

RULES AND REGULATIONS FOR COUNTY PARKS IN ECTOR COUNTY, TEXAS

Section 1. **Authority.** These rules and regulations are adopted by the Commissioners Court of Ector County, Texas, acting in its capacity as the governing body of Ector County, Texas. These rules and regulations are authorized by Chapters 306, 316, 320, and 331 of the Texas Local Government Code, as amended, for all public parks, owned, operated, or maintained by Ector County.

Section 2. **Administration.** The Commissioners Court hereby designates the Ector County Sheriff, the Ector County Constables, and their respective deputies to enforce these rules and regulations.

Section 3. **Area Covered.** Except as expressly exempted in these rules and regulations, they shall apply to all county parks located within Ector County, Texas.

Section 4. **Definitions.** As used in these rules and regulations: (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 a beverage, either alone or diluted; (b) "*Commissioners Court*" means the Commissioners Court of Ector County, Texas; (c) "*County*" means Ector County, Texas; (d) "*Explosives*" means any chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion; (e) "*Individual*" means a human being; (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 mini-bikes, ATV's, pickup trucks, panel delivery trucks, carry-all trucks, and vans; (g) "*Park*" means a park owned, operated, or maintained by Ector County for recreation and enjoyment by the general public; (h) "*Park Maintenance Supervisor*" means the individual named or designated by the Highways and Streets Superintendent as a responsible person for the parks; (i) "*Peace Officer*" means a peace officer as defined in Tex. Code Crim. Proc. Ann. art. 2.12, as amended; (j) "*Person*" means any individual, group of individuals, organization, corporation or other legal entity, but does not include Ector County; (k) "*Pet*" means a domesticated animal kept for pleasure rather than utility; (l) "*Road*" is any road maintained or controlled by the County for public passage for vehicles within a park; (m) "*Special event*" means a special, organized activity intended for more than fifty (50) individuals to share a common purpose as a group; (n) "*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; (o) "*Weapon*" means a rifle, bow and arrow, club, handgun, firearm, illegal knife, shotgun, short-barrel firearm, gas gun or gas pistol, BB gun or BB pistol, pellet gun or pellet pistol, zip gun, sling or sling shot, and includes those objects defined as weapons or prohibited weapons in Chapter 46 of the Texas Penal Code, as amended; and (p) "*Wildlife*" means living things that are neither human nor domesticated.

Section 5. Hours Open. 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. The park hours are 6:00am to 11:00pm.

Section 6. Vehicles. (a) No person shall operate a vehicle within a park except on the roads or parking lots within the park. 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. This provision does not apply to light trucks, or trucks making deliveries of materials, supplies, and equipment purchased or rented by the County. (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 part except in a designated parking area. Vehicles parked on the shoulder of a road in designated areas must be parked parallel to the road. (e) No person shall cause a vehicle to remain within a park after hours or in excess of twenty-four (24) hours at any given time unless one of the officers named in Section 2 is notified and approval is granted. Vehicles remaining within a park for which approval has not been granted will be towed and placed in storage by the appropriate peace officer at the owner's expense.

Section 7. Wildlife. (a) No person shall willfully harm, harass, trap, confine, catch, or possess any wildlife within a park. (b) Fishing in accordance with State of Texas laws and regulations shall be permitted within all parks, except as specifically prohibited.

Section 8. Plant Life. No person shall willfully destroy or remove any tree, shrub, vine, wildflower, grass, fern, moss, leaves, cones, or dead or downed wood within a park.

Section 9. Fires. 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. This rule does not apply to the lighting, burning, or smoking of a cigar, cigarette, or pipe used for the smoking of tobacco.

Section 10. Weapons. No person, other than a peace officer, may carry or possess a weapon within a park, except at specifically designated shooting and archery ranges or at special events for which weapons are expressly authorized in writing.

Section 11. 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 nor to petroleum products intended to be used as fuel for cooking.

Section 12. 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 dog or domestic cat confined to a vehicle or secured by a leash not exceeding six (6) feet in length. No person shall bring into, or keep a horse in a park, except in areas or trails designated for horses.

Section 13. Glass Beverage Containers. No person shall use or possess any glass containers in a park.

Section 14. Alcoholic Beverages and Procedures for Use of Certain Park Facilities. No person shall possess or consume an alcoholic beverage in a park, except with permission of the Commissioners Court of Ector County, Texas, acting in its capacity as the governing body of Ector County, Texas.

15. Use of Loudspeakers. Use of loudspeakers within a park shall be governed by Penal Code § 42.01(a)(5) and (c), Disorderly Conduct.

Section 16. 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 county property; the creation of any hazard to persons or things; and the climbing upon plant bedding areas or any part of a public building, is prohibited. No person shall bring into a park any trash, refuse, or waste material.

Section 17. Solicitation and Sale of Goods and Services. The solicitation or the sale of goods and services are prohibited unless the person receives the prior written approval of the Commissioners Court.

Section 18. Camping. No person shall engage in overnight camping in a park, except when authorized by the Park Superintendent in an area specifically designated for camping.

Section 19. 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 Park Superintendent, who shall require the provision of liability insurance and the furnishing of one or more peace officers, depending on the size of the special event, for security. Please call the Ector County Commissioner's Court for more information at 432/498-4000.

Section 20. Park Use. No person shall use any area or facility or a park for any purpose other than for the purpose for which it was designed or designated.

Section 21. Special Provisions. Please call the Ector County Commissioner's Court for more information at 432/498-4000.

Section 22. Effect on Existing Law. These rules and regulations are in addition to, and not in lieu of, all federal and state laws, rules, and regulations applicable within a park.

Section 23. Enforcement. The Ector County Sheriff 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, criminal charges may be filed against a violator.

Section 24. **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 Commissioners Court that these rules and regulations would have been adopted as to the remaining portions, regardless of the invalidity of any part.

Section 25. **Amendments.** These Rules and Regulations may be reviewed and amended from time to time by the Commissioners Court.

Section 26. **Posting.** These Rules and Regulations shall be conspicuously posted at or near the entrance of all County parks.

Section 27. **Offense.** In accordance with Texas Local Government Code § 320.045, a violation of these Rules and Regulations is an offense punishable under the Texas Penal Code.

Section 28. **Effective Date.** These Rules and Regulations shall become effective on April 10, 2006. All previously adopted Rules and Regulations are superseded and repealed effective the same date.

THE STATE OF TEXAS §
COUNTY OF ECTOR §

The Commissioners Court of Ector County, Texas, convened at a meeting of said Court at the Ector County Administration Building in the City of Odessa, Texas, on the _____ day of _____, 2006, with the following members present, to-wit: Jerry D. Caddel County Judge, Freddie Gardner Commissioner, Precinct No. 1 Greg Simmons Commissioner, Precinct No. 2 , Barbara Graff Commissioner, Precinct No. 3 Bob Bryant Commissioner, Precinct No. 4 and the following members absent, to-wit: _____, constituting a quorum, when among other business, the following was transacted: **ORDER ADOPTING REVISED RULES AND REGULATIONS FOR COUNTY PARKS IN ECTOR COUNTY, TEXAS** Commissioner _____ introduced an order and made a motion that the same be adopted. Commissioner _____ seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote: ___ AYES: ___ NAYS: ___ ABSTENTIONS: The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted.

The order thus adopted follows: **R E C I T A L S:** WHEREAS, the Legislature of the State of Texas has conferred broad powers on the Commissioners Court to maintain, finance, and operate public parks owned or to be acquired by the County (chapter 306, 316, 320, and 331 of the Texas Local Government Code, as amended); and WHEREAS, the statutes of the State of Texas, particularly Tex. Loc. Government Code Ann. §320.0455, as amended, authorize the Commissioners Court to adopt and promulgate

rules and regulations concerning the use of any and all public parks owned or to be acquired by Ector County;

NOW, THEREFORE, BE IT ORDERED BY THE COMMISSIONERS COURT OF ECTOR COUNTY, TEXAS THAT: **Section 1:** The recitals set forth in this order are true and correct. **Section 2:** The revised Rules and Regulations for County Parks in Ector County, Texas, are hereby adopted to be effective on April 10, 2006. Any person reserving a park facility and paying a user fee and/or damage deposit before the effective date of these Revised Rules shall be governed by the Rules in effect at that time. A copy of such revised rules and regulations is attached hereto and incorporated herein for all purposes.