

**BRUSHY CREEK MUNICIPAL UTILITY DISTRICT  
ORDER 16-0623 -02**

**ORDER ADOPTING AMENDED PARK AND RECREATION  
POLICIES AND RULES**

**THE STATE OF TEXAS** §

**COUNTY OF WILLIAMSON** §

**WHEREAS**, Brushy Creek Municipal Utility District (District) is a duly created and existing political subdivision of the State of Texas operating in accordance with Chapters 49 and 54, Texas Water Code; and,

**WHEREAS**, Section 54.205 of the Texas Water Code authorizes a water district to adopt and enforce reasonable rules and regulations to regulate privileges on any land owned or controlled by the district, and Section 49.004 of the Texas Water Code authorizes a water district to set reasonable penalties for the breach of any rule of the district,

**WHEREAS**, pursuant to the foregoing authority, the Board of Directors of the District previously adopted certain rules and policies governing the use and enjoyment of such park and pool facilities; and

**WHEREAS**, the Board of Directors of the District desires to adopt revised rules and policies regarding the availability and use of District pool, park and recreation facilities.


**NOW THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF BRUSHY CREEK MUNICIPAL UTILITY DISTRICT THAT:**

1. The facts and recitations found in the preamble of this Order are hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made a part hereof, as if copied verbatim.
2. The Board of Directors hereby adopts for all purposes the Park and Swimming Pool Policies and Rules in the form attached hereto.
3. The amended rules and policies attached hereto shall be effective immediately upon adoption of this Order, and shall supersede and replace any prior rules and policies regarding the same subject matter..
4. The President and Secretary of the Board are hereby authorized and directed to execute this Order. After this Order is executed, an original Order shall be filed in the permanent records of the District.

**PASSED AND APPROVED** this the 23rd day of June, 2016.

  
Rebecca Tullos, President

ATTEST:

  
Secretary

(DISTRICT SEAL)

# BRUSHY CREEK MUNICIPAL UTILITY DISTRICT PARK AND SWIMMING POOL POLICIES AND RULES

(Approved by the Board of Directors on June 23, 2011)

Revised June 23, 2016

## I. INTRODUCTION

Brushy Creek Municipal Utility District is a conservation and reclamation district of the State of Texas created and operating under and in accordance with Chapters 49 and 54 of the Texas Water Code. Pursuant to the District's constitutional and statutory authority to own and operate park and recreational facilities, the District currently operates a number of parks, greenbelts, and swimming pool facilities for the use and enjoyment of the residents of the District. This document sets forth the District's policies relating to privileges of use for these areas.

## II. ACCESS AND USE OF DISTRICT SWIM FACILITIES

1. **Types of Authorization**- The following persons are authorized to utilize the District's swimming pool facilities:

A. **Resident Swim Pass**- A Resident Swim Pass may be purchased by individuals that occupy a residence located within the District. The Resident Swim Pass entitles the holder thereof to utilize the swimming pool facilities at any time they are open for public use. Resident Swim Passes are issued for an annual term

B. **Non-Resident Swim Pass**- A Non-Resident Swim Pass is available and may be purchased by a family or individuals that occupy a residence that is not located within the District. The purchaser of a Non-Resident Swim Pass is entitled to the same privileges and use of the swimming pool facilities as holders of a Resident Swim Pass.

C. **Day Pass**- A person that is not the holder of a Resident Swim Pass or a Non-Resident Swim Pass must purchase a Day Pass in order to utilize District swim facilities for the day on which the pass is issued.

D. **Children**- Children three years old or younger may enter District swimming pool facilities if they are accompanied by an adult who is the holder of a Swim Pass or a Day Pass. All children ten (10) years and under must be accompanied by an individual aged 16 years or older at all times. No adult may bring more than four (4) children under 10 years of age.

E. **Other Authorization**- A person who is a member or guest of an individual or group that has entered into a contract with the District for use of one or more swimming pool facilities shall be authorized to use the facilities in accordance with the terms and limitations of the contract.

Swim Passes and Day Passes are personal to an individual and may not be sold, transferred or otherwise assigned in any manner.

The Board of Directors of the District may change or alter Swim Pass rules, memberships, or privileges at any time.

2. **Fees and Charges:** The Board of Directors of the District shall establish and revise the costs of the Resident Swim Pass, the Non-Resident Swim Pass, and the Day Pass from time to time through adoption of an order establishing such rates.

3. **Refunds:** The costs of a Swim Pass (Resident and Non-Resident) are non-refundable. The purchaser of a Day Pass is entitled to a refund or credit if the pool is closed while they are present by District staff prior to the scheduled close time. Upon early closure of a pool, District staff will present Day Pass purchasers with a voucher that can be presented for credit on future purchases or can be mailed to the District for a refund.

4. **Pool Hours:** The Board of Directors of the District shall establish and amend from time to time a schedule specifying the dates and hours that the District's swimming pool facilities are open to holders of a swim pass or a day pass. Any person without authorization who enters or remains in a District swimming pool facility except during authorized hours, or who refuses to leave the facility upon request of a District representative, including by a District security officer, will be considered a trespasser, and may be subject to prosecution.

5. **Pool Closure:** The District's General Manager or his authorized designee may close or limit the number of patrons at any swimming pool facilities at any time in his or her sole and absolute discretion for the protection of health or safety, for operational and maintenance purposes, or for any other reason.

### III. POOL PRIVILEGES

1. **General:** All persons are required to comply with the District's rules and policies governing use of the swimming pool. Privileges may be suspended at any time as determined necessary by any District representative for the protection of health or safety.

2. **Rules:** All patrons of the District's swimming pools must abide by the following rules at all times:

- i. No running is allowed.
- ii. No diving is allowed excepted in designated areas.
- iii. No loitering is permitted in the lifeguard stand areas.
- iv. Only children 8 years of age or younger and under direct supervision are allowed in the baby pool areas.

- v. Children unable to independently swim the length of the pool must be within an adult's body length of the supervising person, who shall be over 16 years of age.
- vi. Swim diapers may be used in a swimming pool. Regular diapers are prohibited in the pool.
- vii. U.S. Coast Guard life jackets and floats are permitted in the pool facilities.
- viii. Only toys and objects designed for use in the water and less than 30" in diameter are allowed in swimming pools.
- ix. No glass containers are allowed in the pool areas.
- x. No smoking is allowed within each pool facility, or within 15 feet of the exterior fence of each pool facility.
- xi. No BBQ pits are allowed in the premises.
- xii. No alcoholic beverages, illegal drugs, firearms, or fireworks are allowed on the premises. To the extent this prohibition conflicts with any other provision of the laws of the State of Texas, the laws of the State of Texas shall control.
- xiii. No abusive or foul language or conduct will be tolerated.
- xiv. With the exception of service animals for persons with developmental or physical disabilities, no pets are allowed in the pool areas.
- xv. A five minute shade break will be called every hour. Only patrons 18 years of age and over may swim during this period.
- xvi. Patrons are required to comply with lifeguard directives at all times.

3. **Enforcement:** The District's lifeguards and other District personnel are authorized to enforce all rules and policies regarding use of the District's swimming pool facilities, and to take such actions as are reasonably necessary to protect the safety of patrons at the swimming pools. Depending on the nature and severity of a violation, the consequences for violation of the District's rules or directives of lifeguards may be reprimands, notification of parents, suspension of privileges at the swimming pool, suspension or termination of swim pass/day pass privileges, or criminal prosecution. In most cases, persons who violate the District's rules will be subject to the following:

- i. First Violation- Warning;
- ii. Second Violation- Suspension of pool privileges for one hour; and
- iii. Third Violation- Suspension of pool privileges for the remainder of the day or remainder of the pool season as applicable.

#### IV. ACCESS AND USE OF GREENBELT AND PARK FACILITIES

1. **General:** The District's park and greenbelt facilities are generally open for use by all members of the public, whether or not they are residents of the District or members of the Community Center. Under no circumstances may persons access or enter restricted areas, including karst and cave preserves that are posted for no trespassing or fenced.

2. **Park Hours:** The Board of Directors of the District shall establish hours during which the District's park and greenbelt facilities are open from time to time. No person is authorized to enter any park or greenbelt except during authorized hours. Any person without authorization who enters or remains in such areas except during authorized hours will be considered a trespasser, and may be subject to prosecution. Park hours are as follows:

- i. Spring/Summer: 5:00 a.m. until 11:00 p.m.
- ii. Fall/Winter: 6:00 a.m. until 11:00 p.m.

Upon request by the District's security personnel, a person shall immediately vacate the District's park property. Any person that refuses to leave the park premises upon request of the security personnel shall be considered a trespasser, and may be subject to prosecution.

3. **Pavilion Reservations:** The District's Pavilions may be reserved in accordance with the following terms and conditions:

- i. Any person who desires to reserve such facilities must complete a reservation application and pay all applicable fees, according to the number of hours that the pavilion is to be used. The number of hours rented includes time for set-up and clean-up.
- ii. A pavilion may be reserved at least 48 hours in advance as well as up to 6 months in advance of proposed use. The Community Center Pavilion may be reserved up to one year in advance if part of a room rental package.
- iii. The Board of Directors of the District shall establish pavilion reservation fees from time to time by adoption of a rate order.
- iv. Pavilions will be made available on a "first come, first served" basis.
- v. Pavilions may be rented by residents of the District as well as non-residents. In order to receive the resident discount, renters are required to show proof of Brushy Creek residency at time of rental.
- vi. Only persons that are 21 years of age or older may reserve a pavilion, and must be present at the pavilion during the period of use.

- vii. Reservations require payment in full at the time of reservation request.
  - viii. Petting zoos are prohibited. Cancellations received no later than 48 hours in advance of proposed use will be entitled to a 50% refund. Cancellations within 48 hours will not be entitled to a refund.
  - ix. Reservations may be rescheduled not later than 48 hours prior to proposed use without penalty. Any change within 48 hours of proposed use shall result in the forfeiture of all fees previously paid. In such an event, new fees must be received in full to reserve the pavilion for the new date. If the Community Center pavilion is part of a room rental package, the payment, cancellation, and rescheduling policy is based on the Facility Rental Payment, Cancellation, and Reschedule schedule.
  - x. Persons that reserve a pavilion are subject to the following rules, in addition to all other rules and policies applicable to the District's parks: (i) no glass containers are permitted in pavilion areas; (ii) all trash, decorations and property must be removed by the end of the period of use; (iii) all balloons, streamers and similar decorations may be attached to the pavilion structures by tape only (tacks, nails, staples, etc. are prohibited); (iv) confetti (both plastic and paper), silly string, and fireworks are prohibited; and (v) persons who reserve pavilions shall be responsible for all damage to the pavilion.
  - xi. Any non-compliance to the rental rules and park rules may result in forfeiture of all or a portion of the pavilion rental deposit.
4. **Large Events:** Events with 125 people or more may be subject to certain additional requirements in order to protect the District's facilities, to allow for use by other users, and to minimize the impact on the use and enjoyment of property by persons living in proximity to the park facilities. Any person proposing such an event must call the District's General Manager at 255-7871 for authorization. Privileges of use may be suspended in the event a person or group conducting such a large event fails to obtain prior authorization or fails to abide by the conditions of approval imposed by the District's General Manager (or his designee).
5. **Commercial Use Policy:** Events where commercial activities will fall under the guidelines of the Commercial Use Policy.
6. **Park Rules:** All patrons of the District's park facilities must abide by the following rules at all time:
- i. No smoking is allowed within 15 feet of any playground areas.
  - ii. No littering is allowed. All trash must be removed from the parks or placed in proper receptacles.

- iii. All pets must be leashed at all times. Pet owners must clean up after their pets.
- iv. No illegal drugs, firearms, fireworks, or glass containers are allowed within the parks.
- v. No excessive consumption of alcohol is permitted.
- vi. No destruction or defacing of property (including graffiti) is permitted.
- vii. No abusive or foul language or conduct is permitted.
- viii. No skateboards or rollerblades or similar objects are permitted in posted areas where prohibited.
- ix. Motorized vehicles are allowed in the park only for loading and unloading purposes as part of a rental. At all other times, no motorized vehicles are allowed in the park, trail or greenbelt areas. No ground fires are permitted.
- x. No harassment of wildlife is permitted.
- xi. Except as approved by written contract, no concerts, bands, or other events with amplified sound that may be heard by neighboring property owners are permitted.

7. **Enforcement:** The District's staff is authorized to enforce all rules and policies regarding use of the District's park and greenbelt areas, and to take such actions as are reasonably necessary to protect the District's property and safety of individuals. Depending on the nature and severity of a violation, the consequences of violations of the District's rules or directives may be reprimands, notification of parents, suspension of privileges, or criminal prosecution.

#### **V. DAMAGE TO PARK OR POOL PROPERTY**

Any person that damages the District's property shall be responsible for the costs of repair or replacement.

#### **VI. NO WARRANTY**

The District's park, greenbelt and pool facilities are made available on an "as-is" basis, without warranty or guaranty of any kind, either express or implied, including fitness for a particular purpose.

#### **VII. NO LIABILITY**

Under no circumstances shall the District, its officers, employees, agents, contractors or representatives be liable for loss of any kind or for indirect, special or consequential damages of any kind, even if the loss or damages arise from any premises defect or



negligence of the District or its employees or contractors. Every person who uses the District's park and pool facilities assumes and is solely responsible for any personal injury that may arise in connection therewith.

Every person who purchases a swim pass or day pass, or who uses the District's park facilities, agrees to hold harmless and release the District from and against any and all claims, liabilities, losses, costs, damages, expenses, including attorney's fees, arising out of or related to use of the swimming pool and park facilities.

Members should not bring valuables into the District's park or pool facilities. The District has no liability for any loss, theft, or damages to the personal property.