

**Lost Creek Limited District
Parks and Recreational Facilities
Rules for Use and Rental
June 23, 2021**

Mission Statement

Lost Creek Limited District (“District”) is the owner of certain park and recreational facilities located within its boundaries, including the Lost Creek Boulevard Park, Boulder Trail Park, the Whitemarsh Valley Greenbelt, the Lost Creek Greenbelt at Barton Creek, and the LD Community Center.

The Board of Directors of the District (“Board”) is authorized to adopt and enforce all necessary rules and regulations governing its park and recreational facilities and to establish fees and schedules of use for these park and recreational facilities. The Board wishes to establish, as a mission statement, the following goals for the District’s parks and recreational facilities:

- To create beautiful, diverse recreational spaces for all residents of the District and to maintain the availability of park and recreational facilities for all District residents’ use and enjoyment;
- To establish a balance of uses of all park and recreational facilities by organized associations or groups, as well as individual District residents and families;
- To provide adequate and safe facilities for District residents and guests while promoting respect for District resources and responsibility for upkeep and maintenance.

Park and Recreational Facility Rules

The following rules govern use of the District’s parks and recreational facilities by District residents and members of the general public (“Rules”). These Rules define general privileges of use and do not create rights of use. The Rules may be modified or supplemented by additional policies of the District, including pilot projects and temporary policies.

The District shall not be liable for any loss, damage or injury that may occur or be suffered by persons who use District parks or recreational facilities. Users of the park facilities assume all risks associate therewith and agree to make no claim, hold harmless, and indemnify the District, its officers, directors, agents or employees for or on account of any personal injury or property damage suffered or incurred in connection with the use of District parks or recreational facilities.

Hours of Operation and Curfew

The District’s General Manager is authorized to establish and post the hours during which the District’s parks and recreational facilities shall be open. The General Manager is also authorized to modify the park hours without prior notice in response to unusual

circumstances or special events, including inclement weather and periods required for repair or maintenance. Notwithstanding the foregoing, a curfew is hereby established for each park as follows:

Whitemarsh Valley and Lost Creek Greenbelt at Barton Creek – Sunset (or for so long thereafter as it remains light) each day until 8:00 a.m. CT the following day (or such earlier time as it becomes light)

Boulder Trail Park – Sunset (or for so long thereafter as it remains light) each day until 8:00 a.m. CT the following day (or such earlier time as it becomes light)

Lost Creek Boulevard Park – 10:00 p.m. CT until 8:00 a.m. CT the following day (or at such earlier time as it becomes light)

LD Community Center – District office hours from 8:30 a.m. to 12:30 p.m. CT Monday through Friday, except as otherwise posted; meeting room use available as reserved until 10:00 p.m. CT.

Use by Minors

Adults should accompany children at the parks and recreational facilities. Children under the age of 7 shall be accompanied by someone over the age of 14 at all times.

Destructive Activities

Activities of any kind, whether conducted within or outside the parks and recreational facilities that cause or are likely to cause destruction, damage, defacement or other injury to District resources, other than ordinary wear and tear, are prohibited. This provision does not apply to activities or persons specifically authorized, approved or directed by the District. The harm, damage or removal of vegetation is strictly prohibited in all District parks.

Organized Sporting Events

No organized sporting events, camps, team practices, team games or similar events of any kind may be conducted within Boulder Trail Park. The General Manager is authorized to determine whether any event or activity within Boulder Trail Park violates the foregoing prohibition and may terminate any activity that he/she determines to be in violation.

Missiles Prohibited

Except as approved in writing by the General Manager or the Board, the discharge of missiles, fireworks, firearms, pellet guns, air soft guns, paint ball guns, bows and arrows, sling shots and other hazardous items is prohibited in all District parks and recreational facilities. This prohibition does not apply to balls, frisbees and other play and athletic

objects used in the usual and ordinary way in the course of play, exercise, or an athletic activity.

Golf Prohibited

Golf is prohibited in District parks and recreational facilities.

Glass Containers

Except as may be authorized by the General Manager, no person shall possess, carry, discard, deposit, use or bring on or to the Greenbelts any glass container.

Trash and Recycling

Place trash and recyclables in appropriate receptacles only. Littering, dumping, or depositing trash or waste of any type on any District park lands or in park waters is prohibited.

Disorderly Conduct, Loud or Offensive Activities and Public Intoxication

Any activity within the District's parks or recreational facilities that constitutes a felony, a crime involving moral turpitude, assault, criminal mischief, or disorderly conduct within the meaning of Texas Penal Code § 42.01, as the same is now or hereafter amended, is prohibited.

Public intoxication, within the meaning of Texas Penal Code § 49.02 is prohibited within the District's parks or recreational facilities.

No conduct, excessively loud music, or noise that may disrupt the use and enjoyment of District park or recreational facilities by others, or that may impact surrounding property owners and residents, is permitted. The General Manager is hereby authorized to determine whether any activity, music or noise is disruptive and to take all enforcement actions reasonable necessary to address or abate the disruption, including ejecting the offender(s).

Bicycles, Vehicles and Equipment

Motor-driven vehicles and equipment are not allowed within the District's parks and recreational facilities, except as authorized by the District.

The use of bicycles within the Lost Creek Boulevard park is prohibited. In the Whitemarsh Valley Greenbelt, Lost Creek Greenbelt at Barton Creek, and Boulder Trail Park, bicycles may be used on established trails or paths only, and shall yield to pedestrians at all times.

Parking/Towing

Parking at Boulder Trail or Lost Creek Boulevard parks shall be in designated places *or legal street parking* only. Parking at all District parks and recreational facilities shall be conducted so as to allow for ingress and egress by other vehicles and park users. Parking of vehicles at all District parks and facilities is strictly prohibited except for parking in order to use the park/facility during authorized hours. The District may have any vehicle towed at the expense of the owner if the vehicle is parked in violation of these Rules.

Pets

Dogs and other pets are prohibited at Lost Creek Boulevard park. Dogs and other pets must be on leash and under the physical control and restraint by their owners at all times when within other District parks and recreational facilities. Droppings must be removed by the owner. All dogs shall have current rabies vaccinations and shall wear visible dog tags. No aggressive dogs or pets are allowed in District parks or facilities at any time. Handlers are responsible for any and all injuries or damage caused by pets.

Use of Waterways

The waters of Barton Creek are waters of the State of Texas over which the District has no jurisdiction. Said waters are not District parks or recreational facilities. Any person using, entering, or swimming in such waters does so at his/her own risk. Park users must obey posted signs advising that such waters are closed due to high flow rates or flooding.

Posting of Signs and Advertisements

The posting of signs, poster, or advertisements is strictly prohibited in District parks and recreational facilities, except on District bulletin boards, or as approved in advance of posting by the General Manager.

Fires

Fires are prohibited in all District parks and recreational facilities, except within the confines of permanent barbeque grills. All users of grill equipment shall properly and thoroughly extinguish all fires and coals before departing the park. The General Manager is authorized to prohibit fires within designated barbeque grill areas during drought and other high-risk fire periods.

Smoking

Smoking is NOT permitted in any District park or recreational facility.

Alcohol

No alcoholic beverages shall be permitted in the District's parks and recreational facilities without prior District approval.

Large Group Event Policy

Any organized event or activity that includes or may include more than 50 participants (a “Large Group Event”) must receive prior authorization from the Board or General Manager as set forth herein.

1. This section shall not apply to events organized, sponsored or managed by the District. For purposes of this paragraph, an event shall be considered organized, sponsored or managed by the District if the District is responsible for planning and conducting the event.
2. This section shall not be construed as an agreement by the District to allow Large Group Events to be conducted at District parks or recreational facilities. Each proposed Large Group Event will be considered and acted upon on its own merits, taking into consideration the proposed impact of the Large Group Event on the District’s facilities and resources; the health, safety, and welfare of other park/facility users and surrounding property owners; and other relevant circumstances. The District’s authorization of a Large Group Event will be evidenced only by a written authorization.
3. The sponsor of any proposed Large Group Event shall provide not less than 45 days’ prior notice to the District or its General Manager of the proposed Large Group Event and requested date. The proposal shall be made by submitting an application, in the form specified by the District. The individual completing the application must be an adult resident of the Limited District (and will provide evidence of such upon request by the General Manager) and be present for the entire Large Group Event.
4. The approval of any Large Group Event shall be made in the District’s sole and absolute discretion based upon consideration of all relevant facts and circumstances, including the impact of the proposed activity on the District’s facilities and resources; impact on parking and traffic; conflicts with District events and other park/facility reservations; impact on other park/facility users; impact on surrounding property owners; and other considerations.
5. The District retains the sole and absolute right to deny any application, or to modify or terminate any prior authorization.
6. In authorizing any Large Group Event, the District may impose conditions on the proposed activity, including without limitation, that the sponsor obtain liability insurance and name the District as an additional insured; that the sponsor pay non-refundable fees based on the number of attendees anticipated; that the sponsor comply with customary protections for service of alcohol (if applicable); that the District sets the duration of the Large Group Event and requirements for set-up and take-down; that the sponsor hire one or more peace officers to attend the Large Group Event; that the sponsor agree to and enforce a parking plan; that the sponsor arrange for portable toilets; or other conditions. All terms and conditions of the District’s approval shall be set forth in writing in the written authorization granted by the District.

7. Except as otherwise agreed by the District, all District parks and recreational facilities shall remain available to the general public during Large Group Events.

Reservation of Lost Creek Boulevard or Boulder Trail Gazebos

1. District residents may reserve the Lost Creek Boulevard or Boulder Trail gazebos, and use the available grills, on a first-come, first-serve basis—in accordance with these Rules and up to 60 days in advance.
2. If a gazebo is not being used, it may be used by any District resident on a walk-in basis; however, if a District resident with a reservation arrives, the resident without the reservation must immediately vacate the gazebo.
3. Reservations for the gazebos and/or grills shall be made by submitting an application, in the form specified by the District, and payment of any applicable deposits or fees. The individual completing the application must be an adult resident of the Limited District (and will provide evidence of such upon request by the General Manager) and be present for the entire activity related to the reservation.
4. A refundable equipment and clean-up/damage deposit of \$100 is required for all reservations. The reservation is not secured until the deposit has been received by the General Manager. The deposit will be returned after a satisfactory inspection of the park/facility after the reservation. Any unreturned keys/equipment, damage, unapproved usage, or “out of the ordinary” maintenance costs will be charged to the resident and/or deducted from the deposit. If the deposit does not cover the entire cost, the resident will be billed for the balance. Failure to make any attempt to clean up and/or pay for the assessed amounts will result in denial of future reservation requests in addition to forfeiture of the deposit.
5. The General Manager will maintain a reservation calendar for the gazebos and grills and issue reservation confirmations. In consideration of other residents, please cancel promptly.
6. Keys are required for use of the gas grill at the Lost Creek Boulevard park or use of the charcoal grills at Boulder Trail. The keys may be signed out from the District office during its normal office hours.
7. The resident making the reservation will be responsible for returning the gazebo/grill to its original condition. All hard surfaces are to be cleaned of loose materials, including decorations. Trash and litter must be placed in trash receptacles or plastic garbage bags if receptacles are full. The grill must be cleaned and free of grease and all keys/equipment must be returned to the District office within 48 hours.

Reservation of LD Community Center Meeting Rooms

1. The LD Community Center is a resource for the needs and interests of District residents. To best meet these needs, the following priorities apply to scheduling and use of the meeting rooms:
 - a. Meetings relating to the business of the Limited District take precedence over other meetings. A specific schedule of meeting dates and times will be reserved for this purpose. To maximize the availability of the meeting rooms, these meetings will be scheduled with as much advance notice as reasonably practicable.
 - b. Meeting room reservations and use for all other purposes will be on a first-come, first-serve basis—in accordance with these Rules and at least 7 days in advance.
 - c. To ensure that the needs of the entire community are being served, the District reserves the right to limit the number or type of reservations by any user or group. The Board delegates this right to the General Manager, but the General Manager's determination may be appealed to the Board.
2. Reservations for meeting rooms shall be made by submitting an application, in the form approved by the District, and paying any applicable deposits or fees. The individual completing the application must be an adult resident of the Limited District (and will provide evidence of such upon request by the General Manager) and be present for the entire meeting.
3. A refundable equipment and clean-up/damage deposit of \$100 is required for all reservations. The reservation is not secured until the deposit has been received by the General Manager. The deposit will be returned after a satisfactory inspection of the park/facility after the reservation. Any unreturned equipment, damage, unapproved usage, or “out of the ordinary” maintenance costs will be charged to the resident and/or deducted from the deposit. If the deposit does not cover the entire cost, the resident will be billed for the balance. Failure to make any attempt to clean up and/or pay for the assessed amounts will result in denial of future reservation requests in addition to forfeiture of the deposit
4. The General Manager will maintain a reservation calendar for meetings and issue reservation confirmations. In consideration of other residents, please cancel promptly.
5. There is no additional charge for the use of tables and chairs (unless a specific set up is requested), over-head projector screens, or Internet access. Items are subject to availability.
6. The resident making the reservation will be responsible for returning the meeting room to its original condition, including the furniture placement. All hard surfaces are to be cleaned of loose materials, including decorations. Trash and litter must be placed in trash receptacles or plastic garbage bags if receptacles are full.

General Rules and Enforcement

1. The Board retains the authority to modify these Rules at any time, and the General Manager is authorized in his/her discretion to revoke, suspend, or modify any person's privileges of use upon good cause.
2. Peace officers, the General Manager, and any authorized representative of the District so designated by the Board or the General Manager are authorized to implement and enforce these Rules. In addition, peace officers are authorized to make arrests when necessary to prevent or abate the commission of any violation of these Rules. The General Manager or his authorized representative is hereby authorized to eject, or cause the ejection of, any persons who violate any District rules concerning park use, including these Rules or those posted at the parks and recreational facilities.
3. In addition to any penalty provided under the laws of the State of Texas, any person violating these Rules will be subject to a District penalty of up to \$500 per day for each violation. The District shall seek full restitution for any damage to District property caused by any person who violates these Rules.
4. All fees and deposits are established by the Board and are subject to change only by the Board.
5. In the event the General Manager disapproves an application or assesses amount(s) for clean-up, damage or loss, an applicant may appeal to the Board at a regularly-scheduled Board meeting.