
- e. "District Property" means any water plant site, wastewater treatment plant site, lift station site, detention pond site, easement or right-of-way owned or used by the District in performing its responsibilities as a Texas municipal utility district, including facilities and improvements located thereon, all as identified on Exhibit A;
- f. "Explosives" means any chemical compound or mixture of any kind that is commonly used or intended for the purpose of producing an explosion;
- g. "Gum Gully Nature Trail" or "Trail" means a series of paths or walking surfaces in marked areas along and adjacent to Gum Gully;
- h. "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;
- i. "Parks/Trail" means the Port O'Call Park, South Diamondhead Park, Flying Bridge Park, and the Gum Gully Nature Trail, as identified on the attached Exhibit "A" and such areas along and adjacent to the Gum Gully Nature Trail, if any, as may be designated as parks;
- j. "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;
- k. "Recreational Area" means any Parks/Trail or other area, within the District's boundaries, that has been designated by the District for recreational use by residents and taxpayers of the District and their guests;
- l. "Road" means any road maintained or controlled by the County for public passage for vehicles;
- m. "Special Event" means an activity intended for more than twenty-five (25) persons to share a common purpose as a group;

n. "Splash Pad Water Feature Area" means the splash pad area and water feature enclosed by fencing at Port O'Call Park.

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

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

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

Section 4: AREA COVERED. These Rules shall apply to the Parks/Trail, together with such additional land as may be designated as Recreational Areas by the District, and to all District Property, facilities, easements and rights-of-way.

Section 5: AUTHORIZED USERS. The Parks/Trail are authorized for use by District taxpayers and utility customers, and their guests.

Section 6: HOURS OPEN. Unless otherwise posted, the Parks/Trail shall be open from sunrise to sundown. No person shall enter into or remain within the Parks/Trail at any other time without prior written approval of the Board.

Section 7: VEHICLES.

a. No person shall operate a Vehicle within the Parks/Trail or District Property except on the Roads or parking lots. This provision does not apply to Light Trucks or trucks making deliveries of material, supplies and equipment purchased or rented by the District;

b. No person shall cause a Vehicle to be parked within the Parks/Trail except in a designated parking area. This provision does not apply to Light Trucks nor trucks making deliveries of materials, supplies and equipment purchased or rented by the District;

c. No person shall operate a Vehicle larger than one ton within the Parks/Trail or the parking lots, except for trucks making deliveries of material, supplies and equipment purchased or rented by the District;

d. No person shall cause a Vehicle to remain within the Parks/Trail after hours. Vehicles remaining within the Parks/Trail for more than twenty-four (24) hours will be towed and placed in storage by Peace Officers at the owner's expense.

Section 8: WILDLIFE. No person shall harm, harass, trap, confine, catch, or possess any Wildlife within the Parks/Trail except with prior written approval of the Board.

Section 9: PLANT LIFE. No person shall destroy, damage, mark, break, disfigure or remove any tree, shrub, vine, wildflower, grass, fern, moss, leaves, cones, or dead or downed wood within the Parks/Trail except with prior written approval of the Board. No form of plant life may be planted in the Parks/Trail without prior approval of the Board.

Section 10: FIRES. No person may light, build or maintain a fire within the Parks/Trail other than within the District-installed barbecue pits. If a burn ban has been enacted by Harris County, fire is prohibited in all areas, including the barbecue pits.

Section 11: 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 Parks/Trail.

Section 12: 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/Trail. It is unlawful to discharge a weapon within the Parks/Trail.

Section 13: EXPLOSIVES. No person may possess gun powder or other combustibles, Explosives or fireworks within the Parks/Trail; provided, however, that this provision does not apply to gasoline and other petroleum products in fuel tanks of Vehicles nor to petroleum products intended to be used as fuel for cooking.

Section 14: ANIMALS. No person may bring into or possess in the Parks/Trail any animal other than a dog or domestic cat. Any person bringing a dog or domestic cat into the Parks/Trail shall keep such dog or domestic cat confined to a vehicle or secured by a leash not exceeding fifteen (15) feet in length. Any person who brings an animal into the Parks/Trail is responsible for removal and clean-up of the animal waste. Owners are legally and financially responsible for damage or injury inflicted by their dog or domestic cat. The person bringing the animal into the Parks/Trail is responsible for preventing aggressive behavior, biting, fighting and aggressive barking. Dogs with a known history of dangerous behavior are prohibited in the Parks/Trail. The person bringing the animal must leave the Parks/Trail immediately with the animal if it behaves aggressively.

Section 15: GLASS BEVERAGE CONTAINERS. No person shall use any glass beverage containers in the Parks/Trail. This provision shall not apply to baby bottles, baby food jars, glass lined thermos bottles and glass lined picnic beverage coolers, which may be used except inside the Splash Pad Water Feature Area.

Section 16: ALCOHOLIC BEVERAGES. No person shall consume or possess an Alcoholic Beverage in the Parks/Trail.

Section 17: USE OF LOUDSPEAKERS. No person shall use any loudspeaker, public address system or amplifier within the Parks/Trail without prior written permission from the Board.

Section 18: DUMPING AND LITTERING. All persons shall dispose of trash associated with use of the Parks/Trail in the receptacles provided. No person shall bring into the Parks/Trail or District Property any trash, grass clippings or other yard waste, debris, refuse or waste material. Using the District's trash receptacles within the Parks/Trail or District Property to dispose of household waste, grass clippings or other yard waste, debris, trash, refuse or other

items brought into the Parks/Trail or District Property is prohibited. No person shall throw, release, discharge or otherwise place or cause to be placed in the air, waters or lands of any Parks/Trail or District Property, including any fountains, 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.

Section 19: USE OF SPLASH PAD WATER FEATURE AREA.

- a. No person may bring any animal, other than a service animal, into the Splash Pad Water Feature Area.
- b. No person may change a diaper within the Splash Pad Water Feature Area.
- c. No person may use the Splash Pad Water Feature Area with a contagious disease or diarrhea.
- d. Children who are not potty trained must use a swim diaper in the Splash Pad Water Feature Area.
- e. No person shall bring food into the Splash Pad Water Feature Area.
- f. No person shall bring a bicycle, skateboard, roller blades, or scooter into the Splash Pad Water Feature Area.
- g. No person shall climb, hang, swing or pull on any of the equipment in the Splash Pad Water Feature Area.
- h. The Splash Pad Water Feature Area is not monitored by life guards or District personnel. Users are responsible for vacating when there is thunder or lightning.

Section 20: ENTRY TO RESTROOMS AND SPLASH PAD WATER FEATURE AREA. Entry to the Splash Pad Water Feature Area and restrooms in all Park/Trail areas is controlled by the District via key fob/electronic access ("Key Fob"). Key Fobs will be issued and their use managed by the Board through its designated agents. Key Fobs are not transferable. Any violation of these Rules by a person with a registered Key Fob or that person's guest will result in the deactivation of the Key Fob, and all access privileges will be denied. If a person with a registered Key Fob allows access to any District facilities without the registered Key Fob owner being present, the Key Fob will be deactivated. The owner of a registered Key Fob will be held liable for all damages to District facilities that are incurred as a direct result of the use of such registered Key Fob. The Board may establish from time to time by separate document policies, procedures, and fees related to the issuance, activation, replacement and reactivation of Key Fobs.

Section 21: VANDALISM. No person shall mark, deface, disfigure, injure, tamper with, displace or remove any of the property within or appurtenant to the Parks/Trail. Alterations and/or modifications of the Parks/Trail and adjacent areas, including digging,

construction of forts or play areas, placement of graffiti, or placement of any man-made structure or material are prohibited.

Section 22: 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/Trail without prior written approval from the Board.

Section 23: 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/Trail.

Section 24: CAMPING. No person shall engage in overnight camping in the Parks/Trail except with prior written approval of the Board.

Section 25: SUPERVISION OF CHILDREN. Children under 9 years of age must be supervised by an adult at all times.

Section 26: NUISANCE: No person shall use profanity or vulgar language within the Parks/Trail. No person shall use any threatening, abusive, or insulting language or language otherwise constituting "fighting words." No person shall commit any obscene, lewd or indecent act or create a nuisance of any kind. No person shall disturb in any manner any picnic, meeting, service, concert, exercise or exhibition.

Section 27: SPECIAL EVENTS. No person or organization shall solicit for, hold or sponsor a Special Event in the Parks/Trail without submitting a completed Application for Use for Special Event form and the prior written permission of the Board, which 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 as to whether or not insurance will be required and as to the required number of Peace Officers shall be final and binding. The Board may establish from time to time by separate document policies, procedures and rental fees for the various park facilities and pavilions.

Section 28: GUM GULLY. The Harris County Flood Control District drainage conveyance known as Gum Gully is not part of the Parks/Trail. Persons using the Parks/Trail are not authorized to enter Gum Gully.

Section 29: GUM GULLY NATURE TRAIL. The Gum Gully Nature Trail consists of walking surfaces of six (6) 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 Trail shall be used for walking, jogging, skateboarding, rollerblading, rollerskating and bicycling only. Unless otherwise indicated, the Trail may not be used for other recreational purposes.

b. Vehicles and any and all motorized conveyances are prohibited on the Trail and adjacent areas except for Vehicles used for maintenance or repairs of the Trails as authorized by the District.

c. Horses are prohibited on the Trail and ten (10) feet to either side of the Trail.

Section 30: VIOLATIONS; REWARDS. No person shall use any area or facility of the Parks/Trail or District Property 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 and conviction of persons responsible for vandalism or destruction of facilities in the Parks/Trail or District Property.

Section 31: PENALTIES. Compliance with these Rules and state and federal law is a condition of the use of the Parks/Trail. 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 \$10,000.00. 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 32: SANCTIONS. Compliance with these Rules and state and federal laws is a condition of the use of the Parks/Trail.

a. The authorities designated in Section 2 above to enforce these Rules are hereby authorized to notify any person who fails or refuses to comply with these Rules or applicable federal or state laws to depart from the Parks/Trail.

b. Any person who fails to depart upon such notification shall be subject to prosecution under Section 30.05 of the Texas Penal Code for criminal trespass in addition to other punishment or prosecution for any other crime.

c. A person who fails to comply with these Rules is subject to civil penalties of up to \$10,000 for each violation, together with attorneys' fees and costs, all as provided in Section 49.004, Texas Water Code, as amended. These 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.

d. In the event of a violation of these Rules, a violation notice shall be issued to the person responsible for the violation, and the Board shall conduct a hearing on the violation and imposition of a penalty in the manner described in the District's Order Establishing (1) Policy and Rates for Water and Waste Collection and Disposal Service and (2) Rules and Regulations Governing Sewer House Lines, Sewer Connections and Water Main Connections, as same may

be amended from time to time, the provisions of which Order are incorporated by reference herein.

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/Trail and District Property.

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 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.

Section 36: POSTING: A summary of these Rules shall be conspicuously posted at or near the entrances to the Parks/Trail and at entry points along the Trail, 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/Trail.

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.

Section 38: NON-EMERGENCY CONTACT. In the event of a malfunction, unsanitary condition or any other non-emergency problem requiring corrective action, contact Professional Utility Services, Inc. at 281-324-9803.

The President or Vice President is authorized to execute and the Secretary or Assistant Secretary to attest this order on behalf of the board and the District.

Passed and adopted, this December 16, 2015.

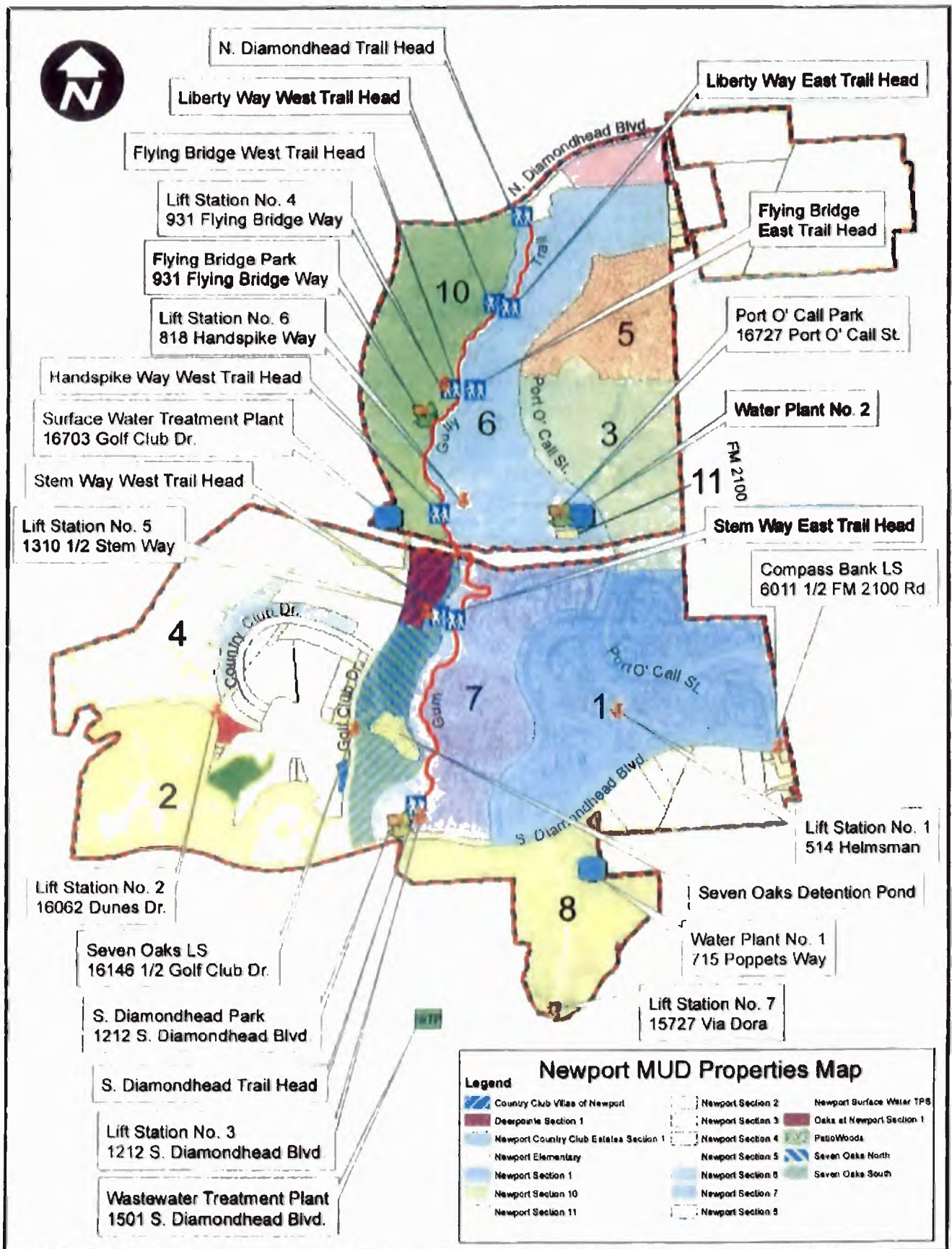
WAYNE SCOTT

President

ATTEST:

DALE GLAZNER

Assistant Secretary



I, the undersigned secretary of the Board of Directors of Newport Municipal Utility District, hereby certify that the foregoing is a true and correct copy of the Order Adopting Rules and Regulations for District Parks, Recreational Areas and District Property, Facilities, Easements and Rights-of-Way adopted by said Board at its meeting of December 16, 2015, and a minute entry of that date showing the adoption thereof, the original of which resolution appears in the minute book of said Board, on file in the District's office.

I further certify that said meeting was open to the public, and that notice thereof was posted in compliance with the provisions of Tex. Gov't. Code Ann. § 551.001 et seq.

Witness my hand and seal of said District, this December 16, 2015.

asst.  Secretary

