

**AN ORDER OF THE BOARD OF DIRECTORS OF FERN BLUFF MUNICIPAL UTILITY DISTRICT; AMENDING DISTRICT RULES TO UPDATE DISTRICT PARKS AND RECREATION FACILITY USE FEES AND DEPOSITS; PROHIBITING MOTORIZED VEHICLES ON DISTRICT TRAILS; IMPOSING CIVIL PENALTIES; PROVIDING FINDINGS OF FACT; PROVIDING FOR OPEN MEETING**

**WHEREAS**, Fern Bluff Municipal Utility District (“**District**”) is a political subdivision of the State of Texas, created and operating pursuant to Chapters 49 and 54, Texas Water Code; and

**WHEREAS**, the District’s Board of Directors (“**Board**”) adopted and implemented that certain Amended Order Establishing Rules and Regulations Governing Recreational Facilities, Parks, and Greenbelts and Fees and Charges for the Use Thereof, made effective April 10, 2018 (“**Park Rules**”); and

**WHEREAS**, the District has not amended the fees and charges referenced in the Park Rules over seven (7) years, despite several years of unprecedented inflation; and

**WHEREAS**, the Board finds it necessary to increase the fees and charges in order to recoup a portion of the District’s operating expenses as related to the subject park facilities; and

**WHEREAS**, the District has seen an increase in the use of motorized recreational vehicles, *i.e.*, scooters and e-bikes, along the District’s trails, which presents a danger to people who are walking the trails;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF FERN BLUFF MUNICIPAL UTILITY DISTRICT THAT:**

**Section 1.** The preceding recitals are the Board’s true, correct legislative findings of fact and are incorporated herein for all purposes.

**Section 2.** The Park Rules are amended, restated, adopted, and shall be enforced as provided in Exhibit “A”, attached hereto and fully incorporated for all purposes.

**Section 3.** The Board considered this Resolution during a duly noticed meeting that was open to the public, in compliance with Chapter 551, Texas Government Code, and Section 49.063, Texas Water Code.


**Section 4.** The District’s attorney is hereby directed to publish a substantive statement of this Order and the penalty for violations thereof, pursuant to Section 54.207, Texas Water Code.

*[Endorsements follow.]*

**PASSED and APPROVED** this 24th day of June 2025.

  
George Sabatino, President

**ATTEST:**

  
Jessica Stempko, Secretary

## EXHIBIT “A”

### FERN BLUFF MUNICIPAL UTILITY DISTRICT PARK RULES

#### **Section 1.**     Use of District Facilities.

1.01 All users of the District Facilities must comply with all laws of the United States and the State of Texas and all rules of the District. Users must accept responsibility for all risks associated with their activities and use of the District Facilities.

#### **Section 2.**     Use of Recreational Facilities.

2.01 All users of the Recreational Facilities must be properly registered with the District and must pay all applicable fees and charges established by this Order. Use of the Recreational Facilities is also subject to the following requirements:

- a. All users of the Recreational Facilities shall execute the District’s recreational release form, indemnifying the District from all liability, damages, costs or expenses (including attorneys’ fees) relating to or arising out of their uses and activities.
- b. The Recreational Facilities are for personal or group non-profit activities ONLY and may NOT be used for any COMMERCIAL purpose or gain.
- c. No signs may be placed in or on District Facilities (commercial, political, etc.)
- d. Large Group Activity: Approval by the District’s General Manager shall be required for all large group activities planned in the District’s Parks, as defined above. A large group activity shall be defined as any activity to be conducted on or in the Parks at which 50 or more persons potentially may be present at one time. The District will consider the proposed impact of the activity on the District’s facilities; the health, safety and welfare of other park users and surrounding property owners; and other relevant circumstances. The sponsor or representative of the large group activity shall provide not less than 7 days’ notice to the District so that a determination may be made as to what requirements, if any, may be applicable to the event for purposes of protecting the District’s Parks and the health, safety and welfare of park users and adjacent property owners. In the event that such notice is not given to the District, the District may withhold authorization for an event, or terminate an event, based upon another groups or persons’ use of the park during the event date, the nature of the event, and other relevant circumstances.

#### **Section 3.**     Scheduling.

3.01 Scheduling for the Recreational Facilities is within the sole discretion of the Board of Directors of the District or the District’s General Manager (the “**Manager**”). The decision of the Board or the Manager as to use and scheduling of the Recreational Facilities is final. Subject to this provision, the Board has established the following priorities to govern the scheduling of all Recreational Facilities:

- a. District governmental functions;

- b. Other governmental functions approved by the Board, including the conduct of elections;
- c. Non-profit community service functions;
- d. District-sponsored programming; and
- e. Other functions.

**Section 4.**     User Fees.

The following fee schedule shall apply:

- a. Pavilions at the Fern Bluff Park, Brightwater Park, and Olson Meadows Park shall be available by reservation only and each use shall be subject to payment of the following deposits and charges:

Base Deposit: In-District Resident	\$50.00
Rental Fee: In-District Resident	Free
Base Deposit: Out-of-District Customer	\$150.00
Rental Fee: Out-of-District Customer	\$75.00 (2-hour minimum, 3-hour maximum)

- b. Refund of deposit shall be made only if the user has cleaned the reserved facility and removed all trash. The Manager in his or her sole discretion shall determine if cleanup of the area and the removal of trash has been adequate for the refund of the deposit.
- c. Use of the Fern Bluff Park tennis courts is available upon purchase of a tennis court key for the following fee:

Base Deposit: In-District Resident	Free
Fob Fee: In-District Resident	\$5.00
Base Deposit: Out-of-District Customer	\$200.00*
Fob Fee: Out-of-District Customer	\$10.00

- d. One tennis court may be reserved when the Fern Bluff Park pavilion is reserved. Additionally, tennis courts may not be reserved for play more than two (2) hours per day or reserved for longer than a two-week duration.

Base Deposit	\$50.00
Rental Fee: In-District Resident	Free
Rental Fee: Out-of-District Customer	\$200.00

- e. Access to the Brightwater Park and Fern Bluff Park restrooms is available upon purchase of a key for the following fee:

Base Deposit: In-District Resident	Free
Fob Fee: In-District Resident	\$5.00
Base Deposit: Out-of-District Customer	\$200.00*
Fob Fee: Out-of-District Customer	\$10.00

\*Only one Base Deposit is required per Out-of-District Customer

**Section 5.**     Approval of Resident, Non-Profit, Community Service Organizations, and Religious Organizations.

5.01    Waivers of Fees.    Non-profit community service organizations and religious organizations with recognized non-profit status may apply to the Manager for approval for a waiver of fees by submitting an application on a form approved by the Board. Organizations which have verified that a majority of their members are residents shall be exempt from the payment of the above fees. The Manager will review all complete applications and may reject any application that is not complete. The Manager will approve all complete applications that meet the requirements for qualifying as a resident, non-profit community service organization or religious organization.

**Section 6.**     Approval of Moonwalks, Concession Stands, and Other Portable Facilities.

All users who wish to bring portable facilities, such as moonwalks or other entertainment equipment, concession stands, portable toilets, pony rides, etc., into District Parks and/or Greenbelts shall first request and obtain the Manager's prior written approval to do so. Users shall provide a written request for such use and a description of the location of the portable facility and the length of time it will remain in the District's Parks. The approval by the Manager may be withheld should the Manager determine that the size, proposed location, length of time, or quality of the portable facility does not meet the best interests of District's Park users. The owner and/or operator of the portable facility must have general liability insurance in an amount not less than \$1,000,000 per occurrence and the District must be approved by the insurance provider as an added insured. The owner and/or operator of the portable facility shall provide a certificate of insurance documenting the preceding coverages to the Manager prior to commencing use of any facilities owned by the District.

**Section 7.**     Master Plan.    The District has adopted a master plan for parks and recreational facilities. All recreational facilities shall be developed and maintained by the District in accordance with reasonably acceptable standards for similar facilities. Funds for the development and maintenance of said facilities shall be obtained from any lawful source of revenue for the District. Said funds shall be allocated within the annual budget adopted by the Board. The Board finds that the size and location of the facilities, both existing and planned, 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 8.**     General Rules Applicable to the District Facilities.

8.01    Recreational Facilities shall be available to both residents and non-residents of the District. The Recreational Facilities may be reserved for group activities in four-hour increments. Use of the pavilions can only be assured by prior reservation of the facility through the Manager.

8.02    The sale of products or items of any kind within the District Facilities is strictly prohibited.

8.03    Curfew for the District Facilities shall be from 9:00 p.m. to 7:00 a.m., other than for pavilions, sport courts and tennis courts which shall have a curfew of 11:00 p.m. to 7:00 a.m.

8.04 No destructive activities shall be permitted in the District Facilities. The discharge of firearms, pellet guns, bows and arrows, sling shots and other hazardous items shall be prohibited.

8.05 The possession or use of fireworks within the District Facilities shall be prohibited.

8.06 Disorderly conduct shall not be permitted within the District Facilities.

8.07 No motor-driven vehicles or equipment of any nature, including but not limited to scooters, are allowed in or on District Facilities, including the District's trails, except for authorized District-owned vehicles. E-bikes and motor-driven handcycles may only be operated on the District's trails if the rider powers vehicles without the use of the electric motor or any other propulsion system, except the rider's feet, legs, hands, or arms. In no case may any rider exceed 15 miles per hour on the District's trails.

8.08 Persons under the age of eighteen shall not be permitted to smoke within the District Facilities.

8.09 No alcoholic beverages or glass containers shall be permitted in the District Facilities

8.10 (a) All pets must be on a physical leash and under the physical control and restraint by their owners at all times in District Facilities. The use of "virtual" or electronic leashes does not constitute compliance with this section. All pet feces must be removed by the owner and properly disposed of in a trash can or other appropriate waste receptacle.

(b) All pets are prohibited in any areas where children play or congregate, including but not limited to playground areas. In instances of doubt, the District's General Manager may make a final determination as to whether a pet is permitted in a certain area. The General Manager's decision on such matters shall be final.

8.11 No amplified music or public address systems will be permitted in the District Facilities without specific, prior Board authorization.

8.12 No confetti (plastic or paper) or silly string at the District Facilities.

8.13 No use of sidewalk chalk or other art supplies on courts sidewalks or pavilions.

8.14 No grass chalk or paint in fields, parks or greenbelts.

8.15 No water devices (water slides) of any type are allowed in the District Facilities.

8.16 All blown-up devices (moonwalks, etc.) must be anchored with sandbags. No stakes are allowed at any time.

8.17 No portable stadium or outside light sources may be used at any time.

8.18 No dumping or composting activity is permitted within the District Facilities. **Notwithstanding Section 13 below, violations of this rule will result in an automatic charge of \$250.00 in addition to reimbursement of the District's costs for cleaning and/or removal and disposal of the dumped items.**

8.19 Activities, including fishing and recreational activities, are prohibited from occurring on the land comprising the gradient leading down to the District's ponds and within the District's ponds.

**Section 9.**     Tennis, Pickleball, and Basketball Court Rules.

9.1 The District's tennis, pickleball, and basketball courts, respectively, (the "Courts") are for those specific uses only. No soccer tennis, variation thereof, or other games are allowed on the Courts.

9.2 Pets, bicycles, skateboards, inline skates, roller blades, or scooters of any type are prohibited on the Courts.

9.3 No glass containers are allowed on the Courts at any time.

9.4 No black-soled shoes allowed on the Courts at any time.

**Section 10.**     Reservation Policy. The District, through its Board of Directors or its Manager, has the right to refuse to reserve any Recreation Facility if the party requesting the reservation has previously caused damage to any of the District Facilities. A reservation may also be refused if full payment for prior use of any District Facility has not been received by the District at the time the reservation is requested.

**Section 11.**     Vandalism Policy. Damage to District property is a crime. The District will offer a reward of \$250.00 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 Williamson County Sheriff's Office at 512-943-1300. For emergency calls please call 911.

**Section 12.**     Additional Rules and Fees. The Board may adopt additional rules and fees as it deems necessary.

**Section 13.**     Violations and Enforcement of Rules.

13.01 If a violation of these Rules poses an immediate threat of injury to persons or property, the violator and, if appropriate, his host, will be subject to an immediate ejection from the District Facilities and suspension of their privileges.

13.02 A violation of these Rules may subject the violator or, if the violator is a guest, the violator and his host, to ejection from the District Facilities by the Manager, a Peace Officer or Board Director and/or the imposition of a fine. An individual who is ejected from the District Facilities three times may at the discretion of the Manager and/or Board of Directors have their privileges of using District Facilities suspended. The length of the suspension shall be determined by the Board and/or the Manager. If the individual is a minor, his parents will be notified.

13.03 Pursuant to Section 49.004, Texas Water Code, these Rules may be enforced by complaints filed in the appropriate court of jurisdiction in Williamson County, Texas.

13.04 Each day that one or more of the provisions in these Rules are violated shall constitute a separate violation. Any person, including one classified as resident of the District, in apparent control of the property where a violation occurs or originates, shall be presumed to be the violator. Any such person, however, shall have the right to show that he did not commit the violation.

13.05 In addition to the above, any person who violates the Rules may be subject to the fines and conditions of service as determined by the Board of Directors and/or Manager.

13.06 If access to District Facilities has been denied or suspended, access shall be restored only upon Board consideration, payment of any fines, and on a case-by-case basis.

13.07 Compliance with these Rules also may be sought through injunctive relief in district court.

13.08 Pursuant to Section 54.206 of the Texas Water Code, these Rules will be recognized by the Courts as if they were penal ordinances of a city.

13.09 Pursuant to Section 49.004, Texas Water Code, the District may assess a violator of these Rules up to \$20,000 in civil penalties per violation. In addition, the violator shall pay the District twice any costs the District has sustained due to the violation up to the maximum amount allowed by law. A penalty under this Section is in addition to any other penalty provided by the laws of this State and may be enforced by complaints filed in the appropriate court of jurisdiction in the county in which the District's principal office or meeting place is located. If the District prevails in any suit to enforce its Rules, it may, in the same action, recover any reasonable fees for attorneys, expert witnesses, and other costs incurred by the District before the court. The amount of the attorneys' fees shall be fixed by the court.

#### **Section 14. Procedures.**

14.01 The Manager will serve as the District's representative in identifying violations and establishing the appropriate fines for violations of the Rules. The Manager will give written notice to an offending party of the amount of the fine that has been imposed, the violation or violations giving rise to the fine, the date or dates of the violations, and any other information the Manager deems appropriate. The written notice will further advise the offending party that the fine will be reviewed by the Board at its next regular meeting and that the offending party may appear at that meeting to appeal the imposition of the fine. The date, time, and place of the meeting will be included in the notice. A copy of such notice will be given to the Board.

14.02 All fines imposed by the Manager will automatically be reviewed by the Board at its next regular meeting following imposition of the fine. The Manager will ensure that the imposition of the fine is placed on the agenda for the meeting. At the meeting, the Board will review the action of the Manager, permit the offending party an opportunity to address the Board to appeal the imposition of the fine and either affirm or overrule the imposition of the fine. In making its decision, the Board may consider such evidence as it may deem appropriate.