



NOVEMBER 16 , 2021

3:00 P.M.

**CITY COUNCIL
SPECIAL REGULAR MEETING**





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

The City Of Harker Heights
305 Miller's Crossing
Harker Heights, Texas 76548
Phone 254/953-5600
Fax 254/953-5614

Notice is hereby given that, beginning at 3:00 p.m. on Tuesday, November 16, 2021, and continuing from day to day thereafter if necessary, the City Council of the City of Harker Heights, Texas, will hold a special regular 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:

SPECIAL MEETING AGENDA

Mayor

Spencer H. Smith

Mayor Protem

Jennifer McCann

City Council

Michael Blomquist
Jackeline Soriano Fountain
Lynda Nash
Sam Halabi

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. 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.

V. Regular Business:

1. Discuss and consider approving a request for Alcohol Services from Lara Crum and Iron Gauntlet Brauhaus for an event at the Harker Heights Community Park on Friday, December 10, 2021, and take the appropriate action. (Parks and Recreation Director)
2. Discuss and consider approving a request for Alcohol Services for the Harker Heights Chamber of Commerce "Frosted Mug Run" scheduled for December 11, 2021, at the Harker Heights Community Park, and take the appropriate action. (Parks and Recreation Director)

VI. 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 the 12th day of November 2021, by 2:00 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."



CITY COUNCIL MEMORANDUM

AGENDA ITEM # V-1

FROM: THE OFFICE OF THE CITY MANAGER

DATE: NOVEMBER 16, 2021

DISCUSS AND CONSIDER APPROVING A REQUEST FOR ALCOHOL SERVICES FROM LARA CRUM AND IRON GAUNTLET BRAUHAUS FOR AN EVENT AT THE HARKER HEIGHTS COMMUNITY PARK ON FRIDAY, DECEMBER 10, 2021, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

In partnership with Harker Heights Parks and Recreation and the Harker Heights Chamber of Commerce, Iron Gauntlet Brauhaus is requesting alcohol services for a movie night event at Harker Heights Community Park on Friday, December 10, 2021. Beer will be sold by TABC approved bartenders from Iron Gauntlet Brauhaus throughout the duration of the event.

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

STAFF RECOMMENDATION:

None.

ACTION BY CITY COUNCIL:

1. Motion to Approve/Disapprove the request for alcohol services from Lara Crum and Iron Gauntlet Brauhaus for an event at Harker Heights Community Park on Friday, December 10, 2021.
2. Any other action desired.

ATTACHMENTS:

1. Request for Alcohol Services – Parks & Recreation

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

I, Lara Crum, representative agent of the following business or organization:
Iron Gauntlet Brauhaus, request the presence of alcohol at the following function:

Name of Event: Holiday Movie In the Park
Date & Time: December 10th 2021

Purpose of Event:
Family Movie Night in the Park

Types of alcohol being served: Beer

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

Who will be serving the drinks? Malia Lopez / Robert Hancock

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 9th day of November, 2021.

Contact: Lara Crum
Address: 400 Cheyenne Dr
Killeen TX 76542
Telephone: 254-278-3681
Email: irongauntletbrauhaus@gmail.com

By: Lara Crum
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"/>



CITY COUNCIL MEMORANDUM

AGENDA ITEM # V-2

FROM: THE OFFICE OF THE CITY MANAGER

DATE: NOVEMBER 16, 2021

DISCUSS AND CONSIDER APPROVING A REQUEST FOR ALCOHOL SERVICES FOR THE HARKER HEIGHTS CHAMBER OF COMMERCE “FROSTED MUG RUN” SCHEDULED FOR DECEMBER 11, 2021, AT THE HARKER HEIGHTS COMMUNITY PARK, AND TAKE THE APPROPRIATE ACTION.

EXPLANATION:

The Harker Heights Chamber of Commerce is requesting to host the Frosted Mug Run on Saturday, December 11, 2021, at Harker Heights Community Park from 7:00 a.m. until 12:00 p.m. Local craft beer vendors will be available at the end of each 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 Frosted Mug Run at the Harker Heights Community Park for December 11, 2021.
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: 12/11/21 Start Time: 8:00 am End Time: 11:00 am
*Include set up & tear down during your time slot

Event Name & Description: Frosted Mug Run

Mark Requested	Facility	Amenities	Capacity	Notes	Rental Fees (per 4-hour period)	Rental Deposit
—	Carl Levin Park Pavilion 400 Miller's Crossing	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	Electricity	15-20 (Covered)	Patrons allowed to bring grills.	Resident: \$25 Non-Resident: \$65	\$100
—	Carl Levin Park Gazebo 400 Miller's Crossing	N/A	8-10	N/A	Resident: \$15 Non-Resident: \$25	N/A
<input checked="" type="checkbox"/>	Harker Heights Community Park Pavilion 1501 E FM 2410	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	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	Picnic Tables Electricity Grill	18-20	N/A	Resident: \$25 Non-Resident: \$65	\$100

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

Name: HA Chamber Phone: 254-699-4999 Alt Phone: _____

Address: 552 E FM 2410 SLB City: HH State: TX Zip: 76548

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

Approximate Number of Attendees: 300 Approximate Number of Vehicles: 100

Amplified Sound: [Yes] or [No]
(If Yes, describe sound amplification usage and equipment such as type used, wattage, etc.): DJ + live music at 7:45 am

Inflatables or Jumping Equipment: [Yes] or [No] Water Spigot Needed: [Yes] or [No]
(Must meet with Grounds Crew (2) days prior) (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, basketball court, pond, etc.)





Requesting use of parking lot by ball fields + race trail for 15K.

FOR OFFICE USE ONLY

Reviewed By / Date	Total Amount Due	Deposit Amount	Walk-through Date and Time			
Approved By / Date	Date Total Paid	Date Deposit Paid	Cash	Card	Check	Rental Credit
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			Last 4 _____		Check # _____	AC Approval _____

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

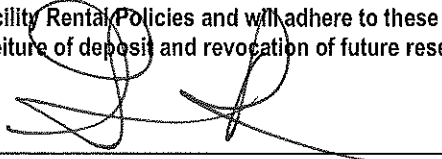
Date: _____ Amount: \$ _____ Reason: _____

<p style="text-align: center;">PARKS AND RECREATION ORDINANCE</p> <p style="text-align: center;"> (Initial)</p>	<p><u>RULES AND REGULATIONS:</u> Must reference § 105.03 GENERAL RULES AND REGULATIONS.</p> <p><u>HOURS:</u> Must reference § 105.04 RESTRICTED AREAS AND HOURS.</p> <p><u>ALCOHOL:</u> Must reference § 105.05 ALCOHOL.</p> <p><u>ANIMALS:</u> Must reference § 105.06 ANIMALS.</p> <p><u>ACTIVITIES:</u> Must reference § 105.07 RECREATIONAL ACTIVITIES.</p> <p><u>VEHICLES:</u> Must reference § 105.08 VEHICLES.</p> <p><u>ADDITIONAL RULES:</u> Must reference § 105.09 ADDITIONAL RULES.</p> <p><u>ENFORCEMENT:</u> Must reference § 105.98 ENFORCEMENT.</p> <p><u>PENALTY:</u> Must reference § 105.99 PENALTY.</p>
<p style="text-align: center;">FACILITY RENTAL POLICY</p> <p style="text-align: center;"> (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.</p> <p><u>CITY FACILITY USE:</u> City events will take priority and all other events may be rescheduled or cancelled as needed.</p> <p><u>OUTSIDE ORGANIZATION USE:</u> All use by outside organizations is through rental only.</p> <p><u>APPROVAL:</u> All rentals are subject to approval by Harker Heights Parks and Recreation.</p> <p><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.</p> <p><u>RENTER RESPONSIBILITY:</u> The renter will be responsible for all persons in the group or organization utilizing the facility.</p> <p><u>CROWD CONTROL:</u> The responsibility for crowd control or discipline is assumed by the permit holder and all proceedings shall be orderly.</p> <p><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.</p> <p><u>PARKING:</u> For large groups parking may become a problem and must reference § 105.08 VEHICLES.</p> <p><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.</p> <p><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.</p> <p><u>AMPLIFIED NOISE:</u> Must reference Chapter 95 and have approval for use of amplified noise.</p> <p><u>INFLATABLES:</u> Inflatables may be set up for parties or events with approval.</p>
<p style="text-align: center;">RESERVATIONS AND REFUNDS</p> <p style="text-align: center;"> (Initial)</p>	<p><u>RESERVATION:</u> A rental application must be completed for each new facility rental not already paid for.</p> <p><u>PROCESSING:</u> The City has 2 business days to notify the patron if there are any perceived conflicts with the event scheduled.</p> <p><u>CANCELLATION:</u> A written request shall be emailed or brought in person 24 hours prior to the rental to receive a refund.</p> <p><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.</p> <p><u>PAYMENT:</u> No rental is considered booked until payment has been completed or arranged with Harker Heights Parks and Recreation.</p> <p><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.</p> <p><u>INCLEMENT WEATHER:</u> Renter must cancel event prior to the event start time to receive a refund for rain or other inclement weather.</p> <p><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 style="text-align: center;">CONDITIONS OF PERMIT</p> <p style="text-align: center;"> (Initial)</p>	<p><u>CITY PROPERTY:</u> Use is subject to all pertinent State Laws, City Ordinances, Health Department Regulations, and Facility Rules.</p> <p><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.</p> <p><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.

11/9/21

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.

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.

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

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

Name of Event: Frosted Mug 5K Run

Date & Time: Dec 11th, Saturday Race starts 8:00am

Purpose of Event:
Holiday 5K Run/Walk

Types of alcohol being served: Beer + wine

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

Who will be serving the drinks? Vendors + TABC certified

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 _____ day of _____, 20_____.

Contact: Gina Pence
Address: 552 E FM 2410 Box B
HH 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"/>