



**NOTICE OF MEETING OF THE CITY COUNCIL OF THE CITY
OF HARKER HEIGHTS, TEXAS**

Notice is hereby given that, beginning at 5:00 p.m. on Tuesday, January 25, 2022, and continuing from day to day thereafter if necessary, the City Council of the City of Harker Heights, Texas, will hold a meeting in the Kitty Young Council Chamber at 305 Miller's Crossing, Harker Heights, Texas 76548. The subjects to be discussed are listed in the following agenda:

MEETING AGENDA

I. INVOCATION:

II. PLEDGE OF ALLEGIANCE:

I Pledge Allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Honor the Texas Flag. I pledge allegiance to thee Texas; one State under God, one and indivisible.

III. ROLL CALL:

IV. MAYORAL PROCLAMATIONS AND PRESENTATIONS:

1. Proclamation proclaiming January 25, 2022, as the "Mayor's Monarch Pledge Day".
[Proclamation](#)
2. Proclamation declaring Re'Shaun Sandford II, a "Bright Star of Central Texas".
[Proclamation](#)

V. CONSENT ITEMS:

1. Discuss and consider approving the minutes of the meetings held on January 11, 2022, and January 18, 2022, and take the appropriate action.
[01/11/2022 Minutes](#)
[01/18/2022 Minutes](#)

VI. PRESENTATIONS BY CITIZENS:

Citizens who desire to address the Council on any matter may do so during this item. Please understand that while the Council appreciates hearing your comments, State law (Texas Gov't Code §551.042) prohibits them from: (1) engaging in discussion other than providing a statement of specific factual information or reciting existing City policy, and (2) taking action other than directing Staff to place the matter on a future agenda. Please state your name and address for the record and limit your comments to three minutes.

VII. PUBLIC HEARINGS:

1. Conduct a Public Hearing to discuss and consider approving an Amendment to Chapter 125 of the Harker Heights Code of Ordinances pertaining to establishments not licensed by the Texas Alcoholic Beverage Commission; Deleting §125.42(B); Amending §125.43 Relating to Security of Premises; Deleting §125.45; Deleting §125.46; Amending §125.60 Criminal Penalty; And take the appropriate action. (Planning and Development Director)
[Staff Report](#)
[Attachments](#)

VIII. RECESS INTO EXECUTIVE SESSION:

1. Pursuant to the following designated section of the Texas Government Code, Annotated, Chapter 551, the Council may convene into executive session to discuss the following:
 - A). Pursuant to Section 551.071 Tex. Gov't Code - Consultation with attorney regarding pending litigation – Harker Heights Condominiums v. City of Harker Heights, et al

IX. RECONVENE INTO OPEN MEETING:

1. Discussion and possible action regarding settlement of pending litigation – Harker Heights Condominiums v. City of Harker Heights, et al

X. REGULAR BUSINESS:

1. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, calling a general election to be held on Saturday, May 7, 2022, for the purpose of electing two (2) members of the Harker Heights City Council for Place 1, and Place 3, for a three year term (2022-2025); Establishing procedures for the election and providing for an effective date; and take the appropriate action. (City Secretary)
[Staff Report](#)
[Attachments](#)
2. Discuss and consider approving a Resolution of the City Council of the City of Harker Heights, Texas, Authorizing a Joint Election Agreement and Contract for Election Services with the Elections Officer of Bell County, Texas, for a general election to be held on Saturday, May 7, 2022, Authorizing the City Manager to act and sign on behalf of the City; and Take the appropriate action. (City Secretary)
[Staff Report](#)
[Attachments](#)
3. Discuss and consider approving a Resolution authorizing continued participation with the ATMOS Cities Steering Committee; and authorizing the payment of five cents per capita to the ATMOS Cities Steering Committee to fund regulatory and related activities related to ATMOS Energy Corporation; and take the appropriate action. (Finance Director)
[Staff Report](#)
[Attachments](#)
4. Discuss and consider approving a request for alcohol services for the Harker Heights Chamber of Commerce "Harker Heights Food, Wine, & Brew Festival" at the 2410 Community Park on Saturday, September 10, 2022, and take the appropriate action. (Parks and Recreation Director)
[Staff Report](#)
[Attachments](#)
5. Discuss and consider approving a request for alcohol services for the Harker Heights Chamber of Commerce "Harker Heights Brew & Brats 5k Mug Run" scheduled for Saturday, October 15, 2022, at the 2410 Community Park, and take the appropriate action. (Parks and Recreation Director)
[Staff Report](#)
[Attachments](#)
6. Receive and discuss the City Manager's Report. (City Manager)

XI. ITEMS FROM COUNCIL AND ANNOUNCEMENTS:

1. Councilmember closing statements.

2. Updates and announcements from the Mayor.

XII. **ADJOURNMENT:**

I hereby certify that the above notice of meeting was posted on the bulletin board of City Hall, City of Harker Heights, Texas, a place readily accessible to the general public at all times, on January 21, 2022, by 4:00 p.m., and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Julie Helsham
City Secretary

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at 254-953-5600, or FAX 254-953-5614, or email jhelsham@harkerheights.gov for further information.

Pursuant to Chapter 551 of the Government Code the City Council reserves the right to go into Closed Meeting on any item listed above if deemed necessary.

Note: On occasion the City Council may consider agenda items out of order.



City of Harker Heights Proclamation

Whereas, the monarch butterfly is an iconic North American species whose multigenerational migration and metamorphosis from caterpillar to butterfly has captured the imagination of millions of Americans; and

Whereas, both the western and eastern monarch populations have seen significant declines with less than one percent of the western monarch population remaining, while the eastern population has fallen by as much as ninety percent; and

Whereas, the City of Harker Heights recognizes that human health ultimately depends on well-functioning ecosystems and that biodiverse regions can better support food production, healthy soil and air quality and can foster healthy connections between humans and wildlife; and

Whereas, every citizen of Harker Heights can make a difference for the monarch by planting native milkweed and nectar plants to provide habitat for the monarch and pollinators in locations where people live, work, learn, play and worship; and

Whereas, in 2021, Mayor Smith first signed the National Wildlife Federation's Mayors' Monarch Pledge and officially committed to taking meaningful action to protect the monarch butterfly; and

Whereas, cities, towns and counties have a critical role to play to help save the monarch butterfly, and the City of Harker Heights has played a leadership role by launching Native Pocket Prairies, the Monarch Butterfly Geocaching program, and educational programs related to monarch butterflies, and has committed to continuing this work in 2022;

Now Therefore, I, Spencer H. Smith, Mayor of the City of Harker Heights do hereby proclaim, January 25, 2022, to be

“Mayors’ Monarch Pledge Day”

In the City of Harker Heights and urge all citizens celebrate the Mayors' Monarch Pledge by creating native plant habitats to promote the health and well-being on the monarch butterfly population in our region.

In Witness Whereof, I have set my hand and affixed the Seal of the City of Harker Height, Texas, this 25th day of January 2022.

Spencer H. Smith, Mayor
City of Harker Heights



Proclamation

Whereas, Harker Heights High School student Re'Shaun Sanford II, has been named the 2021 District 12-6A Most Valuable Player; and

Whereas, Mr. Sanford II, was named the 2020 District 12-6A Newcomer of the Year; and

Whereas, Mr. Sanford II, was named to the 2021 Dave Campbell's and Whataburger Super Team for Texas High School Football; and

Whereas, Mr. Sanford II, attends Harker Heights High School; and

Whereas, Mr. Sanford II, holds eight (8) High School awards: Most rushing yards in a game, Most rushing yards in a season, Most career rushing yards, Most rushing touch downs in a game, Most rushing touch downs in a season, Most touch downs total in a game, Most touch downs total season and Most touch downs total career; and

Whereas, Mr. Sanford II, has a 3.8 GPA and is currently ranked 80th out of 630 students; and

Whereas, Mr. Sanford II, is of very high character, always puts the team first, and is an excellent leader on and off the field.

Now therefore, I, Spencer H. Smith, Mayor of the City of Harker Heights, Texas, declare Re'Shaun Sanford II, to be a

"Bright Star of Central Texas".

In Witnes Whereof, I have signed this Proclamation and have affixed the Seal of the City of Harker Heights this 25th day of January 2022.

Spencer H. Smith, Mayor
Harker Heights, Texas

Minutes of the City of Harker Heights Council Meeting held at 5:00 p.m. on Tuesday, January 11, 2022, in the Kitty Young Council Chamber at the Harker Heights City Hall at 305 Miller's Crossing, Harker Heights, Texas 76548:

Roll Call:	Spencer H. Smith	Mayor
	Michael Blomquist	Councilmember Place 2
	Jackeline Soriano Fountain	Councilmember Place 3
	Sam Halabi	Councilmember Place 5
	David Mitchell	City Manager
	Julie Helsham	City Secretary
Absence		
Excused:	Jennifer McCann	Mayor Pro-tem
	Lynda Nash	Councilmember Place 4

MAYORAL PROCLAMATIONS AND PRESENTATIONS:

1. Mayor Smith presented a Proclamation to Harker Heights Fire Chief Paul Sims declaring him a "Bright Star of Central Texas".

CONSENT ITEMS:

1. Council discussed and considered approving the minutes of the meeting held on December 14, 2021.

Blomquist made the motion to approve the minutes of the meeting held on December 14, 2021. Seconded by Fountain. All in favor. Motion approved 3-0.

REGULAR BUSINESS:

1. Council discussed and considered approving a Resolution of the City Council of the City of Harker Heights, Texas, awarding a contract for the Rummel Road Lift Station Upgrade and 12-Inch Force Main Extension Project in the amount of \$2,469,265.00 to Blackrock Construction. Mark Hyde, Public Works Director, made the presentation.

Fountain made the motion to approve a Resolution awarding a contract for the Rummel Road Lift Station Upgrade and 12-inch Force Main Extension Project in the amount of \$2,469,265.00 to Blackrock Construction. Seconded by Halabi. All in favor. Motion approved 3-0.

2. Council received and discussed a presentation regarding relocating the City Drop Site & Recycling Center to the Public Works and Parks & Recreation yard at Amy Lane/East Kathy Road; Future uses of the Public Works and Parks & Recreation yard; And discuss proposed uses for the existing Drop Site & Recycling Center property along F.M. 2410. Mark Hyde, Public Works Director, made the presentation. No action taken.
3. Council received and discussed the City Manager's Report. David Mitchell, City Manager, made the presentation. No action taken.

ITEMS FROM COUNCIL AND ANNOUNCEMENTS:

1. Council member closing statements.

Councilmember Blomquist stated he is very optimistic, as City Manager David Mitchell said, that the City is going to have a very strong 2022 this year economically across the City of Harker Heights. Not only for commercial, but also for residential. Blomquist stated that he is very optimistic to see the City growing in the right direction and focusing on keeping Harker Heights the “Bright Star of Central Texas”. The City Manager and City Staff are doing a fantastic job keeping us moving forward in the right direction and he wants to see that continue. Blomquist stated that it is a little over 3 ½ months until the Harker Heights Farmers’ Market will open again.

Councilmember Fountain wished everyone a Happy New Year and thanked all City Staff for all their hard work throughout the years. Fountain stated that she knows this year is going to continue to look brighter than ever. Fountain stated that Michael’s favorite saying is “We are growing smart”, and that the Council wants to stay growing smart, and to continue to look at the City’s pennies and dollars, and will definitely continue with Legislation to see what they can do to get some of the City’s revenue back. Fountain stated the City needs to take care of what they can control and what they can control is here in our City, and so we are doing things smart and continue to take care of our citizens.

2. Updates and comments from the Mayor.

Mayor Smith stated that he attended the following events:

- December 15, 2021 – Killeen Temple Metropolitan Planning Organization Transportation Policy Planning Board Meeting Chairman.
- December 16, 2021 – First Army Division West Change of Command.
- December 16, 2021 – III Corps Commander Mayor’s Engagement Luncheon at the Copperas Cove Police Department.
- January 4, 2022 – Harker Heights City Hall visit by Girl Scout Troop 6119 with the Mayor.

ADJOURNMENT:

There being no further business the City of Harker Heights City Council Meeting was adjourned at 5:51 p.m.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary

Minutes of the City of Harker Heights Special Council Meeting held at 3:00 p.m. on January 18, 2022, in the Kitty Young Council Chamber at the Harker Heights City Hall at 305 Miller's Crossing, Harker Heights, Texas 76548:

Roll Call:	Spencer H. Smith	Mayor
	Jennifer McCann	Mayor Pro-tem
	Michael Blomquist	Councilmember Place 2
	Jackeline Soriano Fountain	Councilmember Place 3
	Sam Halabi	Councilmember Place 5
	David Mitchell	City Manager
	Julie Helsham	City Secretary
Absence		
Excused:	Lynda Nash	Councilmember Place 4

REGULAR BUSINESS:

1. Council discussed and considered Impact Fee Calculations and recommendations relating to possible Adoption of Impact Fees for the 2022 Impact Fee Area, establish two Public Hearings Dates. Kristina Rameriz, Planning and Development Director, and Jessica Vassar, P.E., Freese and Nichols, Inc., made the presentation.

Fountain made the motion to establish the public hearing dates on the impact fee calculations relating to possible adoption of Impact Fees for the 2022 Wastewater Impact Fee Area for the February 22, 2022, and March 8, 2022, City Council meetings. Seconded by Blomquist. All in favor. Motion approved 4-0.

ADJOURNMENT:

There being no further business the City of Harker Heights City Council Meeting was adjourned at 4:49 p.m.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM #VII-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: JANUARY 25, 2022

CONDUCT A PUBLIC HEARING TO DISCUSS AND CONSIDER APPROVING AN AMENDMENT TO CHAPTER 125 OF THE HARKER HEIGHTS CODE OF ORDINANCES PERTAINING TO ESTABLISHMENTS NOT LICENSED BY THE TEXAS ALCOHOLIC BEVERAGE COMMISSION; DELETING §125.42(B); AMENDING §125.43 RELATING TO SECURITY OF PREMISES; DELETING §125.45; DELETING §125.46; AMENDING §125.60 CRIMINAL PENALTY; AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The City Attorney has reviewed Chapter 125: Establishments Not Licensed by The Texas Alcoholic Beverage Commission (TABC) of the Harker Heights Code of Ordinances, and made a determination that changes are necessary in order to provide for clarification and for compliance with TABC's regulatory authority.

ANALYSIS:

As proposed, the ordinance amendment would clarify the requirements for the required site security plan. This provides for uniform submissions and formalizes what is expected to be included in the security plan.

STAFF RECOMMENDATION:

Staff recommends approval of an amendment to an amendment to §125 of the Harker Heights Code of Ordinances; deleting §125.42(b); amending §125.43 relating to security of premises; deleting §125.45; deleting §125.46; and amending §125.60 Criminal Penalty.

ACTION BY CITY COUNCIL:

1. Motion to Approve/Disapprove an amendment to §125 of the Harker Heights Code of Ordinances; deleting §125.42(b); amending §125.43 relating to security of premises; deleting §125.45; deleting §125.46; and amending §125.60 Criminal Penalty, based upon staff's recommendation and findings.
2. Any other action desired.

ATTACHMENTS:

1. Amending Ordinance
2. Current Ordinance with Annotated Changes

ORDINANCE NO. _____

AN ORDINANCE AMENDING §125 OF THE HARKER HEIGHTS CODE OF ORDINANCES; DELETING §125.42(B); AMENDING §125.43 RELATING TO SECURITY OF PREMISES; DELETING §125.45; DELETING §125.46; AND AMENDING §125.60 CRIMINAL PENALTY.

WHEREAS, the City Council (“*Council*”) of the City of Harker Heights (“*City*”) finds that it is necessary and desirable to amend the Code of Harker Heights (“*Code*”) as hereinafter provided in order to preserve the health, safety and general welfare of the residents of the City; and

WHEREAS, the meeting at which this Ordinance was passed was open to the public, and notice of the time, place and purpose of said meeting was given as required by law, all in strict accordance with the requirements of the Texas Open Meetings Act;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS:

SECTION 1: The City Council officially finds and declares that the facts and recitations set forth in the preamble to this ordinance are true and correct.

SECTION 2: Subsection 125.42(B) of the Code of Ordinances of the City of Harker Heights is deleted.

SECTION 3: Section 125.43 of the Code of Ordinances of the City of Harker Heights is hereby amended to read as follows:

125.43 Security of Premises.

- A. With its application for a permit, the Permit Holder must file a statement with the Director describing the actions the Permit Holder will take (1) to assure that no illegal activities will occur on its Premises, and (2) to prevent activities on the Premises from adversely affecting adjacent properties and business activities conducted on adjacent property. To maintain its permit, the Permit Holder must comply with the actions described in this statement. Permit Holder will file such a security statement annually, on or before the anniversary date of its permit.
- B. The Permit Holder shall post at least two conspicuous signs of at least eighteen inches (18”) by eighteen inches (18”) stating that no loitering is permitted on the Premises. At least one of these signs shall be posted on the exterior of the Premises and one on the interior.
- C. The Permit Holder shall designate one or more employees to monitor the activities of persons on the Premises by visually inspecting the Premises at least once every ninety minutes.
- D. The Permit Holder shall provide lighting in the interior of the Premises of a sufficient intensity to illuminate every place to which customers are

permitted access at an illumination of not less than five foot candles as measured at the floor level.

- E. Any video cameras or monitors used by the Permit Holder shall operate continuously at all times that the Premises are open for business and the operator shall record the video footage and maintain the footage for thirty (30) days after it is recorded.
- F. It shall be unlawful for a person having a duty under this section to knowingly or recklessly fail to fulfill that duty.

SECTION 4: Section 125.45 of the Code of Ordinances of the City of Harker Heights is deleted.

SECTION 5: Section 125.46 of the Code of Ordinances of the City of Harker Heights is deleted.

SECTION 6: Section 125.60 of the Code of Ordinances of the City of Harker Heights is hereby amended to read as follows:

125.60 CRIMINAL PENALTY.

- (A) A person commits a Class C misdemeanor if the person:
 - (1) Operates a BYOB venue without a permit required by this chapter; or
 - (2) Violates a provision of this chapter, other § 125.48 (Compliance with Other Laws).
- (B) Proof of a culpable mental state is not required to prove an offense under this chapter.
- (C) Each day that a violation occurs or continues is a separate offense.

SECTION 7: All ordinances or parts of ordinances in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

SECTION 8: All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any city official or employee charged with the enforcement of this ordinance, acting for the City of Harker Heights in the discharge of official duties, shall not thereby become personally liable, and is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

SECTION 9: This ordinance shall be effective from and after its passage, and the City Clerk shall publish the caption or title of hereof within ten days as required by law.

PASSED AND APPROVED by the City Council of the City of Harker Heights on Tuesday, January 25, 2022.

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary

CHAPTER 125: ESTABLISHMENTS NOT LICENSED BY THE TEXAS ALCOHOLIC BEVERAGE COMMISSION

Section

General Provisions

- 125.01 Short title and purpose
- 125.02 Definitions
- 125.03 Applicability
- 125.04 Notice
- 125.05 Administrative rules

Permits

- 125.15 Permit required
- 125.16 Qualifications
- 125.17 Permit application
- 125.18 Permit approval or denial
- 125.19 Permit not transferable
- 125.20 Permit not a right
- 125.21 Permit expiration; renewal
- 125.22 Requirement to supplement information
- 125.23 Permit suspension
- 125.24 Permit revocation
- 125.25 Appeal

Regulations for Operation of a BYOB Establishment

- 125.35 Public place
 - 125.36 Permit posting required
 - 125.37 Manager required on premises
 - 125.38 Security plan implementation
 - 125.39 Minimum age for admittance and alcohol consumption
 - 125.40 Doors to remain unlocked
 - 125.41 Consent to inspection; immediate access required
 - 125.42 Hours of operation
 - 125.43 [Alcoholic beverage consumption areas Security of Premises](#)
 - 125.44 Parking area restrictions
 - 125.45 [Sale of alcoholic beverages prohibited Section deleted 01/25/2022](#)
 - 125.46 [Restriction on consumption and purchase of alcohol by permit holder and employees Section deleted 01/25/2022](#)
 - 125.47 Insurance requirement
 - 125.48 Compliance with other laws
 - 125.49 Crime prevention and reporting
- #### Enforcement
- 125.60 Criminal penalty
 - 125.61 Civil remedies

- 125.62 Cumulative remedies
- 125.63 Authority of City Attorney

GENERAL PROVISIONS

§ 125.01 SHORT TITLE AND PURPOSE.

(A) This chapter may be known and cited as "BYOB Businesses Regulation."

(B) The purpose of this chapter is to protect the welfare of the citizens of the City of Harker Heights by monitoring and regulating BYOB businesses. To this end, this chapter establishes a permit program for BYOB businesses, imposes regulations of business operations of BYOB businesses, and imposes civil and criminal penalties for violations of this chapter by BYOB businesses.

(Ord. 2020-10, passed 4-14-20)

§ 125.02 DEFINITIONS.

(A) It is a common practice for an establishment not licensed or permitted by the Texas Alcoholic Beverage Commission to sell or serve alcoholic beverages to allow its patrons to bring their own alcoholic beverages onto the premises for consumption. This practice is often referred to as "BYOB," an acronym for "bring your own bottle."

(B) In this chapter:

ALCOHOLIC BEVERAGE. Has the meaning assigned by the Texas Alcoholic Beverage Code.

BYOB PERMIT. A permit, issued pursuant to this chapter, to operate a BYOB venue.

BYOB VENUE OR EVENT. An establishment to which this chapter applies, as prescribed by § 125.03.

DEPARTMENT. The Planning and Development Department of the City of Harker Heights.

DIRECTOR. The Director of the Planning and Development Department.

PREMISES. The grounds and all buildings, vehicles, and appurtenances pertaining to the grounds, including any adjacent premises if they are directly or indirectly under the control of the same person.

PUBLIC PLACE. Any place accessible by the public, a business or public facility, a way or place, of whatever nature, opened to use of the public as a matter of right, or for purposes of vehicular travel as a street, or in the case of a sidewalk thereof, for pedestrian travel.

RESTAURANT. An establishment engaged in the preparation and retail sale of food and beverages for on-premise consumption or in a ready-to-consume state. To qualify as a restaurant under this chapter, the establishment must produce at least 80% of its total revenue, exclusive of tips and gratuities, from the provision of food service.

(Ord. 2020-10, passed 4-14-20; Am. Ord. 2021-19, passed 4-13-2021)

§ 125.03 APPLICABILITY.

(A) Except as provided in division (B), this chapter applies to an establishment that:

(1) Is not licensed or permitted by the Texas Alcoholic Beverage Commission to sell or serve alcoholic beverages; and

(2) Allows patrons to bring alcoholic beverages onto the premises for possession and consumption.

(B) This chapter does not apply to:

(1) A residence;

(2) An establishment operated by a governmental entity;

(3) A private club, as defined by the Texas Alcoholic Beverage Code;

(4) A fraternal or veteran's organization, as defined by the Texas Alcoholic Beverage Code;

(5) A college and university use;

(6) A religious assembly use;

(7) A restaurant; or

(8) A theater use.

(Ord. 2020-10, passed 4-14-20)

§ 125.04 NOTICE.

(A) Mailed notice is presumed received on the fifth day after it is mailed.

(B) Notice to a permit holder may be delivered to the manager at the BYOB venue and is effective on delivery.

(Ord. 2020-10, passed 4-14-20)

§ 125.05 ADMINISTRATIVE RULES.

The Director shall adopt administrative rules to implement, administer, and enforce this chapter.

(Ord. 2020-10, passed 4-14-20)

PERMITS

§ 125.15 PERMIT REQUIRED.

(A) A person shall obtain a BYOB permit issued by the Department before the person may operate a BYOB venue.

(B) A person must obtain a separate BYOB permit for each BYOB venue location.

(Ord. 2020-10, passed 4-14-20)

§ 125.16 QUALIFICATIONS.

(A) A person may not apply for or hold a permit under this chapter unless the person is at least 18 years of age.

(B) A person may not hold a BYOB permit under this chapter or manage a BYOB venue if the person has been convicted of a felony or misdemeanor that directly relates to the duties and responsibilities for operating a BYOB venue, and the conviction makes the person unfit to hold a permit or manage a BYOB venue.

(Ord. 2020-10, passed 4-14-20)

§ 125.17 PERMIT APPLICATION.

(A) A person who seeks a permit to operate a BYOB venue must submit an application to the Director on a form provided by the Director. The application must include:

- (1) The names, addresses, and birth dates of all persons who have an ownership interest in, or who will manage, the proposed BYOB venue;
- (2) Authorization for the city to conduct a criminal background check on each person described in division (A)(1);
- (3) The name of the BYOB venue and its physical address;
- (4) A registration certificate for the establishment from the Secretary of State, if registration is required by law;
- (5) Proof that the applicant has all other permits and approvals required to operate the establishment, including appropriate zoning;
- (6) A security plan that meets or exceeds the minimum standards established by administrative rule, as determined by the Police Chief;
- (7) Scale drawings of the site, including:
 - (a) All site improvements;
 - (b) The floor plan of each building; and
 - (c) A designation of the areas where the consumption of alcohol is to be allowed;
- (8) Information required by administrative rule;
- (9) Proof that the applicant has a commercial general liability insurance policy providing minimum premises/operations coverage of \$500,000 per occurrence and \$1,000,000 in the aggregate on an occurrence basis; and
- (10) Other information reasonably required by the Director.

(B) An applicant shall pay the non-refundable permit fee established by ordinance.

(C) A BYOB permit is void if the applicant obtains the BYOB permit by knowingly providing false information on the application.

(Ord. 2020-10, passed 4-14-20)

§ 125.18 PERMIT APPROVAL OR DENIAL.

(A) The Director shall approve a BYOB permit application if the Director determines that the applicant and the proposed BYOB venue meet the requirements of § 125.16 (Qualifications) and § 125.17 (Permit Application), and are not disqualified by divisions (B) and (C) of this section.

(B) The Director shall deny a BYOB permit application if the Director determines that:

- (1) The applicant is under the age of 18 years;
- (2) The BYOB venue as proposed would not comply with this chapter; or
- (3) The applicant had a BYOB permit required by this chapter revoked within the preceding 12-month period.

(C) The Director may deny a BYOB permit application if the Director determines if that:

- (1) The applicant provided incorrect or incomplete information on the application; or

(2) The person has been convicted of a felony or misdemeanor that directly relates to the duties and responsibilities for operating a BYOB venue, and the conviction makes the person unfit to hold a permit.

(D) If the Director does not approve or deny an application within 45 days of the date it is filed, the application is denied.

(E) The Director shall give written notice of a denial of an application to the applicant.

(F) An applicant may appeal to the Board of Adjustment a denial of a BYOB permit application in accordance with § 125.25 (Appeal).

(Ord. 2020-10, passed 4-14-20; Am. Ord. 2020-13, passed 4-28-20)

§ 125.19 PERMIT NOT TRANSFERABLE.

A BYOB permit issued under this chapter is not transferable to another person or venue.
(Ord. 2020-10, passed 4-14-20)

§ 125.20 PERMIT NOT A RIGHT.

A BYOB permit issued under this chapter is a grant of a privilege and is not a property right.

(Ord. 2020-10, passed 4-14-20)

§ 125.21 PERMIT EXPIRATION; RENEWAL.

A BYOB permit issued under this chapter expires one year after the date it is issued. A BYOB permit holder shall file an application for BYOB permit renewal not sooner than the ninetieth day and not later than the forty-fifth day before the BYOB permit expires. An application that is not filed within the described time period is a new application.

(Ord. 2020-10, passed 4-14-20)

§ 125.22 REQUIREMENT TO SUPPLEMENT INFORMATION.

While a BYOB permit application is pending or a BYOB permit is in effect, an applicant or permit holder shall immediately supplement the information provided to the Director in the BYOB permit application if the information is or becomes inaccurate, incomplete, or misleading.

(Ord. 2020-10, passed 4-14-20)

§ 125.23 PERMIT SUSPENSION.

(A) The Director may suspend a BYOB permit issued under this chapter without prior notice or hearing if the Director determines that:

(1) The BYOB permit holder, the manager, or an employee of the BYOB venue has violated a requirement of this chapter;

(2) The BYOB venue does not comply with this chapter; or

(3) The BYOB permit holder does not qualify for a permit under this chapter.

(B) If the Director suspends a BYOB permit:

(1) The Director shall give written notice to the BYOB permit holder that:

- (a) The BYOB permit is immediately suspended on receipt of the notice; and
 - (b) The BYOB permit holder may file a written request for a hearing not later than the tenth day after the date of receipt of notice of suspension; and
- (2) The BYOB permit holder shall immediately close the BYOB venue.
 - (3) Any BYOB permit which has been suspended under this chapter shall be surrendered upon demand to the Director. At the end of the period of suspension, in the absence of further violations, the surrendered BYOB permit shall be returned to the BYOB permit holder and shall be valid under the provisions of this code. If the period of suspension extends beyond the normal expiration date of the BYOB permit, the BYOB permit holder shall pay all BYOB permit fees without proration in order to receive a valid BYOB permit.
- (C) Suspension of a BYOB permit is effective on receipt of notice.
 - (D) A BYOB permit holder may file with the Director a written request for a hearing on a BYOB permit suspension. The request must be filed not later than the tenth day after the date of receipt of notice of suspension.
 - (E) If a BYOB permit holder timely files a hearing request:
 - (1) The Director shall hold a hearing on the permit suspension not later than the fourteenth day after the date the hearing request is filed. At such hearing, the BYOB permit holder may present information to the Director addressing the Director's suspension of a BYOB permit and reasons, if any, that the BYOB permit holder believes the suspension is not warranted; and
 - (2) A suspension is stayed pending the outcome of the hearing.
 - (F) If a hearing request is not timely filed, a suspension continues in effect.
 - (G) After hearing, the Director shall give written notice to the BYOB permit holder as to whether suspension is continued in effect after a hearing under division (E).
 - (H) The Director may reinstate a permit if the reason for suspension no longer exists.
- (Ord. 2020-10, passed 4-14-20)

§ 125.24 PERMIT REVOCATION.

- (A) The Director may revoke a BYOB permit issued under this chapter if the Director determines that:
 - (1) The permit holder, the manager, or an employee of the BYOB venue has engaged in serious or repeated violations of this chapter;
 - (2) The BYOB venue does not comply with this chapter; or
 - (3) The permit holder does not qualify for a permit under this chapter.
- (B) Before revoking a BYOB permit, the Director shall provide the BYOB permit holder with written notice of the pending permit revocation. The written notice shall include:
 - (1) The reason the BYOB permit is subject to revocation;
 - (2) The date on which the BYOB permit is scheduled to be revoked; and
 - (3) A statement that the BYOB permit will be revoked on the scheduled date unless the BYOB permit holder files a written request for a hearing with the Director not later than the tenth day after the date the notice is received.

(C) A BYOB permit revocation becomes effective on expiration of the time period prescribed by the notice if the BYOB permit holder does not file a written request for hearing with the Director not later than the tenth day after the notice is received.

(D) If a BYOB permit holder timely files a hearing request:

(1) The Director shall hold a hearing on the BYOB permit revocation not later than the fourteenth day after the date the hearing request is filed. At such hearing, the BYOB permit holder may present information to the Director addressing the Director's intent to revoke the BYOB permit and reasons, if any, that the BYOB permit holder believes the revocation is not warranted; and

(2) A revocation is stayed pending the outcome of the hearing.

(E) The Director shall give written notice to the BYOB permit holder of a decision regarding the revocation of the BYOB permit or a revocation that becomes effective under division (C).

(Ord. 2020-10, passed 4-14-20)

§ 125.25 APPEAL.

(A) An applicant or a permit holder may appeal to the Board of Adjustment a permit application denial, a permit suspension, or a permit revocation. To stay a suspension or revocation under this chapter, appeal to the Board of Adjustment must be made within ten days after the applicant/BYOB permit holder receives written notice of the decision that it is appealing.

(B) If the permit holder timely files a notice of appeal pursuant to division (A), a suspension, or revocation is stayed.

(Ord. 2020-10, passed 4-14-20)

REGULATIONS FOR OPERATION OF A BYOB ESTABLISHMENT

§ 125.35 PUBLIC PLACE.

A BYOB venue is a public place.

(Ord. 2020-10, passed 4-14-20)

§ 125.36 PERMIT POSTING REQUIRED.

A BYOB permit holder shall post the BYOB permit required by this chapter in a prominent public location at the BYOB venue.

(Ord. 2020-10, passed 4-14-20)

§ 125.37 MANAGER REQUIRED ON PREMISES.

A BYOB permit holder shall ensure that a qualified manager is continuously on the BYOB venue premises during the hours of operation. A BYOB permit holder may serve as the manager.

(Ord. 2020-10, passed 4-14-20)

§ 125.38 SECURITY PLAN IMPLEMENTATION.

(A) A person may not operate a BYOB venue without an approved security plan.

(B) A BYOB permit holder and a BYOB venue manager shall provide security for the BYOB venue in accordance with the security plan.

(Ord. 2020-10, passed 4-14-20)

§ 125.39 MINIMUM AGE FOR ADMITTANCE AND ALCOHOL CONSUMPTION.

(A) A BYOB permit holder, a manager, or an employee of a BYOB venue may not allow a person under the age of 18 years on the premises.

(B) A BYOB permit holder, a manager, or an employee of a BYOB venue may not allow a person under the age of 21 years to consume alcohol on the premises.

(Ord. 2020-10, passed 4-14-20)

§ 125.40 DOORS TO REMAIN UNLOCKED.

During the hours of operation, a person may not lock or obstruct:

(A) An exterior entrance door that is designated or available for use by patrons; or

(B) An interior door that provides access to a portion of the premises that is designated or available for use by patrons.

(Ord. 2020-10, passed 4-14-20)

§ 125.41 CONSENT TO INSPECTION; IMMEDIATE ACCESS REQUIRED.

(A) By accepting a BYOB permit under this chapter, the permit holder consents that the Director, the Director's representative, law enforcement personnel, code enforcement personnel, and other on-duty governmental personnel may enter the premises during the hours of operation to conduct an investigation or inspect the premises to determine compliance with this chapter.

(B) A BYOB permit holder, a manager, and an employee of a BYOB venue shall provide the Director, the Director's representative, law enforcement personnel, code enforcement personnel, and other on-duty governmental personnel with immediate access to all portions of the premises.

(Ord. 2020-10, passed 4-14-20)

§ 125.42 HOURS OF OPERATION.

(A) A BYOB permit holder, a manager, or an employee of a BYOB venue shall close a BYOB venue between 2:00 a.m. and 7:00 a.m. each day except Sunday, and between 2:00 a.m. and noon on Sunday. A patron who is on the premises at 2:00 a.m. may remain until not later than 2:15 a.m.

(B) ~~A person may not consume an alcoholic beverage on the premises of a BYOB venue between 2:15 a.m. and 7:00 a.m. each day except Sunday, or between 2:15 a.m. and noon on Sunday. Section deleted 01/25/2022~~

(C) A BYOB permit holder, a manager, or an employee of a BYOB venue may not allow a member of the public on its premises, including a parking area, between 2:30 a.m. and 7:00

a.m. each day except Sunday, or between 2:30 a.m. and noon on Sunday. This prohibition does not apply to a person who is providing a product or service directly to the BYOB venue.

(Ord. 2020-10, passed 4-14-20)

§ 125.43 ~~ALCOHOLIC BEVERAGE CONSUMPTION AREAS. SECURITY OF PREMISES.~~

~~(A) A permit holder shall designate, subject to the approval of the Director, the portions of the premises on which the consumption of alcoholic beverages is permitted. A designated area:~~

~~— (1) Must be located and designed to minimize adverse effects on adjacent property;~~

~~— (2) May include the interior of a building or a deck, patio, or garden; and~~

~~— (3) Must exclude parking areas.~~

~~(B) A person may not consume, and a permit holder, a manager, or an employee of a BYOB venue may not allow the consumption of an alcoholic beverage outside of a designated area.~~

~~(C) The BYOB permit holder shall indicate the portions of the premises on which the consumption of alcoholic beverages is permitted on the floor plan provided with the BYOB permit application. If the BYOB permit holder desires to change or modify the area where alcoholic beverages may be consumed, it must first provide a revised floor plan to the Director.~~

(A) With its application for a permit, the Permit Holder must file a statement with the Director describing the actions the Permit Holder will take (1) to assure that no illegal activities will occur on its Premises, and (2) to prevent activities on the Premises from adversely affecting adjacent properties and business activities conducted on adjacent property. To maintain its permit, the Permit Holder must comply with the actions described in this statement. Permit Holder will file such a security statement annually, on or before the anniversary date of its permit.

(B) The Permit Holder shall post at least two conspicuous signs of at least eighteen inches (18") by eighteen inches (18") stating that no loitering is permitted on the Premises. At least one of these signs shall be posted on the exterior of the Premises and one on the interior.

(C) The Permit Holder shall designate one or more employees to monitor the activities of persons on the Premises by visually inspecting the Premises at least once every ninety minutes.

(D) The Permit Holder shall provide lighting in the interior of the Premises of a sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than five foot candles as measured at the floor level.

(E) Any video cameras or monitors used by the Permit Holder shall operate

continuously at all times that the Premises are open for business and the operator shall record the video footage and maintain the footage for thirty (30) days after it is recorded.

(F) It shall be unlawful for a person having a duty under this section to knowingly or recklessly fail to fulfill that duty.

(Ord. 2020-10, passed 4-14-20)

§ 125.44 PARKING AREA RESTRICTIONS.

(A) A BYOB permit holder, a manager, or an employee of a BYOB venue may not allow persons to congregate in a parking area.

(B) A BYOB permit holder, a manager, or an employee of a BYOB venue may not allow a person to consume an alcoholic beverage in a parking area.

(C) A BYOB permit holder shall post signs in each parking area stating that the consumption of an alcoholic beverage is prohibited.

(Ord. 2020-10, passed 4-14-20)

§ 125.45 ~~SALE OF ALCOHOLIC BEVERAGES PROHIBITED. SECTION DELETED 01/25/2022~~

~~—A person may not sell an alcoholic beverage at a BYOB venue.~~

~~(Ord. 2020-10, passed 4-14-20)~~

§ 125.46 ~~RESTRICTION ON CONSUMPTION AND PURCHASE OF ALCOHOL BY PERMIT HOLDER AND EMPLOYEES. SECTION DELETED 01/25/2022~~

~~—A BYOB permit holder, manager, or employee of a BYOB venue may not:~~

~~—(A) Consume an alcoholic beverage while on duty;~~

~~—(B) Purchase or otherwise acquire an alcoholic beverage for a patron; or~~

~~—(C) Give an alcoholic beverage to a patron.~~

~~(Ord. 2020-10, passed 4-14-20)~~

§ 125.47 INSURANCE REQUIREMENT.

A BYOB permit holder, a manager, or owner shall maintain a commercial general liability insurance policy providing minimum premises/operations coverage of \$500,000 per occurrence and \$1,000,000 in the aggregate on an occurrence basis. The policy must be provided by an insurer licensed by the Texas Department of Insurance, and must be endorsed to name as additional insured, the city. Prior to opening for business, the BYOB permit holder, manager, or owner shall deliver a certificate of insurance and copies of all endorsements for additional insured to the Director, and thereafter at least ten days prior to the expiration of such policies. The permit holder, manager, or owner shall prominently display a sign at the facility stating that the owner or operator has purchased liability insurance to cover activities at the facility.

(Ord. 2020-10, passed 4-14-20; Am. Ord. 2020-17, passed 5-12-20)

§ 125.48 COMPLIANCE WITH OTHER LAWS.

A BYOB permit holder, a manager, and an employee of a BYOB venue shall comply with the Texas Alcoholic Beverage Code and all applicable criminal, zoning, health, and safety laws relating to the operation of the BYOB venue.

(Ord. 2020-10, passed 4-14-20)

§ 125.49 CRIME PREVENTION AND REPORTING.

The BYOB permit holder, the manager, and the employees of a BYOB venue shall:

- (A) Take reasonable measures to prevent criminal activity on the premises; and
- (B) Immediately report to law enforcement personnel all suspected criminal activity on the premises or the surrounding areas that they observe or of which they otherwise become aware.

(Ord. 2020-10, passed 4-14-20)

ENFORCEMENT

§ 125.60 CRIMINAL PENALTY.

(A) A person commits a Class C misdemeanor if the person:

- (1) Operates a BYOB venue without a permit required by this chapter; or
- (2) Violates a provision of this chapter, other than ~~§ 125.45 (Sale of Alcoholic Beverages Prohibited)~~ or § 125.48 (Compliance with Other Laws).

(B) Proof of a culpable mental state is not required to prove an offense under this chapter, ~~except for § 125.42(B) (Hours of Operation)~~.

(C) Each day that a violation occurs or continues is a separate offense.

(Ord. 2020-10, passed 4-14-20)

§ 125.61 CIVIL REMEDIES.

(A) The City Council has determined that this chapter is necessary to protect health, life, and property and to preserve the good government, order, and security of the city and its inhabitants.

(B) A person who continues to violate this chapter after being notified of the offense in writing by an authorized city representative is subject to a civil penalty not to exceed \$1,000 for each day or part of a day the violation occurs.

(C) The city may file suit to enforce this chapter to collect a civil penalty.

(D) The city may seek to enjoin violations of this chapter.

(Ord. 2020-10, passed 4-14-20)

§ 125.62 CUMULATIVE REMEDIES.

The remedies authorized under this subchapter are cumulative. If the city files a civil or criminal action, it is not precluded from pursuing any other action or remedy.

(Ord. 2020-10, passed 4-14-20)

§ 125.63 AUTHORITY OF CITY ATTORNEY.

The City Attorney may, without further authorization of the City Council, undertake the enforcement of this chapter by all legal means appropriate or necessary, including but not limited to: enforcement in municipal court, filing of appropriate criminal or civil actions in courts of appropriate jurisdiction, and to defend the city from suit if suit is taken to appeal any action of the city.

(Ord. 2020-10, passed 4-14-20)



CITY COUNCIL MEMORANDUM

AGENDA ITEM #X-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: JANUARY 25, 2022

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD ON SATURDAY, MAY 7, 2022, FOR THE PURPOSE OF ELECTING TWO (2) MEMBERS OF THE HARKER HEIGHTS CITY COUNCIL FOR PLACE 1 AND PLACE 3, FOR A THREE YEAR TERM (2022-2025); ESTABLISHING PROCEDURES FOR THE ELECTION AND PROVIDING FOR AN EFFECTIVE DATE; AND TAKE THE APPROPRIATE ACTION.

BACKGROUND:

The City Charter provides that the City shall hold an election annually in May and that said election shall be conducted in accordance with the Texas Election Code. The Election Code provides that the general election in May will be held on the first Saturday in May. This year's election will be held on Saturday, May 07, 2022, from 7:00 a.m. – 7:00 p.m. The Councilmember positions up for election this year are Place 1, and Place 3.

The Secretary of State's office (SOS) has notified all entities and election officials that the Texas Legislature adopted two joint resolutions in the Second and Third Special Sessions. As a result, there will be a statewide constitutional amendment election held on May 7, 2022. The constitutional amendment election will be administered by the Bell County Election's office. To avoid voter confusion, the Secretary of State's office is recommending that a joint election be conducted for the May 7, 2022, uniform election date.

Bell County utilizes the countywide polling place system which allows registered Bell County voters the ability to vote at any of the Bell County polling sites during early voting and on election day. The Bell County Elections Administrator will be the early voting clerk. Early voting by personal appearance shall be held on each workday starting on April 25, 2022, and ending May 3, 2022. The main early voting place is identified as the Bell County Courthouse Annex located at 550 East 2nd Avenue, Belton, TX 76513. In addition to the main early voting polling place, these additional locations will be available for early voting:

Harker Heights – Recreation Center, 307 Miller's Crossing, Harker Heights, 76548

Killeen – Bell County Annex, 304 Priest Drive, 76541

Killeen – Jackson Professional Learning Center, Main Conference Room, 902 Rev R A Abercrombie Dr, 76543

Killeen – Lions Club Park, Meeting Room, 1700 E. Stan Schlueter Loop, 76542

Salado – Salado Church of Christ, 217 North Stagecoach, Salado, 76571

Temple – Bell County Annex, 205 East Central Avenue, Temple, 76501

Early Voting Hours:

Monday, April 25, 2021 – 8:00 a.m. to 5:00 p.m.

Tuesday, April 26, 2021 – 8:00 a.m. to 5:00 p.m.

Wednesday, April 27, 2021 – 8:00 a.m. to 5:00 p.m.

Thursday, April 28, 2021 – 8:00 a.m. to 5:00 p.m.

Friday, April 29, 2021 – 8:00 a.m. to 5:00 p.m.

*Monday, May 2, 2021 – 7:00 a.m. to 7:00 p.m. *Extended hours

*Tuesday, May 3, 2021 – 7:00 a.m. to 7:00 p.m. *Extended hours

ACTION BY THE CITY COUNCIL:

1. Motion to Approve/Disapprove a Resolution Ordering a Municipal Election for the City of Harker Heights to be held on Saturday, May 07, 2022; for the purpose of electing a Councilmember for Place 1, and Place 3, to the Harker Heights City Council; Establishing procedures for the election and providing for an effective date.
2. Any action desired by Council.

ATTACHMENTS:

1. Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, ORDERING A GENERAL ELECTION TO BE HELD ON SATURDAY, MAY 7, 2022, FOR THE PURPOSE OF ELECTING A COUNCILMEMBER FOR PLACE 1, AND PLACE 3, TO THE HARKER HEIGHTS CITY COUNCIL; ESTABLISHING PROCEDURES FOR THE ELECTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Harker Heights ('City') is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, State law has established the first Saturday in May as the date for general municipal elections; and

WHEREAS, the Texas Legislature adopted two joint resolutions in the Second and Third Special Sessions which requires a statewide constitutional amendment election on May 7, 2022; and

WHEREAS, the Secretary of State's office is recommending entities enter into a joint election for the May 7, 2022, uniform election date to avoid voter confusion; and

WHEREAS, by this resolution, it is the intention of the City Council to call the 2022 General Election, designate a polling place for the election, appoint the necessary election officers, and establish and set forth procedures for conducting the election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, THAT:

SECTION 1: ELECTION ORDERED.

A general election shall be held in the City of Harker Heights, Texas, on May 7, 2022, at which the following officials will be elected for full 3 year terms:

Councilmember, Place 1

Councilmember, Place 3

SECTION 2: FILING DATES.

In accordance with Section 143.007 of the Texas Election Code, eligible persons wishing to become candidates must file an application with the City Secretary of the City of Harker Heights, located at 305 Miller's Crossing, Harker Heights, Texas 76548, and may do so beginning Wednesday, January 19, 2022, continue through Friday, February 18, 2022, until 5:00 p.m. CST. Each application shall be on a form meeting the requirements of Section 141.031 of the Texas Election Code.

SECTION 3: BALLOT ORDER.

The order in which the names of the candidates are to be printed on the ballot will be determined by a drawing by the City Secretary on a form prescribed by the code. Notice of time and place for such drawing shall be given in accordance with the Code.

SECTION 4: ELECTION DAY POLLING PLACE AND ELECTION HOURS.

On May 7, 2022, Election Day, the polls shall be open from 7:00 a.m. to 7:00 p.m., and shall be held at Bell County Vote Centers* which includes:

The Harker Heights Recreation Center: 307 Miller’s Crossing, Harker Heights, 76548

*Vote Centers – City voters may vote at any of the additional election Day Vote Centers county wide under full contract services with the Bell County Elections Administration.

SECTION 5: EARLY VOTING BY PERSONAL APPEARANCE.

Early voting by personal appearance shall be held on each workday starting on April 25, 2022, and ending May 3, 2022. The main early voting place is identified as the Bell County Courthouse Annex located at 550 East 2nd Avenue, Belton, TX 76513. In addition to the main early voting polling place, the additional locations available for early voting is listed below:

- Harker Heights – Recreation Center, 307 Miller’s Crossing, Harker Heights, 76548
- Killeen – Bell County Annex, 304 Priest Drive, 76541
- Killeen – Jackson Professional Learning Center, Main Conference Room, 902 Rev R A Abercrombie Dr, 76543
- Killeen – Lions Club Park, Meeting Room, 1700 E. Stan Schlueter Loop, 76542
- Salado – Salado Church of Christ, 217 North Stagecoach, Salado, 76571
- Temple – Bell County Annex, 205 East Central Avenue, Temple, 76501

Early Voting Hours:

- Monday, April 25, 2021 – 8:00 a.m. to 5:00 p.m.
- Tuesday, April 26, 2021 – 8:00 a.m. to 5:00 p.m.
- Wednesday, April 27, 2021 – 8:00 a.m. to 5:00 p.m.
- Thursday, April 28, 2021 – 8:00 a.m. to 5:00 p.m.
- Friday, April 29, 2021 – 8:00 a.m. to 5:00 p.m.
- *Monday, May 2, 2021 – 7:00 a.m. to 7:00 p.m. *Extended hours
- *Tuesday, May 3, 2021 – 7:00 a.m. to 7:00 p.m. *Extended hours

SECTION 6: EARLY VOTING BY MAIL.

The Bell County Elections Officer is hereby appointed as the Early Voting Clerk.

Applications for ballot by mail may be mailed to:
Bell County Elections Department
P. O. Box 1629
Belton, Texas 76513

Fax: (254) 933-6754

Email: Elections@bellcounty.texas.gov

The deadline to submit an application for ballot by mail (ABBM) is April 26, 2022.

SECTION 7: ELECTION OFFICIALS.

The election judge, alternate election judge, and ballot board will be appointed by the Bell County Elections Officer, as permitted by law. The presiding election judge shall appoint elections clerks as may be necessary for the proper conduct of the election.

SECTION 8: METHOD OF VOTING.

Voting on the date of the Election and early voting shall be by the use of a lawfully approved voting system. The preparation of the voting equipment to be used in connection with such voting system and the official ballots for the Election shall conform to the Texas Election Code (“Code”), as amended. Said ballots shall have printed therein such provisions, markings, and language as may be required by law. The specific voting machines to be used shall be provided by the City of Harker Heights in accordance with the Contract for Elections Services with the Bell County Elections Officer.

SECTION 9: NOTICE.

Notice of said election shall be given as required by the Texas Election Code.

SECTION 10: GOVERNING LAW.

The election shall be held as set forth by the Charter and the Texas Election Code, and all resident registered voters of the City shall be eligible to vote in said Election. The Mayor and the City Secretary of the City, in consultation with the City Attorney, are hereby authorized and directed to take any and all actions necessary to comply with the provisions of the Texas Election Code and any other state or federal law in carrying out and conducting the election, whether or not expressly authorized herein.

SECTION 11. SEVERABILITY CLAUSE.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Order are severable and if any phrase, clause, sentence, paragraph, or section shall be declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Order, since the same would have been enacted by the City Council without the incorporation in this Order of any such invalid or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 12. NOTICE AND PUBLICATION.

This Resolution shall serve as the Order of Election (as required by Section 3.001 of the Code) and as the Notice of Election (as required by Section 4.001 of the Code) for the General Election. A copy of the Resolution shall be posted on the bulletin board used for posting notices of the meetings of the City Council at least twenty-one (21) days before the election. Notice shall be published in the newspaper in accordance with state law.

SECTION 13. EFFECTIVE DATE.

This resolution shall take effect from and after its passage and approval.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS on this 25th day of January, 2022.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM #X-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: JANUARY 25, 2022

DISCUSS AND CONSIDER APPROVING A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZING A JOINT ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES WITH THE ELECTIONS OFFICER OF BELL COUNTY, TEXAS, FOR A GENERAL ELECTION TO BE HELD ON SATURDAY, MAY 7, 2022; AUTHORIZING THE CITY MANAGER TO ACT AND SIGN ON BEHALF OF THE CITY; AND TAKE THE APPROPRIATE ACTION.

BACKGROUND:

This year's election will be held on Saturday, May 07, 2022, from 7:00 a.m. – 7:00 p.m. Place 1 and Place 3 are the Councilmember positions that are up for election this year.

The Secretary of State's office (SOS) has notified all entities and election officials that the Texas Legislature adopted two joint resolutions in the Second and Third Special Sessions. As a result, there will be a statewide constitutional amendment election held on May 7, 2022. The constitutional amendment election will be administered by the Bell County Elections Officer. To avoid voter confusion, the Secretary of State's office is recommending that a joint election be conducted for the May 7, 2022, uniform election date.

Bell County utilizes the countywide polling place system which allows registered Bell County voters the ability to vote at any of the Bell County polling sites during early voting and on election day.

ACTION BY THE CITY COUNCIL:

1. Motion to Approve/Disapprove a Resolution authorizing a joint election agreement and contract for election services with Bell County Elections Officer for a general election to be held on Saturday, May 7, 2022; and authorize the City Manager to sign on behalf of the City.
2. Any action desired by Council.

ATTACHMENTS:

1. Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, AUTHORIZING A JOINT ELECTION AGREEMENT AND CONTRACT FOR ELECTION SERVICES WITH THE ELECTIONS OFFICER OF BELL COUNTY, TEXAS, FOR A GENERAL ELECTION TO BE HELD ON SATURDAY, MAY 7, 2022.

WHEREAS, the City Council of the City of Harker Heights, Texas, has ordered a general election to be held Saturday, May 7, 2022; and

WHEREAS, the general election is for the purpose of electing members to City Council Places 1 and 3; and

WHEREAS, the Texas Legislature adopted two joint resolutions in the Second and Third Special Sessions which requires a statewide constitutional amendment election on May 7, 2022; and

WHEREAS, the Secretary of State's office is recommending entities enter into a joint election for the May 7, 2022, uniform election date to avoid voter confusion; and

WHEREAS, Bell County has been approved by the Secretary of State to utilize countywide polling places, which serves as a further convenience to City of Harker Heights qualified voters to vote at any of the authorized locations for both election day and early voting; and

WHEREAS, Bell County may appoint other deputy early voting clerks to assist in the conduct of early voting as necessary pursuant to Section 83.052 of the Texas Election Code for the proper administration of the election; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS, THAT:

SECTION 1:

That the City Manager is hereby authorized to enter into a Joint Election Agreement and Contract for Election Services with Bell County, approved as to form by the City Attorney, for a general election to be held Saturday, May 7, 2022, to be administered by the Bell County Elections Officer.

SECTION 2:

That the contract will provide that the Elections Officer is to perform or supervise the performance of any or all of the corresponding duties and functions for the election as required under the terms of the Joint Election Agreement and Contract for Election Services.

SECTION 3:

That the City of Harker Heights shall have the option of extending the terms of this agreement through its runoff election, if applicable, and in the event of such a runoff election, the terms of this agreement shall automatically extend unless the City notifies the Elections Officer in writing within 10 days of the original election.

SECTION 4:

This resolution shall take effect from and after its passage and approval.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS on this 25th day of January, 2022.

CITY OF HARKER HEIGHTS, TEXAS:

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM #X-3

FROM: THE OFFICE OF THE CITY MANAGER

DATE: JANUARY 25, 2022

DISCUSS AND CONSIDER APPROVING A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION AND TAKE THE APPROPRIATE ACTION.

BACKGROUND:

The Atmos Cities Steering Committee (ACSC) is composed of 178 municipalities in the service area of Atmos Energy Corporation, Mid-Tex Division that have retained original jurisdiction. Atmos is a monopoly provider of natural gas and, since it has no competitors, regulation of the rates that it charges its customers is the only way that cities can ensure that natural gas rates are fair. Working as a coalition to review the rates charged by Atmos allows cities to accomplish more collectively than each city could do acting alone.

ACSC is the largest coalition of cities served by Atmos Mid-Tex, with representation of more than 60 percent of the total load served by Atmos Mid-Tex. ACSC protects the authority of municipalities over the monopoly natural gas provider and defends the interests of residential and small commercial customers within the cities. Although many of the activities undertaken by ACSC are connected to rate cases (and expenses are reimbursed by the utility), ACSC also undertakes additional activities on behalf of municipalities for which it needs funding support from its members. These additional activities include appeals, rulemakings, and legislative efforts impacting the rates charged by Atmos within the City.

It is important that ACSC be able to fund its participation on behalf of its member cities. A per capita assessment has historically been used and is a fair method for the members to bear the burdens associated with the benefits received from that membership. The attached resolution authorizes payment of the City's assessment in the amount of five cents per capita for a total of \$1,653.55.

RECOMMENDATION:

Staff recommends approving the Resolution.

ACTION BY COUNCIL:

1. Motion to Approve/Disapprove a Resolution authorizing continued participation with the Atmos Cities Steering Committee; and authorizing the payment of five cents per capita to the Atmos Cities Steering Committee to fund regulatory and related activities related to Atmos Energy Corporation.
2. Any other action desired.

ATTACHMENTS:

1. Resolution.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING CONTINUED PARTICIPATION WITH THE ATMOS CITIES STEERING COMMITTEE; AND AUTHORIZING THE PAYMENT OF FIVE CENTS PER CAPITA TO THE ATMOS CITIES STEERING COMMITTEE TO FUND REGULATORY AND RELATED ACTIVITIES RELATED TO ATMOS ENERGY CORPORATION

WHEREAS, the City of Harker Heights is a regulatory authority under the Gas Utility Regulatory Act (GURA) and has exclusive original jurisdiction over the rates and services of Atmos Energy Corporation, Mid-Tex Division (Atmos) within the municipal boundaries of the city; and

WHEREAS, the Atmos Cities Steering Committee (ACSC) has historically intervened in Atmos rate proceedings and gas utility related rulemakings to protect the interests of municipalities and gas customers residing within municipal boundaries; and

WHEREAS, ACSC is participating in Railroad Commission dockets and projects, as well as court proceedings and legislative activities, affecting gas utility rates; and

WHEREAS, the City is a member of ACSC; and

WHEREAS, in order for ACSC to continue its participation in these activities which affects the provision of gas utility service and the rates to be charged, it must assess its members for such costs; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HARKER HEIGHTS, TEXAS:

I.

That the City is authorized to continue its membership with the Atmos Cities Steering Committee to protect the interests of the City of Harker Heights and protect the interests of the customers of Atmos Energy Corporation, Mid-Tex Division residing and conducting business within the City limits.

II.

The City is further authorized to pay its 2022 assessment to the ACSC in the amount of five cents (\$0.05) per capita.

III.

A copy of this Resolution and approved assessment fee payable to “*Atmos Cities Steering Committee*” shall be sent to:

Brandi Stigler
Atmos Cities Steering Committee
c/o Arlington City Attorney’s Office, Mail Stop 63-0300
101 S. Mesquite St., Suite 300
Arlington, Texas 76010

PRESENTED AND PASSED on this the 25th day of January 2022, by a vote of _____ ayes and _____ nays at a regular meeting of the City Council of the City of Harker Heights, Texas.

Spencer H. Smith, Mayor

ATTEST:

Julie Helsham, City Secretary



CITY COUNCIL MEMORANDUM

AGENDA ITEM #X-4

FROM: THE OFFICE OF THE CITY MANAGER

DATE: JANUARY 25, 2022

DISCUSS AND CONSIDER APPROVING A REQUEST FOR ALCOHOL SERVICES FOR THE HARKER HEIGHTS CHAMBER OF COMMERCE “HARKER HEIGHTS FOOD, WINE & BREW FESTIVAL” AT THE 2410 COMMUNITY PARK ON SATURDAY, SEPTEMBER 10, 2022 AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The Chamber of Commerce is hosting the annual “Harker Heights Food, Wine & Brew Festival” on Saturday, September 10, 2022 at the 2410 Community Park. The Chamber has a desire to supply and offer adult beverages – wine & beer. This event is monitored through ticket sales which can be purchased at the chamber and through members of the chamber.

The use of alcohol within City Parks is not allowed through department policy and can only be granted by the permission of City Council. The City of Harker Heights and the Chamber of Commerce have had an excellent working relationship in providing events for the Community.

RECOMMENDATION:

None

ACTION BY CITY COUNCIL:

1. Motion to approve/disapprove a request for alcohol services for the Harker Heights Chamber of Commerce “Harker Heights Food, Wine & Brew Festival” at the 2410 Community Park for September 10, 2022.
2. Any other action desired.

ATTACHMENTS:

1. Application for Facility Rental – Parks & Recreation
2. Request for Alcohol Services – Parks & Recreation

**CITY OF HARKER HEIGHTS PARKS & RECREATION
REQUEST FOR ALCOHOL SERVICES**

I, Gina Pence, representative agent of the following business or organization:

Harker Heights Chamber, request the presence of alcohol at the following function:

Name of Event: Harker Heights Food Wine & Brew Fest

Date & Time: Sept 10th 2022

Purpose of Event:

Showcase Harker Heights local vendors and offer local wineries & breweries exposure to visitors giving a boost to our economy.

Types of alcohol being served: Beer & wine

Are the beverages for sale or free? Sale Free Tips only

Who will be serving the drinks? TABC Certified Servers

Will there be children/adults under the age of 21 present? Yes No

I understand that the City of Harker Heights does not hold a Mixed Beverage Permit from the Texas Alcohol Beverage Commission (TABC), and all permits and licensing required by law are my own responsibility. I also agree that I am responsible for ensuring strict compliance with all TABC rules and regulations pertaining to the Event. I further understand that failure to comply with these obligations may result in the loss of future Parks & Recreation rental privileges, and other penalties.

INDEMNIFICATION

I agree to hold harmless and relieve and discharge the City of Harker Heights, its officers, employees, agents, volunteers, contractors, representatives and insurers ("Released Parties") from any and all liability for loss, injury, or damages to any person or persons for personal injuries or death of any person or persons, or loss or damage to any property occasioned by or sustained by reason of the occupancy and use of the Center and the facilities thereof without regard to the cause of such loss, or **WHETHER THE LOSS WAS CAUSED IN WHOLE OR IN PART BY THE NEGLIGENCE OF THE RELEASED PARTIES**. I further expressly covenant and agree to protect, defend, indemnify, and hold harmless the Released Parties from all claims based upon alleged joint and/or concurrent negligence of the Released Parties, myself, and any person for whom I am responsible, arising out of or incident to the Event. I agree that in case any of the Released Parties shall be made a party to any litigation commenced by or against me or relating to the Event, then I shall pay all costs and expenses, including reasonable attorney's fees and court costs, incurred by or imposed upon any of the Released Parties by virtue of any such litigation.

AUTHORIZED AGENT: The signer of this Request hereby represents and warrants that he or she has full authority to execute this form on behalf of the business or organization named above, if any.

IN WITNESS WHEREOF, we have affixed our signature, this 18th day of Jan, 2022.

Contact: Gina Pence
Address: 552 E FM 2410 STE B
Harker Heights TX 76548
Telephone: 254-699-4999
Email: Gina@hhchamber.com

By: [Signature]
Signature of Authorized Agent

By: _____
Director/ or designee

CITY OF HARKER HEIGHTS

Parks & Recreation

For Official Use Only
Date presented to City Council: _____
Approved by City Council: <input type="checkbox"/>
Declined by City Council: <input type="checkbox"/>



HARKER HEIGHTS PARKS & RECREATION

Application for Outdoor Facility Rental

Proposed Date of the Event: Sept 10th 2022 ^{*Set up 9/9/22} Start Time: 9 am End Time: 11:00
*Include set up & tear down during your time slot

Event Name & Description: Harker Heights Food Wine & Brew Fest

Mark Requested	Facility	Amenities	Capacity	Notes	Rental Fees (per 4-hour period)	Rental Deposit
_____	Carl Levin Park Pavilion 400 Miller's Crossing 98 parking spots	Picnic Tables Electricity Grills (4) Water	200	N/A	Resident: \$50 Non-Resident: \$100	Resident: \$100 Non-Resident: \$200
_____	Carl Levin Park Amphitheater 400 Miller's Crossing 98 parking spots	Electricity	15-20 (Covered)	Patrons allowed to bring grills.	Resident: \$25 Non-Resident: \$65	\$100
_____	Carl Levin Park Gazebo 400 Miller's Crossing 98 parking spots	N/A	8-10	N/A	Resident: \$15 Non-Resident: \$25	N/A
<u>X</u>	Harker Heights Community Park Pavilion 1501 E FM 2410 666 parking spots	Picnic Tables Electricity Water	150	Patrons allowed to bring grills.	Resident: \$50 Non-Resident: \$100	Resident: \$100 Non-Resident: \$200
_____	Purser Park Pavilion A (Closest to Restroom & Playground) 100 W Mountain Lion Road 188 parking spots	Picnic Tables Electricity Grill	18-20	Limit (1) Bounce House	Resident: \$25 Non-Resident: \$65	\$100
_____	Purser Park Pavilion B 100 W Mountain Lion Road 188 parking spots	Picnic Tables Electricity Grill	18-20	N/A	Resident: \$25 Non-Resident: \$65	\$100

****Current proof of residency required to receive resident discount****
***** Reservations must be paid 72 hours before event*****

Application Approval may take 72 hours, Rental Fee and Deposit is due following approval, Fees can either be paid in person or via email link

Name: Gina Pence Phone: 254-699-4999
 Email: gina@hhchamber.com
 Address: 552 E FM 2410 Ste B City: Harker Heights State: TX Zip: 76548

Deposit Return Payable To: _____
(if different than above)

Approximate Number of Attendees: 3,000 Approximate Number of Vehicles: 1500

Amplified Sound: Yes or No
(If Yes, describe sound amplification usage and equipment such as type used, wattage, etc.): Stage sound + lights

Inflatables or Jumping Equipment: Yes or No
(Must meet with Grounds Crew (2) days prior) Water Spigot Needed: Yes or No
(If Yes, give quantity of water planning to use): Restroom Trailer

Please explain and describe if you are requesting the use of any additional space aside from the structure itself:
(Examples are open grass, walking trails, parking lots, etc.) open grass field, parking lots (entire park)

FOR OFFICE USE ONLY

Reviewed By / Date	Total Amount Due	Deposit Amount
Approved By / Date	Date Total Paid	Date Deposit Paid

(All runs / walks must be approved by the Parks Director, PD, and FD)

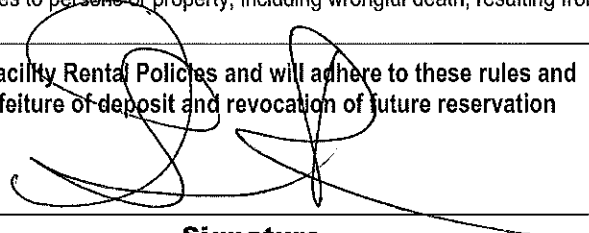
Date: _____ Amount: \$ _____ Reason: _____

<p>PARKS AND RECREATION ORDINANCE</p> <p> (Initial)</p>	<p><u>RULES AND REGULATIONS:</u> Must reference § 105.03 GENERAL RULES AND REGULATIONS. <u>HOURS:</u> Must reference § 105.04 RESTRICTED AREAS AND HOURS. <u>ALCOHOL:</u> Must reference § 105.05 ALCOHOL. <u>ANIMALS:</u> Must reference § 105.06 ANIMALS. <u>ACTIVITIES:</u> Must reference § 105.07 RECREATIONAL ACTIVITIES. <u>VEHICLES:</u> Must reference § 105.08 VEHICLES. <u>ADDITIONAL RULES:</u> Must reference § 105.09 ADDITIONAL RULES. <u>ENFORCEMENT:</u> Must reference § 105.98 ENFORCEMENT. <u>PENALTY:</u> Must reference § 105.99 PENALTY.</p>
<p>FACILITY RENTAL POLICY</p> <p> (Initial)</p>	<p><u>CONTACT:</u> If you require assistance during your event, you may contact the Recreation Center during business hours (254-953-5657) or call 911 for emergencies. <u>CITY FACILITY USE:</u> City events will take priority and all other events may be rescheduled or cancelled as needed. <u>OUTSIDE ORGANIZATION USE:</u> All use by outside organizations is through rental only. <u>APPROVAL:</u> All rentals are subject to approval by Harker Heights Parks and Recreation. <u>TYPES OF USE:</u> Facilities are to be used for the purpose in which they were intended unless approved by Harker Heights Parks and Recreation. <u>RENTER RESPONSIBILITY:</u> The renter will be responsible for all persons in the group or organization utilizing the facility. <u>CROWD CONTROL:</u> The responsibility for crowd control or discipline is assumed by the permit holder and all proceedings shall be orderly. <u>200+ GROUPS:</u> Large groups must have a separate and clearly designated First Aid Station so that in the event of an injury or emergency the victim(s) will be able to be accessed by emergency personnel. <u>PARKING:</u> For large groups parking may become a problem and must reference § 105.08 VEHICLES. <u>ROADS:</u> Any request to block off roads must be authorized by Harker Heights Police Department which can be reach at 254-953-5400, and it is the responsibility of the renter to obtain approval from the Harker Heights Police Department. <u>SOLID WASTE, TRASH, GARBAGE:</u> Must reference Chapter 51 with all solid waste, trash, garbage must be disposed of properly at the conclusion of each rental period and placed in provided trash cans. <u>AMPLIFIED NOISE:</u> Must reference Chapter 95 and have approval for use of amplified noise. <u>INFLATABLES:</u> Inflatables may be set up for parties or events with approval.</p>
<p>RESERVATIONS AND REFUNDS</p> <p> (Initial)</p>	<p><u>RESERVATION:</u> A rental application must be completed for each new facility rental not already paid for. <u>PROCESSING:</u> The City has 2 business days to notify the patron if there are any perceived conflicts with the event scheduled. <u>CANCELLATION:</u> A written request shall be emailed or brought in person 24 hours prior to the rental to receive a refund. <u>RESPONSIBLE PARTY:</u> The permit holder and the responsible party (person, 21 years of age or older, who officially rented the facility) must be on-site when the facility is being used. <u>PAYMENT:</u> No rental is considered booked until payment has been completed or arranged with Harker Heights Parks and Recreation. <u>REFUNDS:</u> All refunds, including deposits, take 2-3 weeks for processing and will be returned in check form to the address listed on this form. <u>INCLEMENT WEATHER:</u> Renter must cancel event prior to the event start time to receive a refund for rain or other inclement weather. <u>NO SHOW:</u> Reservations that do not complete payment or no show without notification will lose deposit and may not be allowed to future rentals as determined by Harker Heights Parks and Recreation.</p>
<p>CONDITIONS OF PERMIT</p> <p> (Initial)</p>	<p><u>CITY PROPERTY:</u> Use is subject to all pertinent State Laws, City Ordinances, Health Department Regulations, and Facility Rules. <u>DEPOSIT:</u> The holder of this permit will be held responsible for inappropriate use, violation of rules, or damage to City property resulting from use herein as determined by Harker Heights Parks and Recreation. <u>INDEMNITY:</u> The permit holder shall indemnify and hold harmless the City of Harker Heights, officers, employees, and agents and assigns from any and all claims for injury and / or damages to persons or property, including wrongful death, resulting from the use of this permit.</p>

I have read, understand, and initialed the Harker Heights Parks and Recreation Facility Rental Policies and will adhere to these rules and regulations. Failure to adhere to these rules and regulations could result in forfeiture of deposit and revocation of future reservation privileges.

4/18/22

Date



Signature

CHAPTER 105: PARKS AND RECREATION

§ 105.03 GENERAL RULES AND REGULATIONS.

The following rules and regulations shall be in force in all parks of the City of Harker Heights located within or without the corporate limits of the city.

- (A) Injury to plants, improvements, etc. It shall be unlawful for any person to cut, deface, mark, pluck, injure, damage, or destroy any shrub, tree, plant, grass, turf, fountain, seat, fence, building, structure, ornament, monument, or any other natural or artificial improvement in a park. (See also § 131.02.)
- (B) Park facility use and program rates and other related charges. Park facility rental rates, program registration rates, and other related charges will be established by the City Council in the annual fee schedule.
- (C) Disposal of litter. It shall be unlawful for any person to deposit or discharge, or cause the deposit or discharge, of paper, glass, metal, litter, rubbish, waste, garbage, refuse or trash of any description on any park lawn, driveway, path, fountain, pond, stream, or other place except in receptacles provided for that purpose. (See also § 51.02.)
- (D) Commercial activity. It shall be unlawful for any person to engage in any commercial venture including offering to sell any goods, wares, merchandise or food, or render any service for hire or to solicit funds or donations of any item without the written permission of the Director.
- (E) Noise regulations. See Chapter 95.
- (F) Glass containers. It shall be unlawful for any person to use or possess in any form a glass container in any area situated within a park.
- (G) Fires. It shall be unlawful for any person to start or maintain an outdoor fire in any park, except for cooking fires which shall be started and maintained only in a stove, barbecue pit or in a portable camp stove. No person starting or maintaining any fire in a park shall leave the fire unattended without first completely extinguishing the fire.
- (H) Interference with other park users. It shall be unlawful for any person to recklessly and unreasonably prevent, disturb, disrupt, or interfere with the lawful use of a park by another person, or any lawful activity permitted within the park.
- (I) Disorderly conduct. See § 42.01 of the Tex. Penal Code, as amended.
- (J) Public nudity. It shall be unlawful for any person to appear in a state of nudity.

§ 105.04 RESTRICTED AREAS AND HOURS.

- (A) Hours. All parks located within the city are closed to the public each day from 11:00 p.m. until 5:00 a.m., unless otherwise permitted by the Director. In addition, any municipal park, section or part thereof may be declared closed to the public by the Director or a peace officer at any time and for any interval of time upon a temporary basis (daily or otherwise), either entirely or merely to certain uses as the Director or peace officer shall find reasonably necessary to manage, use, preserve and govern park property, buildings and activities.
- (B) Restricted areas. It shall be unlawful for any person to knowingly enter into or remain in or on a park or area designated by one or more posted signs as "restricted" or "closed."
- (C) Curfew in parks. See § 130.02.
- (D) It is an affirmative defense to prosecution under this section that at the time of the violation the person was lawfully attending a special event, activity, or program that was sponsored by the city or conducted in the park with written permission of the city.

§ 105.05 ALCOHOL.

- (A) It shall be unlawful for any person to knowingly possess or consume any alcoholic beverage, as defined by the Tex. Alcoholic Beverage Code, while in a park or a public street, public alley, or public parking lot adjacent to a park.
- (B) It is an affirmative defense to prosecution under division (A) of this section that:
 - (1) The alcoholic beverage was in a container with an unbroken seal or other evidence of having never been opened; or
 - (2) At the time and place of the alleged offense the possession or consumption was permitted by:
 - (a) A valid license issued by the Texas Alcoholic Beverage Commission; or
 - (b) A permit, lease or rental agreement granted by the city.

§ 105.06 ANIMALS.

- (A) It shall be unlawful for any person while in a park to:
 - (1) Knowingly frighten, annoy, injure, or attempt to frighten, annoy, or injure any animal, bird or reptile, or to remove or have possession of the young, eggs or nest of any animal, reptile or bird, or to capture or attempt to capture such animal, reptile or bird except with the consent of the owner thereof.
 - (2) Keep or permit an animal unless the same is attended and kept under the person's physical restraint at all times by means of a leash, cord, chain or enclosure. (See also § 90.36.)
 - (3) Without written permission of the Director, ride any animal in or upon a park area not specifically designated for such purpose. (See also § 90.06.)
 - (4) Tether or pasture, or allow or cause to be tethered or pastured, any animal in a park. (See also § 90.49.)
 - (5) Bring a dangerous dog (as that term is defined by § 90.01) onto park property.
 - (6) If the animal is required to be vaccinated against rabies, bring such animal onto park property without having in his or her immediate possession proof of such current vaccination.
 - (7) Fail to have in his or her possession such materials or implements as may be used immediately in a sanitary and lawful manner to remove and dispose of defecation, as required by § 90.05, by an animal under his or her ownership or control in a park.
- (B) Notwithstanding division (A) of this section, fishing shall be permitted in areas designated by the Director and subject to such conditions as may be imposed by the Director. In addition, the Director may authorize the capture or killing of any animal within a park as necessary to eliminate or minimize any nuisance or hazard to public health and safety, or to alleviate suffering.

§ 105.07 RECREATIONAL ACTIVITIES.

- (A) Practicing golf. It shall be unlawful for any person to practice golf in any portion of a park not specifically designated for that purpose.
- (B) Shooting sports. It shall be unlawful for any person to launch, fire or discharge any arrow, slingshot, firearm, or gun of any kind (including air guns and paintball guns) within or across any park area not specifically designated for that purpose. (See also § 130.44.)
- (C) Throwing sports. It shall be unlawful for any person to practice throwing a javelin, spear, knife, throwing star, shotput, discus, or other dangerous object within or across any park area not specifically designated for that purpose.
- (D) Drones, kites, model airplanes, etc. It shall be unlawful for any person to fly a kite, or propel or guide a drone, model airplane or rocket in any park area traversed by high voltage transmission lines.
- (E) Wading, swimming, or boating. It shall be unlawful for any person to wade, swim, bathe, or boat within any park area not specifically designated for that purpose.
- (F) Camping. It shall be unlawful for any person to camp overnight in a park without first obtaining a permit under this chapter.
- (G) Climbing. It shall be unlawful for any person to climb fences, buildings, or other structures in a park, except play equipment designated for that purpose.

§ 105.08 VEHICLES.

- (A) It shall be unlawful for any person to:
 - (1) Drive or operate any vehicle in, over or through any park area except upon drives, streets, boulevards or other areas designated for such purposes;
 - (2) Stop, stand or park any motor vehicle or to permit any such motor vehicle to so stop, stand or park within any park except within the limit lines of a designated parking stall or a passenger curb loading zone; or
 - (3) Wash a vehicle in any park or do routine maintenance in any park area not specifically designated for that purpose.
- (B) It is an affirmative defense to prosecution under division (A) of this section that the driving, stopping, standing, or parking was due to temporary mechanical failure of the vehicle, provided that as soon as reasonably possible the operator completed emergency repairs or summoned tow removal equipment, as appropriate.
- (C) The Director is authorized to establish time limits for the parking of motor vehicles within designated parking areas of the city's parks.
- (D) If any motor vehicle is found within any park in violation of this division and the identity of the operator of such vehicle cannot be determined:
 - (1) It is rebuttably presumed that the registered owner of the vehicle is the person who stopped, stood, or parked the vehicle at the time and place of the alleged offense; and
 - (2) The police may remove or impound the vehicle as provided by law.

§ 105.09 ADDITIONAL RULES.

- (A) The Director shall have the authority to adopt such additional rules as may be reasonably necessary to protect the safety of persons and property in parks, and to ensure that parks and recreation facilities are available for use on an orderly and non-discriminatory basis for those persons wishing to utilize those facilities.
- (B) Rules adopted by the Director pursuant to this section shall be conspicuously posted at the parks facilities to which they apply.

§ 105.98 ENFORCEMENT.

- (A) Compliance with rules and regulations of this chapter is a condition of the use of the public parks and recreation areas of the city, and all peace officers shall have the right and power to arrest any person who may violate any of the rules, regulations, orders, or requirements of any ordinance or general law relating to the maintenance of the parks located within or without the corporate limits of the city.
- (B) All park property owned and operated by the city shall be under the jurisdiction of the Police Department of the city, and all rules and regulations concerning said properties shall be enforced as provided herein.
- (C) The Director and park attendants may in connection with their duties diligently enforce the provisions of this chapter.
- (D) Proof of the fact that any device, sign, signal or marking designating or restricting any area of a park for particular hours, purposes, or uses was actually in place at any location in the city shall constitute prima facie evidence that the same was installed under the authority of law.
- (E) It is an affirmative defense to prosecution under this chapter that at the time and place of the alleged violation the person:
 - (1) Had obtained written permission from the city or the Director to engage in the activity for which the offense is charged;
 - (2) Was acting on instructions lawfully given by a peace officer, the Director, or a park attendant;
 - (3) Was an employee or contractor of the city, or other public official, acting in the course and scope of his or her official duties in performing the activity for which the offense is charged; or
 - (4) Was responding appropriately to an emergency involving a sudden or unexpected occurrence of a serious and urgent situation which requires immediate action to preserve life or property, including without limitation fire, natural disaster, an automobile accident, or seeking immediate medical treatment for any person.

§ 105.99 PENALTY.

- (A) Ejection. A person violating any provision of this chapter, or any rule adopted by the Director hereunder, may be ejected from a park by the Director, a peace officer, or any park attendant. It shall be unlawful for any person to remain in or on any park property after being instructed by the Director, a peace officer, or any park attendant to leave, and an unauthorized return or refusal to leave shall constitute a criminal trespass.
- (B) A violation of a provision of this chapter is an offense and shall be punishable upon conviction by a fine of not more than \$500. Unless otherwise expressly provided, a culpable mental state is not required for the commission of an offense under this chapter and need not be proved.



CITY COUNCIL MEMORANDUM

AGENDA ITEM #X-5

FROM: THE OFFICE OF THE CITY MANAGER

DATE: JANUARY 25, 2022

DISCUSS AND CONSIDER APPROVING A REQUEST FOR ALCOHOL SERVICES FOR THE HARKER HEIGHTS CHAMBER OF COMMERCE “HARKER HEIGHTS BREW & BRATS 5K MUG RUN” SCHEDULED FOR SATURDAY, OCTOBER 15, 2022, AT THE 2410 COMMUNITY PARK AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The Harker Heights Chamber of Commerce is requesting to host the Harker Heights Brew & Brats 5K Mug Run on Saturday, October 15th at Harker Heights Community Park from 8am until 11am. Local craft beer vendors will be available at the end of the 5k race for the participants.

The event is a fundraiser for the Harker Heights Chamber of Commerce.

The use of alcohol within City Parks is not allowed through department policy and can only be granted by the permission of City Council.

STAFF RECOMMENDATION:

None

ACTION BY CITY COUNCIL:

1. Motion to approve/disapprove a request for alcohol services for the Harker Heights Chamber of Commerce Brews & Brats 5K Mug Run at the 2410 Community Park for October 15, 2022.
2. Any other action desired.

ATTACHMENTS:

1. Application for Facility Rental – Parks & Recreation
2. Request for Alcohol Services – Parks & Recreation



HARKER HEIGHTS PARKS & RECREATION

Application for Outdoor Facility Rental

Proposed Date of the Event: Sat. Oct 15th Start Time: 8:00am End Time: 11:00am
*Include set up & tear down during your time slot

Event Name & Description: _____

Mark Requested	Facility	Amenities	Capacity	Notes	Rental Fees (per 4-hour period)	Rental Deposit
_____	Carl Levin Park Pavilion 400 Miller's Crossing 98 parking spots	Picnic Tables Electricity Grills (4) Water	200	N/A	Resident: \$50 Non-Resident: \$100	Resident: \$100 Non-Resident: \$200
_____	Carl Levin Park Amphitheater 400 Miller's Crossing 98 parking spots	Electricity	15-20 (Covered)	Patrons allowed to bring grills.	Resident: \$25 Non-Resident: \$65	\$100
_____	Carl Levin Park Gazebo 400 Miller's Crossing 98 parking spots	N/A	8-10	N/A	Resident: \$15 Non-Resident: \$25	N/A
	Harker Heights Community Park Pavilion 1501 E FM 2410 666 parking spots	Picnic Tables Electricity Water	150	Patrons allowed to bring grills.	Resident: \$50 Non-Resident: \$100	Resident: \$100 Non-Resident: \$200
_____	Purser Park Pavilion A (Closest to Restroom & Playground) 100 W Mountain Lion Road 188 parking spots	Picnic Tables Electricity Grill	18-20	Limit (1) Bounce House	Resident: \$25 Non-Resident: \$65	\$100
_____	Purser Park Pavilion B 100 W Mountain Lion Road 188 parking spots	Picnic Tables Electricity Grill	18-20	N/A	Resident: \$25 Non-Resident: \$65	\$100

****Current proof of residency required to receive resident discount****

***** Reservations must be paid 72 hours before event*****

Application Approval may take 72 hours, Rental Fee and Deposit is due following approval, Fees can either be paid in person or via email link

Name: Gina Pence Phone: 254-699-4999
 Email: gina@hhchamber.com
 Address: 552 E FM 2410 Ste B City: Harker Heights State: TX Zip: 76548

Deposit Return Payable To: _____
(if different than above)

Approximate Number of Attendees: 300 Approximate Number of Vehicles: 150

Amplified Sound: [Yes] or [No] _____
(If Yes, describe sound amplification usage and equipment such as type used, wattage, etc.): DT

Inflatables or Jumping Equipment: [Yes] or [No] _____
(Must meet with Grounds Crew (2) days prior) Water Spigot Needed: [Yes] or [No] _____
(If Yes, give quantity of water planning to use): _____

Please explain and describe if you are requesting the use of any additional space aside from the structure itself:
(Examples are open grass, walking trails, parking lots, etc.)

FOR OFFICE USE ONLY

Reviewed By / Date	Total Amount Due	Deposit Amount
Approved By / Date	Date Total Paid	Date Deposit Paid

(All runs / walks must be approved by the Parks Director, PD, and FD)

<p>PARKS AND RECREATION ORDINANCE</p>  <p>(Initial)</p>	<p><u>RULES AND REGULATIONS:</u> Must reference § 105.03 GENERAL RULES AND REGULATIONS. <u>HOURS:</u> Must reference § 105.04 RESTRICTED AREAS AND HOURS. <u>ALCOHOL:</u> Must reference § 105.05 ALCOHOL. <u>ANIMALS:</u> Must reference § 105.06 ANIMALS. <u>ACTIVITIES:</u> Must reference § 105.07 RECREATIONAL ACTIVITIES. <u>VEHICLES:</u> Must reference § 105.08 VEHICLES. <u>ADDITIONAL RULES:</u> Must reference § 105.09 ADDITIONAL RULES. <u>ENFORCEMENT:</u> Must reference § 105.98 ENFORCEMENT. <u>PENALTY:</u> Must reference § 105.99 PENALTY.</p>
<p>FACILITY RENTAL POLICY</p>  <p>(Initial)</p>	<p><u>CONTACT:</u> If you require assistance during your event, you may contact the Recreation Center during business hours (254-953-5657) or call 911 for emergencies. <u>CITY FACILITY USE:</u> City events will take priority and all other events may be rescheduled or cancelled as needed. <u>OUTSIDE ORGANIZATION USE:</u> All use by outside organizations is through rental only. <u>APPROVAL:</u> All rentals are subject to approval by Harker Heights Parks and Recreation. <u>TYPES OF USE:</u> Facilities are to be used for the purpose in which they were intended unless approved by Harker Heights Parks and Recreation. <u>RENTER RESPONSIBILITY:</u> The renter will be responsible for all persons in the group or organization utilizing the facility. <u>CROWD CONTROL:</u> The responsibility for crowd control or discipline is assumed by the permit holder and all proceedings shall be orderly. <u>200+ GROUPS:</u> Large groups must have a separate and clearly designated First Aid Station so that in the event of an injury or emergency the victim(s) will be able to be accessed by emergency personnel. <u>PARKING:</u> For large groups parking may become a problem and must reference § 105.08 VEHICLES. <u>ROADS:</u> Any request to block off roads must be authorized by Harker Heights Police Department which can be reach at 254-953-5400, and it is the responsibility of the renter to obtain approval from the Harker Heights Police Department. <u>SOLID WASTE, TRASH, GARBAGE:</u> Must reference Chapter 51 with all solid waste, trash, garbage must be disposed of properly at the conclusion of each rental period and placed in provided trash cans. <u>AMPLIFIED NOISE:</u> Must reference Chapter 95 and have approval for use of amplified noise. <u>INFLATABLES:</u> Inflatables may be set up for parties or events with approval.</p>
<p>RESERVATIONS AND REFUNDS</p>  <p>(Initial)</p>	<p><u>RESERVATION:</u> A rental application must be completed for each new facility rental not already paid for. <u>PROCESSING:</u> The City has 2 business days to notify the patron if there are any perceived conflicts with the event scheduled. <u>CANCELLATION:</u> A written request shall be emailed or brought in person 24 hours prior to the rental to receive a refund. <u>RESPONSIBLE PARTY:</u> The permit holder and the responsible party (person, 21 years of age or older, who officially rented the facility) must be on-site when the facility is being used. <u>PAYMENT:</u> No rental is considered booked until payment has been completed or arranged with Harker Heights Parks and Recreation. <u>REFUNDS:</u> All refunds, including deposits, take 2-3 weeks for processing and will be returned in check form to the address listed on this form. <u>INCLEMENT WEATHER:</u> Renter must cancel event prior to the event start time to receive a refund for rain or other inclement weather. <u>NO SHOW:</u> Reservations that do not complete payment or no show without notification will lose deposit and may not be allowed to future rentals as determined by Harker Heights Parks and Recreation.</p>
<p>CONDITIONS OF PERMIT</p>  <p>(Initial)</p>	<p><u>CITY PROPERTY:</u> Use is subject to all pertinent State Laws, City Ordinances, Health Department Regulations, and Facility Rules. <u>DEPOSIT:</u> The holder of this permit will be held responsible for inappropriate use, violation of rules, or damage to City property resulting from use herein as determined by Harker Heights Parks and Recreation. <u>INDEMNITY:</u> The permit holder shall indemnify and hold harmless the City of Harker Heights, officers, employees, and agents and assigns from any and all claims for injury and / or damages to persons or property, including wrongful death, resulting from the use of this permit.</p>

I have read, understand, and initialed the Harker Heights Parks and Recreation Facility Rental Policies and will adhere to these rules and regulations. Failure to adhere to these rules and regulations could result in forfeiture of deposit and revocation of future reservation privileges.

11/11/22

 Date

 Signature

CHAPTER 105: PARKS AND RECREATION

§ 105.03 GENERAL RULES AND REGULATIONS.

The following rules and regulations shall be in force in all parks of the City of Harker Heights located within or without the corporate limits of the city.

- (A) Injury to plants, improvements, etc. It shall be unlawful for any person to cut, deface, mark, pluck, injure, damage, or destroy any shrub, tree, plant, grass, turf, fountain, seat, fence, building, structure, ornament, monument, or any other natural or artificial improvement in a park. (See also § 131.02.)
- (B) Park facility use and program rates and other related charges. Park facility rental rates, program registration rates, and other related charges will be established by the City Council in the annual fee schedule.
- (C) Disposal of litter. It shall be unlawful for any person to deposit or discharge, or cause the deposit or discharge, of paper, glass, metal, litter, rubbish, waste, garbage, refuse or trash of any description on any park lawn, driveway, path, fountain, pond, stream, or other place except in receptacles provided for that purpose. (See also § 51.02.)
- (D) Commercial activity. It shall be unlawful for any person to engage in any commercial venture including offering to sell any goods, wares, merchandise or food, or render any service for hire or to solicit funds or donations of any item without the written permission of the Director.
- (E) Noise regulations. See Chapter 95.
- (F) Glass containers. It shall be unlawful for any person to use or possess in any form a glass container in any area situated within a park.
- (G) Fires. It shall be unlawful for any person to start or maintain an outdoor fire in any park, except for cooking fires which shall be started and maintained only in a stove, barbecue pit or in a portable camp stove. No person starting or maintaining any fire in a park shall leave the fire unattended without first completely extinguishing the fire.
- (H) Interference with other park users. It shall be unlawful for any person to recklessly and unreasonably prevent, disturb, disrupt, or interfere with the lawful use of a park by another person, or any lawful activity permitted within the park.
- (I) Disorderly conduct. See § 42.01 of the Tex. Penal Code, as amended.
- (J) Public nudity. It shall be unlawful for any person to appear in a state of nudity.

§ 105.04 RESTRICTED AREAS AND HOURS.

- (A) Hours. All parks located within the city are closed to the public each day from 11:00 p.m. until 5:00 a.m., unless otherwise permitted by the Director. In addition, any municipal park, section or part thereof may be declared closed to the public by the Director or a peace officer at any time and for any interval of time upon a temporary basis (daily or otherwise), either entirely or merely to certain uses as the Director or peace officer shall find reasonably necessary to manage, use, preserve and govern park property, buildings and activities.
- (B) Restricted areas. It shall be unlawful for any person to knowingly enter into or remain in or on a park or area designated by one or more posted signs as "restricted" or "closed."
- (C) Curfew in parks. See § 130.02.
- (D) It is an affirmative defense to prosecution under this section that at the time of the violation the person was lawfully attending a special event, activity, or program that was sponsored by the city or conducted in the park with written permission of the city.

§ 105.05 ALCOHOL.

- (A) It shall be unlawful for any person to knowingly possess or consume any alcoholic beverage, as defined by the Tex. Alcoholic Beverage Code, while in a park or a public street, public alley, or public parking lot adjacent to a park.
- (B) It is an affirmative defense to prosecution under division (A) of this section that:
 - (1) The alcoholic beverage was in a container with an unbroken seal or other evidence of having never been opened; or
 - (2) At the time and place of the alleged offense the possession or consumption was permitted by:
 - (a) A valid license issued by the Texas Alcoholic Beverage Commission; or
 - (b) A permit, lease or rental agreement granted by the city.

§ 105.06 ANIMALS.

- (A) It shall be unlawful for any person while in a park to:
 - (1) Knowingly frighten, annoy, injure, or attempt to frighten, annoy, or injure any animal, bird or reptile, or to remove or have possession of the young, eggs or nest of any animal, reptile or bird, or to capture or attempt to capture such animal, reptile or bird except with the consent of the owner thereof.
 - (2) Keep or permit an animal unless the same is attended and kept under the person's physical restraint at all times by means of a leash, cord, chain or enclosure. (See also § 90.36.)
 - (3) Without written permission of the Director, ride any animal in or upon a park area not specifically designated for such purpose. (See also § 90.06.)
 - (4) Tether or pasture, or allow or cause to be tethered or pastured, any animal in a park. (See also § 90.49.)
 - (5) Bring a dangerous dog (as that term is defined by § 90.01) onto park property.
 - (6) If the animal is required to be vaccinated against rabies, bring such animal onto park property without having in his or her immediate possession proof of such current vaccination.
 - (7) Fail to have in his or her possession such materials or implements as may be used immediately in a sanitary and lawful manner to remove and dispose of defecation, as required by § 90.05, by an animal under his or her ownership or control in a park.
- (B) Notwithstanding division (A) of this section, fishing shall be permitted in areas designated by the Director and subject to such conditions as may be imposed by the Director. In addition, the Director may authorize the capture or killing of any animal within a park as necessary to eliminate or minimize any nuisance or hazard to public health and safety, or to alleviate suffering.

§ 105.07 RECREATIONAL ACTIVITIES.

- (A) Practicing golf. It shall be unlawful for any person to practice golf in any portion of a park not specifically designated for that purpose.
- (B) Shooting sports. It shall be unlawful for any person to launch, fire or discharge any arrow, slingshot, firearm, or gun of any kind (including air guns and paintball guns) within or across any park area not specifically designated for that purpose. (See also § 130.44.)
- (C) Throwing sports. It shall be unlawful for any person to practice throwing a javelin, spear, knife, throwing star, shotput, discus, or other dangerous object within or across any park area not specifically designated for that purpose.
- (D) Drones, kites, model airplanes, etc. It shall be unlawful for any person to fly a kite, or propel or guide a drone, model airplane or rocket in any park area traversed by high voltage transmission lines.
- (E) Wading, swimming, or boating. It shall be unlawful for any person to wade, swim, bathe, or boat within any park area not specifically designated for that purpose.
- (F) Camping. It shall be unlawful for any person to camp overnight in a park without first obtaining a permit under this chapter.
- (G) Climbing. It shall be unlawful for any person to climb fences, buildings, or other structures in a park, except play equipment designated for that purpose.

§ 105.08 VEHICLES.

- (A) It shall be unlawful for any person to:
 - (1) Drive or operate any vehicle in, over or through any park area except upon drives, streets, boulevards or other areas designated for such purposes;
 - (2) Stop, stand or park any motor vehicle or to permit any such motor vehicle to so stop, stand or park within any park except within the limit lines of a designated parking stall or a passenger curb loading zone; or
 - (3) Wash a vehicle in any park or do routine maintenance in any park area not specifically designated for that purpose.
- (B) It is an affirmative defense to prosecution under division (A) of this section that the driving, stopping, standing, or parking was due to temporary mechanical failure of the vehicle, provided that as soon as reasonably possible the operator completed emergency repairs or summoned tow removal equipment, as appropriate.
- (C) The Director is authorized to establish time limits for the parking of motor vehicles within designated parking areas of the city's parks.
- (D) If any motor vehicle is found within any park in violation of this division and the identity of the operator of such vehicle cannot be determined:
 - (1) It is rebuttably presumed that the registered owner of the vehicle is the person who stopped, stood, or parked the vehicle at the time and place of the alleged offense; and
 - (2) The police may remove or impound the vehicle as provided by law.

§ 105.09 ADDITIONAL RULES.

- (A) The Director shall have the authority to adopt such additional rules as may be reasonably necessary to protect the safety of persons and property in parks, and to ensure that parks and recreation facilities are available for use on an orderly and non-discriminatory basis for those persons wishing to utilize those facilities.
- (B) Rules adopted by the Director pursuant to this section shall be conspicuously posted at the parks facilities to which they apply.

§ 105.98 ENFORCEMENT.

- (A) Compliance with rules and regulations of this chapter is a condition of the use of the public parks and recreation areas of the city, and all peace officers shall have the right and power to arrest any person who may violate any of the rules, regulations, orders, or requirements of any ordinance or general law relating to the maintenance of the parks located within or without the corporate limits of the city.
- (B) All park property owned and operated by the city shall be under the jurisdiction of the Police Department of the city, and all rules and regulations concerning said properties shall be enforced as provided herein.
- (C) The Director and park attendants may in connection with their duties diligently enforce the provisions of this chapter.
- (D) Proof of the fact that any device, sign, signal or marking designating or restricting any area of a park for particular hours, purposes, or uses was actually in place at any location in the city shall constitute prima facie evidence that the same was installed under the authority of law.
- (E) It is an affirmative defense to prosecution under this chapter that at the time and place of the alleged violation the person:
 - (1) Had obtained written permission from the city or the Director to engage in the activity for which the offense is charged;
 - (2) Was acting on instructions lawfully given by a peace officer, the Director, or a park attendant;
 - (3) Was an employee or contractor of the city, or other public official, acting in the course and scope of his or her official duties in performing the activity for which the offense is charged; or
 - (4) Was responding appropriately to an emergency involving a sudden or unexpected occurrence of a serious and urgent situation which requires immediate action to preserve life or property, including without limitation fire, natural disaster, an automobile accident, or seeking immediate medical treatment for any person.

§ 105.99 PENALTY.

- (A) Ejection. A person violating any provision of this chapter, or any rule adopted by the Director hereunder, may be ejected from a park by the Director, a peace officer, or any park attendant. It shall be unlawful for any person to remain in or on any park property after being instructed by the Director, a peace officer, or any park attendant to leave, and an unauthorized return or refusal to leave shall constitute a criminal trespass.
- (B) A violation of a provision of this chapter is an offense and shall be punishable upon conviction by a fine of not more than \$500. Unless otherwise expressly provided, a culpable mental state is not required for the commission of an offense under this chapter and need not be proved.

**CITY OF HARKER HEIGHTS PARKS & RECREATION
REQUEST FOR ALCOHOL SERVICES**

I, Gina Pence, representative agent of the following business or organization:
Harker Heights Chamber, request the presence of alcohol at the following function:

Name of Event: HH Brew & Brats 5K Mug Run

Date & Time: Saturday, Oct 15th

Purpose of Event:
Offer a fun run that show cases our local community giving our citizens & visitors a great family event in HH.

Types of alcohol being served: Beer + Wine

Are the beverages for sale or free? Sale Free Tips only

Who will be serving the drinks? TABC certified servers

Will there be children/adults under the age of 21 present? Yes No

I understand that the City of Harker Heights does not hold a Mixed Beverage Permit from the Texas Alcohol Beverage Commission (TABC), and all permits and licensing required by law are my own responsibility. I also agree that I am responsible for ensuring strict compliance with all TABC rules and regulations pertaining to the Event. I further understand that failure to comply with these obligations may result in the loss of future Parks & Recreation rental privileges, and other penalties.

INDEMNIFICATION

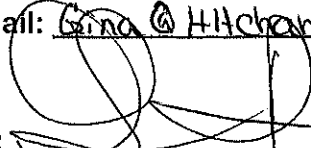
I agree to hold harmless and relieve and discharge the City of Harker Heights, its officers, employees, agents, volunteers, contractors, representatives and insurers ("Released Parties") from any and all liability for loss, injury, or damages to any person or persons for personal injuries or death of any person or persons, or loss or damage to any property occasioned by or sustained by reason of the occupancy and use of the Center and the facilities thereof without regard to the cause of such loss, or **WHETHER THE LOSS WAS CAUSED IN WHOLE OR IN PART BY THE NEGLIGENCE OF THE RELEASED PARTIES.** I further expressly covenant and agree to protect, defend, indemnify, and hold harmless the Released Parties from all claims based upon alleged joint and/or concurrent negligence of the Released Parties, myself, and any person for whom I am responsible, arising out of or incident to the Event. I agree that in case any of the Released Parties shall be made a party to any litigation commenced by or against me or relating to the Event, then I shall pay all costs and expenses, including reasonable attorney's fees and court costs, incurred by or imposed upon any of the Released Parties by virtue of any such litigation.

AUTHORIZED AGENT: The signer of this Request hereby represents and warrants that he or she has full authority to execute this form on behalf of the business or organization named above, if any.

IN WITNESS WHEREOF, we have affixed our signature, this 14th day of Jan, 2022.

CITY OF HARKER HEIGHTS
Parks & Recreation

Contact: Gina Pence
Address: 552 E FM 2410 suite B
Harker Heights TX 76548
Telephone: 254-699-4999
Email: Gina@HHchamber.com

By: 
Signature of Authorized Agent

For Official Use Only
Date presented to City Council: _____
Approved by City Council: <input type="checkbox"/>
Declined by City Council: <input type="checkbox"/>

By: _____
Director/ or designee

FACT SHEET FOR ALCOHOL APPLICATION

To host an event with alcohol in any City of Harker Heights park, simply submit the below application to the front desk at the Recreation Center for City Council approval before the first and third Friday of each month. Be prepared to appear at a City Council meeting (second or fourth Tuesday) to answer any questions they may have regarding your event.

If approved, please follow the below steps for Texas Alcoholic Beverage Compliance (TABC):

If you are a civic organization or a private party and are hosting a free event with alcoholic beverages, you do not need a TABC Temporary Permit.

If you are a civic organization that is hosting an event where patrons are charged for entrance, food & beverages, specific activities, etc., you must:

1. Obtain a TABC Temporary Permit or,
2. Contract out a caterer or restaurant with proper TABC licensing.

To obtain a TABC Temporary Permit:

1. Print from the website: <https://www.tabc.texas.gov/services/abc-licenses-permits/new-abc-licenses-permits/abc-new-license-permit-forms/?topic=Temporary+Licenses+or+Permits> or,
2. Apply in person to:
TABC Belton Outpost
111 E Water St.
Belton, TX 76513
(254) 933-5368
Fax: (254) 933-5369
3. Complete the TABC Routing Sheet

To avoid processing delays, the application should be submitted ten business days in advance of an event.

Can I sell or serve alcoholic beverages at a fundraising event?

TABC Marketing Practice Bulletin MPB-026 includes a summary of various options available to charitable, religious or civic organizations wishing to serve alcoholic beverages at fundraising events. This bulletin discusses the receipt of donations by charitable, religious or civic organizations from members of the alcoholic beverage industry.

Can I give away free alcoholic beverages without holding a TABC permit?

It is legal to provide free alcoholic beverages without a permit. However, to be truly "free," it must be available to any adult who walks in the door and requests it. If alcoholic beverages are only available to paying customers, the assumption is that the cost of the alcohol is included in the price of the service. This constitutes a sale of alcoholic beverages, and a TABC permit would be required. When you provide the alcoholic beverage, there cannot be any expectation of receiving money. You cannot ask for a "donation" or "tip." If the drinks will only be available to paying guests, then you will need a permit. Some examples: A wedding reception with free drinks is really free. A boutique that serves free wine while you shop, even if you don't buy anything, is really free. A nail salon with a "free" drink when you pay for a manicure is not really free. If you buy tickets to attend a charity ball and they serve "free" drinks, those are not really free. If a tip jar sits next to a keg of beer expecting "donations," the beer would not be considered free.