

# **PARK RULES**

1. PARK RULES GENERAL

Refers to the overall structure and application of rules, regulations, provisions, and guidelines (Park Rules) promulgated by the Board of Directors of the Uptown Development (UDA) for the government and administration of the Waterwall Park (Park).

1.1 ADMINISTRATION OF RULES

Refers to the authority, structure and interpretation of Park Rules.

1.1.1 POLICY OF THE UDA

It is the policy of the UDA to prescribe rules, regulations and guidelines (Park Rules) for the orderly use and management of the park and the park facility(ies). The Park Rules recognize that the Park is located in a highly urbanized environment in close proximity to office towers, retail and residential properties. As a result, the Park Rules are intended to allow the use of the Park in a manner consistent with the use of the surrounding properties and without disturbing the use of the surrounding property by others.

1.1.2 AMENDMENT OF RULES

The UDA or the Administrator may from time to time promulgate proposed amendments to these Park Rules for the administration and the orderly government of the Park. Any proposed amendments shall be in writing and subject to the approval of the committee (“Committee”) appointed in accordance with Section 6 of that Special Warranty Deed recorded at 20090001161 of the Official Public Records of Harris County, Texas.

1.1.3 STRUCTURE AND CAPTIONS

The structure and captions of the several Divisions, Sections, and Sub-sections of these Park Rules are not part of the context hereof, and are intended only as aides in locating, reading and understanding the provisions herein. For the purposes of these Park Rules, only those provisions or parts thereof numbered to include a decimal point shall be considered to be a rule or regulation.

1.1.4 EFFECT ON EXISTING LAW

These Park Rules are in addition to, and not in lieu of, any Federal or State laws, rules, or regulations, or any City of Houston Ordinances.

1.1.5 SEVERABILITY

The provisions of these Park Rules are severable. If any word, phrase, clause, sentence, section, provision or any other part of these Park Rules should be held invalid or unconstitutional, it shall not affect the validity of the remaining provisions.

1.1.6 NON-WAIVER

It is the intent of the UDA to operate under these Park Rules as consistently as possible; however, neither a failure of the UDA or the Administrator to exercise any of these Park Rules, nor a failure to enforce such provisions, shall affect or constitute a waiver of the UDA’s or the Administrator’s right to exercise or enforce such Park Rules.

## 1.2 DEFINITIONS

Refers to the definition of general and specific terms found throughout these Park Rules.

### 1.2.1 DEFINITIONS GENERALLY

The definitions contained in this Section are intended to aid in writing and interpreting these Park Rules. Additional definitions specific to provisions found in the divisions, sections or sub-sections of these Park Rules may appear elsewhere herein.

### 1.2.2 DEFINITION OF GENERAL TERMS

The following definitions shall apply to general terms throughout these Park Rules:

- (a) ACTIVITY shall mean any part of a Program or an Event or a function.
- (b) ADMINISTRATOR shall mean the person or entity appointed by the UDA to administer these Park Rules. Any appointment of a person or entity other than the UDA or an employee of the UDA shall be subject to the approval of the Committee.
- (c) CAMPSITE shall mean any location used to place or store materials and/or clothing of sufficient quantity to allow a person or persons to remain in the park for more than eight (8) hours.
- (d) COMMERCIAL USE shall mean the use of any park facility or Area for the purpose of selling, distributing, promoting or advertising products or services.
- (e) EVENT shall mean any celebration, activity or gathering open to the public or certain members of the public and which involves the use of a Park Area or Park Facility.
- (f) PARK shall mean the dedicated public park owned by the UDA as depicted in the attached sketch.
- (g) PARK AREA shall mean any part of the Park.
- (h) PARK FACILITY shall include, but not necessarily be limited to, any building, pavilion, lawn, picnic area, playground, amphitheatre, deck, walkway, trail, garden, lake, monument, artwork, fountain, or other improved Park Area.
- (i) PARK VISITOR shall mean any person utilizing the Park or any portion thereof for the purpose of recreational and/or leisure pursuit.
- (j) PARK USER shall mean any person, group, organization or other entity seeking or engaged in a Special Use of a Park Area or Park Facility.
- (k) PERMIT shall mean written approval of the Administrator allowing Special Use of a Park Area or Park Facility.

(l) PROGRAM shall mean a series of Activities or Events designed to provide recreational, cultural, educational, convention, leisure or other opportunities to the public.

(m) PUBLIC GATHERING shall mean a use involving the congregation of twenty (20) or more people within the Park or using a Park Facility during a specified time period.

(n) SPECIAL USE shall mean the granting of additional, extra, special and/or exclusive privileges to use a Park Area and/or Park Facility for the purpose of conducting Public Gatherings, events, fundraising activities, meetings, weddings or other functions which would by their nature entail exclusive use of the Park Facilities for a specified length of time.

(o) SPECIAL USE AREA shall mean any Park Area, Park Facility or part thereof for which Special Use privileges have been granted by the Park Administrator in accordance with these Park Rules.

(p) USER FEE shall mean fees and rates charged for a Special Use of a Park Area or Park Facility.

(q) VEHICLE shall mean any equipment, craft or object designed or able to transport humans or materials with or without power except for bicycles and rollerblades;

### 1.3 COMPLIANCE WITH PARK RULES

Refers to the overall compliance with Park Rules, and the exemptions thereto.

#### 1.3.1 COMPLIANCE IS A CONDITION OF USE

Compliance with applicable provisions of these Park Rules, of the Code of Ordinances of the City of Houston, and of the State and Federal law is a condition of the use of the Park. Subject thereto, any person may use the Park for any lawful purpose.

#### 1.3.2 ENFORCEMENT

The Administrator, all the other employees of the Administrator, and authorized agents of the Administrator are hereby individually and severally authorized and directed for and on behalf of the Administrator to notify any person who fails or refuses to comply with any applicable provision of law or of these Park Rules to depart from the Park. Any such person who upon such notice fails to depart from any such property or building shall be subject to removal from the Park and/or prosecution under any applicable laws or ordinances.

END OF SECTION

#### 1.4 GENERAL USE RULES

Refers to the general provisions regulating use of the Park, Park Area(s) and/or Park Facility(ies).

##### 1.4.1 PARK USE GENERALLY

No person shall use any Park Area or Park Facility for any purpose other than for the purpose for which it was designed, dedicated or for which a Special Use permit has been granted.

##### 1.4.2 SPECIAL USE GENERALLY

No person shall hold, conduct or cause to occur any Special Use of the Park, Park Area or Park Facility without first obtaining the written permission of the Administrator.

##### 1.4.3 SPECIAL PARK AREAS GENERALLY

No person shall visit, use or otherwise be within or upon any area designated for Special Use outside the posted hours of operation without the written permission of the Administrator, nor shall any person during such posted hours be within or upon such Park Area or Park Facility without first paying any applicable User Fee and/or securing any required permits related thereto.

##### 1.4.4 CONCESSIONS AND SALES GENERALLY

No person shall have the right to offer anything for sale or barter, or to exhibit anything, or to conduct any amusement, recreational activity, sports event, or other business for which any participation or admission fee is charged or revenue is otherwise derived within any Park Area or Park Facility without first obtaining the written permission of the Administrator.

##### 1.4.5 PLAYING OF MUSICAL DEVICES

No person shall play any musical instrument, radio, tape player or other musical device within the Park other than for his/her own enjoyment, provided that such person shall not thereby encroach upon the use and enjoyment of the Park by others.

##### 1.4.6 GLASS CONTAINERS PROHIBITED — EXCEPTION

No person shall bring into or upon the Park or have in his/her possession while therein or thereupon any glass receptacle including but not limited to glass bottles, glass jars, drinking glasses or other glass containers of any kind. The prohibition of glass containers shall not apply to baby bottles, baby food jars, glass-lined vacuum bottles and glass-lined picnic beverage coolers.

##### 1.4.7 LITTER AND MISUSE OF RECYCLING CONTAINERS PROHIBITED

No person shall throw or otherwise dispose of any trash or litter in the Park except in the containers provided therefor, and no person shall misuse a container designated for specific recycled materials by placing other types of materials in said container or by retrieving items already deposited in said container.

1.4.8 DUMPING PROHIBITED

No person shall dump any debris, junk, garbage, waste, fill or other material onto the Park.

1.4.9 CAMPING PROHIBITED

No person shall establish a Campsite upon or use any area of the Park as a campsite without the written permission of the Administrator.

1.4.10 MATERIALS STORAGE ON OR NEAR BENCHES

No person shall use a bench or an area near a bench to store materials in a manner that interferes with usage of said bench by others.

1.4.11 BUILDING OF FIRES PROHIBITED

No person shall build or cause to be built any fires within the Park, including in camp stoves or grills, without a permit from the Administrator. Such permit shall only be granted for Special Uses that include monitoring of such fires.

1.4.12 FIREWORKS AND EXPLOSIVES PROHIBITED

No person shall discharge any fireworks upon or within the Park. Bona fide fireworks displays shall be exempt from this provision subject to the written permission and approval of the Administrator and the City Fire Marshall.

1.4.13 HOT AIR BALLOONS PROHIBITED

No person shall tether any hot air balloon in the Park nor launch any hot air balloon from within the Park without first obtaining the written permission of the Administrator.

1.4.14 FLYING OF KITES, RADIO CONTROLLED AIRPLANES RESTRICTED

No person shall fly any kite, radio controlled airplane or similar device within fifty (50) feet of any park building nor operate such device so as to endanger any Park Facility, Park User or Park Visitor or thereby encroach upon the use and enjoyment of the Park by others.

1.4.15 AMUSEMENT RIDES PROHIBITED

No person shall erect or operate any mechanical amusement rides, midway rides or similar apparatus within the Park.

1.4.16 VEHICLES IN PARKS GENERALLY

No person shall drive, propel, use, stop or park any Vehicle over or through the Park without a permit from the Administrator.

1.4.17 RIDING OR DRIVING ANIMALS

No person shall ride or drive any horse or other animal over or through the Park.

1.4.18 MOLESTING OR INJURING, ANIMALS, FOWL OR FISH PROHIBITED

No person shall tease, annoy, molest, catch or throw any stone, object or missile of any kind at, or strike with any stick, object or weapon, any animal in the Park.

1.4.19 GAMBLING, GAMES OF CHANCE PROHIBITED

No person shall gamble, or conduct or operate any bingo, lottery or other games of chance within the Park,

1.4.20 DISTRIBUTION OF ALCOHOLIC BEVERAGES RESTRICTED

No person shall sell, give away or otherwise distribute any alcoholic beverage, as defined by the Texas Alcoholic Beverage Code, on or within the Park unless authorized by agreement, or through a permit issued by the Administrator. In considering any permit request pertaining to alcoholic beverages, the Administrator shall evaluate the purpose of the permit request, the location of the proposed activity, and the likelihood of any adverse impact of distributing such beverages. Approval of the Administrator to distribute or sell alcoholic beverages shall be conditional to any permit approvals, licensing requirements or restriction of the Texas Alcoholic Beverage Commission (T.A.B.C.).

1.4.21 ALCOHOLIC BEVERAGES PROHIBITED

No person shall consume or display any alcoholic beverage except in designated areas at restaurants and in Special Use areas covered by a permit for alcohol consumption issued by the Administrator.

1.4.22 ERECTING STRUCTURES, SIGNS OR BILL POSTING PROHIBITED

No person shall place, erect or attach any permanent or temporary structure, sign, bulletin board, post, pole or advertising device of any kind whatever in the Park, or attach any notice, bill, poster, sign, wire, rod or cord to any tree, shrub, fence, railing, post or structure in the Park unless authorized by special permit issued by the Administrator.

1.4.23 HANDBILL DISTRIBUTION

No person or bill distributor shall hand to or foist upon any Park Visitor or Park User a handbill without the consent of such Park Visitor or Park User, nor shall any bill distributor thereby encroach upon the use and enjoyment of the Park by others.

1.4.24 WALKING, STANDING OR SITTING ON BORDERS, FLOWER BEDS, ETC. PROHIBITED

No person shall walk, stand or sit on or in any border flower bed, monument, vase, fountain, railing or fence in the Park unless it is clearly designed or designated for such purpose.

1.4.25 REMOVAL OF PLANTS, TREE CUTTING PROHIBITED

No person shall remove or cut any flower, shrub, vine, tree or other plant in the Park without the written permission of the Administrator.

(a) PLANTING OF TREES, PLANTS RESTRICTED

No person shall plant any flower, shrub, tree or other plant in the Park nor plant any street tree without the written permission of the UDA.

1.4.26 HUNTING, USE OF FIREARMS PROHIBITED

No person, other than a licensed peace officer, shall hunt any animal or shoot, fire or discharge any pistol, shotgun or rifle, other firearm or archery arrow in, on, along or across the Park.

1.4.27 FISHING PROHIBITED

No person shall fish within the Park or introduce fish or wildlife into any Park Area.

1.4.28 PLAYING OF FIELD GAMES PROHIBITED

No person shall play any game of baseball, softball, football, soccer, golf, cricket, lacrosse, polo, hockey, volleyball or other game of like character in the Park.

1.4.29 CANOEING OR BOATING PROHIBITED

No person shall place any canoe, raft, boat or other vessel of any type or description upon the waters of any lake, pond, pool or fountain in the Park except with a permit from the Administrator.

1.4.30 DOGS OR OTHER ANIMALS IN PARK BUILDINGS FACILITIES PROHIBITED

No person having control over a dog, or any other animal, shall bring such animal into any Park building interior. This provision shall not apply to a guide dog accompanying a blind person, or to a dog or other animal brought into a park building under a permit issued by the Administrator.

1.4.31 SUPERVISION OF MINORS

Persons under the age of fourteen (14) shall be accompanied by at least one of their parents or guardians who has reviewed, become familiar with, and is willing to comply and cause Minors accompanying them to comply with the Park Rules.

1.4.32 NO SKATEBOARDING

Use of skateboards is prohibited in any area of the Park.

1.4.33 SWIMMING AND BATHING

No person or dog may enter any water features. Food, drinks and smoking are prohibited where posted in areas near water features. The Administrator has, except in a Park Area for which a Special Use permit has been issued, the right to restrict access to any water features in order to ensure public safety or the safety of the water feature. Entry into the waterwall is prohibited.

1.4.34 CLIMBING

Other than on specifically-designed and designated playground equipment designed for children under the age of twelve (12), climbing on Park Facilities, features, equipment or artwork is strictly prohibited unless specifically posted.

1.4.35 BIKE RIDING AND ROLLER-BLADING

Bicycle riding, roller-blading and use of similar wheeled equipment is prohibited. The UDA reserves the right to further restrict all forms of non-motorized vehicles (inclusive of bicycles and roller blades) at any time and in any location in order to maintain public



safety and the safety of Park Areas and Park Facilities. No vehicles are ever allowed outside of paved areas, nor are speeds in excess of 10 miles per hour allowed. Pedicabs are prohibited.

#### 1.4.36 PARK RESTROOMS

Any restrooms are reserved for the activities for which they were designed, and Park Users and Park Visitors must conduct such activities without delay. The Administrator reserves the right to close restrooms at any time that maintenance of safe conditions requires.

#### 1.4.37 PHOTOGRAPHY

All commercial photography, videography and film is a Special Use that requires a permit, and any amateur photography, videography and film that causes access by the general public to any Park Area or Park Facility to be restricted or curtailed is a Special Use and requires a permit issued by the Administrator.

#### 1.4.38 SPEAKERS CORNER

The Administrator shall post a designated “speakers corner” in the Park for members of the general public desiring to exercise their rights to free speech. A group of speakers exceeding twenty (20) people is considered a Public Gathering, which requires a permit as described in Section 3.0 of these Park Rules.

#### 1.4.39 RECKLESS BEHAVIOR; NUISANCES

Behavior that endangers or has the potential to endanger the participants in such behavior or others using the Park is prohibited. Any use or activity that results in or creates a nuisance to neighboring property owners, including any nuisance resulting from vibration, sound, electromechanical disturbance and radiation, air or water pollution, dust or emission or toxic or odorous nontoxic matter is prohibited.

#### 1.4.40 MAINTENANCE OF SAFE CONDITIONS AND BEHAVIOR

In order to maintain safe conditions and behavior in Park Areas and Facilities, all Park Users and Park Visitors shall comply with directions from Administrator, its staff and security contractors.

#### 1.4.41 DRILLING AND REFINING PROHIBITED

There shall be no refinery of petroleum or of its products; or drilling for and/or removal of oil, gas, or other hydrocarbon, minerals, or other substances; or any industrial use.

### 1.5 PARK OPERATING HOURS

Refers to the rules regulating Park, Park Area and Park Facility operating hours.

#### 1.5.1 OPERATING HOURS GENERALLY

The UDA, in consultation with the Administrator, shall establish operating hours for the Park, Park Area(s) and Park Facility(ies) commensurate with a combination of patron usage and demand, safety requirements, design and function, deed restrictions, and budgetary, staffing and programming requirements. For Fiscal Year 2008 and until adjusted in the future, the operating hours shall be 8:00 AM to 9:00 PM.

**1.5.2 USE OUTSIDE OPERATING HOURS PROHIBITED**

No person shall visit, use or otherwise occupy, or be within or upon the Park, Park Area(s) and/or Park Facility(ies) outside their respective operating hours without the written permission of the Administrator.

**1.5.3 TEMPORARY CLOSURE, CHANGE IN OPERATING HOURS**

The Administrator may from time to time order the temporary closure or change in operating hours of the Park, Park Area(s) and/or Park Facility(ies). Such temporary closure or change in operating hours may be required as the result of renovation and construction projects, a safety, health or weather emergency, other operations situation, or special event, and shall not be considered a permanent change in operating hours unless such change is adjusted by a revision to these Park Rules.

END OF SECTION

2. SPECIAL USE PERMITS

Refers to the permit process required to conduct Public Gatherings and other Special Uses.

2.1 PERMITS GENERALLY

2.1.1 SPECIAL USE PERMIT DEFINED

Special Use Permits shall be defined as the written authorization of the Administrator granting additional, extra, special and/or exclusive privileges to use the Park, Park Area(s), or Park Facility(ies) for an intermittent or temporary basis.

2.1.2 SPECIAL USE PERMIT REQUIRED

A Special Use Permit shall be required prior to any use of the Park, Park Area or a Park Facility for the purpose of conducting special events, fundraising activities, Public Gatherings, programs, meetings, or any other function which impacts open and free recreational use of the Park by the general public and/or requires the rights for temporary exclusive user.

(a) SPECIAL USE PERMIT BY DEFINITION

Applications for a Special Use of Park Area(s) or Park Facility(ies) shall be evaluated and construed as Special Use Permit requests. Upon approval or issuance thereof, such use shall be considered as authorized by Special Use Permit.

(b) PERMIT NOT REQUIRED — EXCEPTION

Special Use Permits shall not be required for Events, Activities, Programs or functions sponsored or co-sponsored by the UDA or by its concessionaires where the conduct of such functions or activities are permitted under any lawful contract or agreement.

2.1.3 APPLICATION REQUIRED DEFINED

Persons, organizations or other entities requesting Special Use Permits shall complete an application and provide any information as prescribed by the Administrator.

2.1.4 NATURE OF PERMITS

The permit process shall evaluate requests for Special Use of Park, Park Area(s), and/or Park Facility(ies) with consideration for the provision or loss of basic recreational opportunities to the general public.

2.1.5 EVALUATION OF PERMIT REQUESTS FOR SPECIAL USES GENERALLY

Except for Public Gatherings (see Section 2.2), Requests for Special Use Permits, and any additional, special or extra privileges requested therein, shall be evaluated against the following criteria:

- (a) The requested Park Area(s) and/or Park Facility(ies) or part thereof has been previously scheduled or reserved, or other Park Area(s) and/or Park Facility(ies) have been previously scheduled for events or activities that could be impaired or harmed by the requested Special Use;

- (b) The compatibility of the requested Special Use with the design, function, amenities and purpose of the Park, Park Area(s) and/or Park Facility(ies) or part thereof;
- (c) The compatibility and relationship of the requested Special Use with the surrounding neighborhood or community;
- (d) The degree of impact of the requested Special Use upon Park, Park Area(s), Park Facility(ies) and appurtenances;
- (e) The extent to which the requested Special Use will interrupt the safe and orderly movement of traffic, or police, fire, ambulance or other emergency equipment on streets adjacent to the Park;
- (f) The degree to which the requested Special Use would be disruptive or promote disorderly conduct;
- (g) The degree to which the requested Special Use can be reasonably conducted without public safety or health hazard;
- (h) The requested Special Use does not violate these Park Rules, the Code of Ordinances of the City of Houston, or state or federal laws;
- (i) The past performance or non-performance of the requesting individual, company, organization or other applicant;
- (j) The ability of the requesting individual, company, organization or other applicant to meet any stipulations, instructions or orders pertaining to or required for the safe and orderly conduct of the function or requested Special Use;
- (k) The financial and managerial ability to conduct the requested Special Use including the payment of any required User Fees and the provision of any required support services;
- (l) The ability of the Administrator to provide services, staff or equipment necessary to support the request;
- (m) Whether the requested Special Use may have an adverse effect on the use of the Park, Park Area(s) and/or Park Facility(ies) by the public.
- (n) The Special Use of Park Area(s) and Park Facility(ies) may be refused or scheduled for alternate dates and times, or the licensed use of alternate sites and/or additional stipulations may be required.

#### 2.1.6 SPECIAL USE PERMIT A PRIVILEGE

A Special Use Permit granted by the Administrator is for a temporary and interruptible use of a Park, Park Area(s), Park Facility(ies) and/or part thereof. Such Permit is a

privilege granted by the UDA and not a right, and does not and shall not be construed to convey any legal or equitable interest whatsoever to the Park or part thereof.

2.1.7 PERMIT NON-TRANSFERABLE

A Special Use Permit is issued in the applicant's name as an individual or a representative or agent of a company, organization or other entity for a specific purpose, at Park, Park Area(s), Park Facility(ies) or part thereof, and for or during a specific date(s) and times(s). Such Permit cannot be assigned, sold, lent, leased or otherwise transferred even though the name of the applicant or name of the company, organization or other entity represented by the applicant may change.

2.1.8 ERECTION/CONSTRUCTION OF PUBLIC WORKS OF ART

No person shall erect or construct any temporary or permanent public works of art in the Park without first obtaining a permit authorized by the UDA.

2.1.9 YOUTH FUNCTIONS

When a Special Use is for a function involving persons under the age of eighteen years, a minimum of one (1) adult chaperone for each ten (10) guests or fraction shall be required. Such chaperones must be present prior to opening the Park, Park Area(s) and/or Park Facility(ies) for the Event or Activity, and shall remain on the premises throughout the period of use.

2.2 PUBLIC GATHERINGS

Refers to the rules and guidelines governing Special Uses that are Public Gatherings within the Park, Park Area(s) and/or Park Facility(ies).

2.2.1 PUBLIC GATHERINGS GENERALLY

Public Gatherings shall be accommodated within the Park in certain Park Area(s) that are improved and maintained to accommodate such activity as a Special Use.

2.2.2 LOCATION OF PARK AREAS FOR PUBLIC GATHERINGS

The Administrator shall maintain a map of Park Areas that are improved and maintained to accommodate Public Gatherings, and this map shall be filed and maintained for public inspection in the offices of the Administrator. A copy of this map and related rules and regulations shall be made available to any person at no cost upon written request filed at UDA headquarters.

2.2.3 PRIORITY OF USAGE

Use of any Park Area shall be on a first-come, first-served basis. The Administrator shall cause all completed applications to be immediately time-stamped upon their actual receipt by the Administrator. The first in time shall be the first in right, provided that if two applications are received simultaneously, then the precedence shall be determined by an impartial means of chance.

2.2.4 SPECIAL USE PERMIT REQUIRED FOR PUBLIC GATHERINGS

Except as described in Section 2.2.5, it shall be prohibited for any person or organization to hold any Public Gathering in the Park without first having secured a permit therefor

from the Administrator and paid the User Fee, if any. Such permission may require the following in addition to the application:

- (a) Payment of a User Fee to the Administrator for fencing to be installed during the Public Gathering to protect Park Areas not designed and maintained to accommodate Public Gatherings;
- (b) Provision of a bond payable to the Administrator in an amount determined by the Administrator in the event that the Public Gathering causes damage to Park lawns, gardens, pavements, Park Facilities or other appurtenances. The amount of the bond shall be based on the estimated attendance and type of Public Gathering described on the application, and the Administrator shall have the right to adjust the amount of the bond if new information about the type of Public Gathering or the estimated attendance is revealed after the application is submitted;
- (c) Peace Officers certified by the State of Texas and experienced in crowd control. The following schedule shall be used to determine the number of certified peace officers based on the estimated attendance:

0 — 50 Attendees	Peace Officers optional
51 — 300 Attendees	One Officer
301 - 600 Attendees	Two Officers
601 + Attendees	One Officer per 300 Attendees

- (d) Emergency medical personnel are required for Special Uses. The following schedule shall be used to determine the number of medical personnel based on the estimated attendance:

0 — 100 Attendees	Optional, but may be required if alcohol is being served
100 + Attendees	One EMS personnel per 1,000 guests

#### 2.2.5 SPECIAL USE PERMIT REQUIREMENT EXCEPTION

The UDA does not require a permit for Public Gatherings held for the exercise of free speech unless such Public Gatherings are planned to or do include the activities described in 2.2.6(1).

#### 2.2.6 PUBLIC GATHERING PERMIT APPLICATION

Any person or organization desiring permission to conduct a Public Gathering shall make written application to the Administrator setting forth the following information no later than seven (7) days prior to the proposed date of the Public Gathering:

- (a) The date of the application;
- (b) The designated Park Area being requested. This designated Park Area must be designed and maintained to accommodate Public Gatherings;
- (c) The date and time period for use of the requested Park Area;

- (d) The name, address, phone number and e-mail address of the applicant;
- (e) The name of the person representing the applicant;
- (f) Whether the applicant is for-profit or not-for-profit;
- (g) The estimated attendance;
- (h) The type or purpose of the Public Gathering;
- (i) The type of sound system, if any. Please note that a separate permit is required for use of sound systems;
- (j) Any special effects or features, if any, such as bands, fireworks or gun salutes. Please note that all rules and regulations apply to these effects or features, and additional permits may be required or certain uses prohibited;
- (k) Confirmation that the applicant will clean up and remove litter and debris generated by the Public Gathering and that it will pay a User Fee for fencing provided by the Administrator to protect adjacent Park Areas NOT designed or maintained to accommodate Public Gatherings;
- (l) Confirmation that the Public Gathering does not include:
  - (i) the sale or distribution of food, drink or merchandise;
  - (ii) amplified music or entertainment;
  - (iii) admission fees or other charges to attendees;
  - (iv) sale or promotion of commercial products or services;
  - (v) exhibition of products or artwork; or
  - (vi) performances for the primary purpose of entertaining an audience;

#### 2.2.7 REASONS FOR PERMIT DENIAL

Upon receiving such written application, the Administrator must grant permission to use the designated Park Area unless:

- (a) The designated Park Area has been previously reserved;
- (b) The applicant refuses to pay any applicable User Fees, in its response to the application, and the applicant is not willing to provide and pay for those requirements.
- (c) The application was received less than seven (7) days prior to the proposed date for the Public Gathering;
- (d) The requested Park Area is not designed and maintained to accommodate the size and nature of the Public Gathering;
- (e) The applicant has not obtained any permits required;

(f) The applicant will not confirm that it will clean up and remove litter and debris caused by the Public Gathering, and/or it will not confirm that it will install and pay a User Fee for fencing provided by the Administrator to protect adjacent Park Areas NOT designed or maintained to accommodate Public Gatherings;

(g) The applicant will not confirm the conditions described in item 2.2.6(1).

**2.2.8 PROCEDURE OF ADMINISTRATOR UPON PERMIT DENIAL**

If the Administrator denies the permit, then the Administrator must notify the applicant of the denial and the reasons therefor by letter mailed to the applicant or e-mail to the applicant within three (3) days of the date of receipt of the application (exclusive of Saturdays, Sundays, and city-observed holidays). Such letter or e-mail shall be addressed to the applicant at the address or e-mail address stated on the application. If the Administrator fails to mail or e-mail such letter or e-mail' within a three (3) day period, such failure shall be deemed a granting of permission to use the designated area as requested. If the denial is based on Paragraph 2.2.7(d), the Administrator shall advise the applicant of alternative designated areas, if any, capable of handling a Public Gathering of the requested size and nature.

END OF SECTION



3. FEE ADMINISTRATION

Refers to the general Park Rules pertaining to Special Use fees and User Fees.

3.1 PARK USER FEES — GENERAL

Refers to the administration of User Fees for the use of the Park, Park Areas, Park Facilities, and equipment, and participation in UDA-sponsored programs.

3.1.1 USER FEES AND CHARGES GENERALLY

No person shall conduct or promote any use of any Park Area or Park Facility without first paying the applicable User Fees related thereto as may be established by the Administrator and approved by the UDA. User Fees shall include fees for the use of any portion of the Park, Park Area or Park Facility for public or private events, fees for the rental of fencing, claims and other similar items and fees for other services.

3.1.2 USE OF FEE SCHEDULES

The User Fees established for the use of Park Area(s), Park Facility(ies), Programs and services shall be assembled into a fee schedule representing the category or type of fee authorized and any related guidelines, and shall denote the charge for such specified uses or services with the approval of the UDA, the Administrator may change User Fees from time to time, and in such cases, the Administrator shall modify the fee schedule to reflect such change.

3.1.3 FEE SCHEDULE — EXCEPTION

The fee schedule shall not be construed to apply to charges by concessionaires under contract, license or permit, or to UDA-sponsored or co-sponsored Programs and Events.

3.1.4 DISCOUNTING OF FEES AND CHARGES

The Administrator may from time to time authorize discounts of User Fees, special rates or other incentives to promote and encourage the use of the Park. The Administrator is authorized to provide for a fifty percent (50%) discount to charitable Non-Profit organizations with operations in the Houston area.

3.1.5 FEES ARE ADDITIVE

The payment of any applicable User Fees listed in the fee schedule shall not serve to diminish or substitute for any User Fees applicable in a corresponding fee schedule. Unless otherwise specified herein, any and all applicable User Fees shall be additive in determining the total of such fees and charges due.

3.1.6 PUBLIC INSPECTION OF FEE SCHEDULES REQUIRED

A copy of the fee schedule shall be maintained for public inspection in the offices of the Administrator. A copy of such fee schedule shall be published by the Administrator and made available to any person upon request.

3.1.7 VOLUNTARY CONTRIBUTIONS

Voluntary contributions may be taken up in connection with a permitted Special Use, whether conducted or sponsored by the UDA or not. The acceptance of any such contributions must have prior approval of the UDA, be wholly voluntary, and shall not be

imposed, solicited or requested as a condition of admission to or participation in the facility used, function conducted, or for the provision of any goods or services.

### 3.1.8 METHOD OF PAYING FEES AND CHARGES

Fees and charges due to the Administrator may be paid by cashiers check, money order, credit card or cash.

## 3.2 REFUNDS

### 3.2.1 REFUND GENERALLY

The Administrator shall consider the refund of User Fees paid for the use of Park Facilities and equipment subject only to the rules and guidelines prescribed herein.

### 3.2.2 REFUND REQUESTS TO BE IN WRITING, PROCESSING THEREOF

All requests for refunds shall be in writing, state the reason the refund is being requested, be dated, and include the address, name and signature of the requesting party. Refund requests may be made in person at the offices of the Administrator (Jane Serbin, Hines, 2800 Post Oak Boulevard, Suite 6262, Houston, Texas 77056, (713)850-8841) during normal operating hours or by mail to the same address. Refunds will be submitted for processing on the form prescribed by the Administrator, and may require a normal processing period of three (3) to six (6) weeks. No refunds shall be given in cash.

### 3.2.3 REFUND OF PUBLIC GATHERING PERMIT FEES

A full refund of User Fees shall be made provided that a cancellation request is received at least seven (7) business days prior to the starting date of the Public Gathering or Non-Restricted Use. Cancellation requests made less than seven (7) business days prior to such starting date shall be subject to a ten percent (10%) service charge. No refunds shall be authorized for cancellations requested on or after the starting date, or for any inability of a permittee to arrive at or otherwise utilize the parks and/or facilities on such starting date.

#### (a) INCLEMENT WEATHER RAIN DATE

In cases where a Special Use may be directly impacted by rain or similar weather conditions, a rain date may be scheduled at the time the Permit is requested. The purpose of the rain date is to facilitate the postponement and automatic rescheduling of the permitted Special Use without penalty, provided the Administrator is notified of such intent prior to the starting date and no usage occurred after such notification. The calling-off or postponement of a Special Use shall be the responsibility of the permittee, and it shall be presumed that the Park Facilities were utilized should notification not be received. Any cancellation of a Special Use after a call-off for rain shall be subject to normal refund policies.

### 3.2.4 REFUND RESCHEDULING AT ADMINISTRATOR'S FAULT

Should a Park Facility be unusable at the start of a license or permit period due to a lock-out, cancellation or other fault of the Administrator, then a full refund shall be made or the use period rescheduled at the user's request.

END OF SECTION