

**ORDER ESTABLISHING RULES AND REGULATIONS GOVERNING  
PARKS AND RECREATIONAL FACILITIES AND GREENBELT,  
INCLUDING WET POND FACILITIES**

**NORTHTOWN MUNICIPAL UTILITY DISTRICT**

April 27, 2010

THE STATE OF TEXAS                   §

COUNTY OF TRAVIS                   §

WHEREAS, Northtown Municipal Utility District (the “District”) is the owner of parkland and recreational facilities, as well as greenbelt areas (collectively, the “Parks”), including wet ponds which have both water quality and aesthetic features (collectively the “Ponds”); and

WHEREAS, the Board of Directors (the “Board”) of the District is authorized to adopt and enforce all necessary rules and regulations governing its park and recreational facilities and other District property; and to establish fees, charges and a schedule for the use of its facilities;

IT IS THEREFORE ORDERED by the Board of Directors of Northtown Municipal Utility District as follows:

Section 1.     Access Policy.

1.01   Access to and use of the Parks between dusk and dawn is not permitted. Park hours will be established by the Board of Directors from time to time, and be posted in the Parks.

Section 2.     General Rules and Regulations Applicable to the Parks.

2.01   No glass containers are permitted.

2.02   The discharge of firearms, pellet guns, bow and arrows, sling shots and other hazardous items is prohibited. The discharge of starter pistols is also prohibited.

2.03   No vandalism or other actions which could cause damage to the District’s facilities or vegetation is permitted. Marking, painting or placing graffiti on the District’s facilities or trees within the Parks, or cutting of the trees within the Parks is not permitted. No spray paint cans or other paint products which could be used for marking, painting or placing graffiti on the District’s facilities are permitted in the Parks.

2.04   Motorized vehicles and equipment are not allowed in the Parks, except as follows:

- a.     Authorized District vehicles, including vehicles of the District’s contractors when engaged in approved District construction, maintenance

or repair work and utilities and vehicles of District Board members when engaged in official District business; and

- b. Vehicles admitted on a temporary basis for the purpose of delivering supplies or materials to residents using the Parks, when authorized by the District in advance.

2.05 No camping or open fires are permitted without the prior, written approval of the Board.

2.06 The possession or use of fireworks within the Parks is prohibited without the prior, written approval of the Board.

2.07 No disorderly conduct is permitted.

2.08 Children who are eight years old or younger must be supervised at all times by a parent or other responsible adult.

2.09 The use of controlled substances and alcoholic beverages is not permitted.

2.10 No amplified or live music or sound generating machinery, devices or equipment is permitted within 100 feet of a residential area. No amplified or live music or sound generating machinery, devices or equipment that creates vibrations apparent to a person of normal sensitivities beyond the property line of a residence or that creates sound audible beyond the property line of a residence in excess of 75 decibels is permitted.

2.11 The Board reserves the right to impose additional restrictions on use as the situation warrants.

### Section 3: Additional Regulations Applicable to the Ponds.

3.01 Fishing in the Ponds is subject to regulation by the Board. Signage may be posted advising Park users whether “fishing is permitted”, “catch and release regulations are in effect”, or “fishing is prohibited”. Violations of any posted signage will subject the violator to a fine as authorized by these Rules.

3.02 When authorized under 3.01, fishing is only permitted from the banks of the Ponds. No wading or swimming in the Ponds is permitted.

3.03 Except for boats being used by District contractors for maintenance purposes, no boats are permitted in the Ponds without prior approval of the Board or its designated representative. The access ramps are designed for pond maintenance only, and no boat trailers are permitted on the ramps.

3.04 No actions that could harm the natural flora and fauna in and around the Ponds is permitted. The release or feeding of domestic ducks around the Ponds is not permitted, as they may cause harm to the natural environment of the Ponds.

Section 4: Additional Regulations applicable to Dogs.

4.01 All dogs in the Parks must have all required vaccinations. Dog owners must furnish proof of current vaccinations upon request.

4.02 Except when in specifically designated “off leash” areas, all dogs must be confined to a leash under the physical control and restraint by their owners at all times, including when in and around Ponds.

4.03 Dogs that have been determined to be “dangerous dogs” under Chapter 822, Subchapter D of the Texas Health & Safety Code are not permitted in the District’s Parks.

4.04 All waste generated by a dog while being walked in the Parks must be collected by the dog’s owner or handler and disposed of in an appropriate trash receptacle.

Section 5: Development standards. The District’s recreational facilities will be developed and maintained in accordance with reasonably acceptable standards for similar facilities. Funds for the development and maintenance of the facilities may be obtained from the fees and charges established in this order and from any other lawful source of District revenue. These funds may be allocated within the District’s annual budget. The Board finds that the size and location of its recreational facilities do not duplicate recreational facilities provided by other government entities and are harmonious with municipal or county recreational facilities, whether existing or proposed, serving the area in which the District is located.

Section 6: Vandalism Policy. Damage to District property is a crime. The District will offer a reward of \$250 to anyone providing information that leads to the apprehension and conviction of persons causing damage to District property. Persons causing damage to District property will be prosecuted to the full extent of the law. To report such activity, please call the Travis County Sheriff’s office at (512) 974-0845. For emergency calls only dial 911.

Section 7: Authority; Costs; Penalties. The provisions of this Order constitute rules adopted under the authority set forth in Section 54.205, Texas Water Code. As provided in Section 54.206, Texas Water Code, the provisions of this Order will be recognized by the courts as if they were penal ordinances of a city. Any person or entity that violates any of the provisions of this Order may be punished by a penalty in an amount not to exceed \$1,000 per offense, and will be assessed all costs of clean-up, administrative and professional fees and fines or penalties levied by other governmental entities with jurisdiction. Each day of violation constitutes a separate offense. Any violator will be assessed all costs incurred by the District in connection with the violation, including reasonable fees for attorneys, expert witnesses and other costs incurred by the District, as permitted by Section 49.004, Texas Water Code.

In addition, violation of the rules and regulations contained in this Order, vandalism, possessing spray cans or other items prohibited by this Order while in the District’s Parks, placing graffiti on the District’s facilities or trees in the Parks, behavior that is dangerous to others, vulgar language or other inappropriate behavior may subject the violator to exclusion and/or being barred from the District’s Parks. The Board may direct the District’s attorney to pursue an injunction in order to enforce an exclusion or bar from the parks. An individual who enters the District’s Parks after being excluded or barred from entry will subject to charges for

trespassing, and the District will press charges for trespassing against any individual who enters the parks after being excluded or barred from the parks.

Section 8. Severability. If any provision of this Order or its application to any Person or set of circumstances is, for any reason, held to be unconstitutional, invalid or unenforceable, the validity of the remaining portions of this Order or their application to other Persons or sets of circumstances will not be affected, it being the intent of the Board that no provision or regulation contained herein will become inoperative or fail by reason of the unconstitutionality or invalidity of any other provision or regulation.

Section 9. Publication of Notice The President and Secretary of the Board, and the District's consultants, are hereby authorized to do all acts and things necessary pursuant to this Order, including publishing a substantive statement of these rules as required by Section §54.207, Texas Water Code.

Section 10. This Order supersedes all prior Orders of the Board relating to the subject matter hereof, including the Order Establishing Rules and Regulations Governing Parks and Recreational Facilities and Greenbelt, including Wet Pond Facilities dated April 28, 2009.

Passed and approved this 27<sup>th</sup> day of April, 2010.

**NORTHTOWN MUNICIPAL UTILITY  
DISTRICT**

By: \_\_\_\_\_  
Robin Campbell, President  
Board of Directors

(SEAL)

ATTEST:

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Scott Gray, Secretary  
Board of Directors