

**SAN JACINTO RIVER AUTHORITY  
HIGHLANDS RESERVOIR  
AND CANAL SYSTEM  
RULES AND REGULATIONS**

Effective July 1, 2016

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**CHAPTER I**  
**GENERAL PROVISIONS**

**Section 1.01: Authority**

These rules and regulations are adopted and promulgated under the authority vested in the Board of Directors of the San Jacinto River Authority by the laws of the State of Texas, including Article 8280-121 V.T.C.S., as amended, Section 49.004, Texas Water Code, as amended, the Texas Water Safety Act, Chapter 31, Texas Parks and Wildlife Code, as amended, and Sections 51.127-51.131 Texas Parks and Wildlife Code, as amended.

**Section 1.02: Definitions**

- (a) When used herein, the following terms shall have the following meanings unless indicated otherwise:
- (1) **Authority** - The term "Authority" shall mean the San Jacinto River Authority, a conservation and reclamation district, a governmental agency and a political subdivision of the State of Texas created by special act of the Texas Legislature codified at Article 8280-121 V.T.C.S., as amended, under authority of Article XVI, Section 59, of the Texas Constitution.
  - (2) **Authority Land** - The term "Authority Land" shall mean any real property owned or controlled by the Authority in connection with the operation of the Highlands Dam and Reservoir and/or Canals. This term generally includes canals or other Authority easement rights, rights of way, any type of real property interest, and/or any land which is, may be or has been inundated by water of the Reservoir, and the lands adjacent thereto.
  - (3) **Canals** - The term "Canals" shall mean the earthen canals, levees, and structures for the transportation of water in east Harris County, extending from Lake Houston to Highlands Reservoir to Baytown, and from Highlands Reservoir to Cedar Bayou.
  - (4) **Commercial Operation** - The term "Commercial Operation" shall mean any activity on the Reservoir or on Authority Land which involves buying or selling goods or services, or the exchange or attempt or offer to exchange goods or services for money, barter, or for anything of value including, but not limited to, exhibitions, water shows, boat races, fishing tournaments, or any similar activity.
  - (5) **Encroachments** - The term "Encroachment" shall mean any structure, building, appurtenance or other fixture permanently placed upon Authority Land, that cannot be immediately removed from Authority Land, or that otherwise infringes upon the rights of the Authority in and

- to Authority Land.
- (6) **Motor Vehicle** - The term "motor vehicle" shall mean a self-propelled device in, and upon, or which a person or property is or may be transported or drawn on a road or highway.
  - (7) **Permit** - The term "Permit" shall mean a written permit issued by the Authority to a Person, or a written agreement between the Authority and a Person, regarding use of the Reservoir, Authority Land and/or Raw Water.
  - (8) **Person** - The term "Person" shall mean individuals, firms, partnerships, companies, corporations and governmental entities, or any combination thereof.
  - (9) **Personal Watercraft** - The term "Personal Watercraft" shall mean a Vessel designed to be operated by a person or persons *sitting, standing or kneeling* on the Vessel rather than the conventional manner of sitting or standing inside the Vessel and includes canoes, kayaks, jet skis, wet bikes, and aqua planes.
  - (10) **Raw Water** - The term "Raw Water" shall mean the waters of the Canals and the Reservoir.
  - (11) **Refuse** - The term "Refuse" shall mean gasoline and other motor fuels, cleaning solvents, oils or greases, glass, aluminum plastic or metal cans, bottles, packaging materials or containers, natural fiber, monofilament, nylon or similar lines, ropes, or nets, ashes, cinders, sand, gravel, tar, asphalt, plastic and plastic products, nails, wire or building materials; metal or metal products; paper or paper products; glass or glass products; wood or wood products; grass clippings, sawdust, trash, garbage, pesticides, insecticides, fungicides or other household or lawn or garden chemicals or agents; human, animal, domestic or industrial wastes or wastewater; contents of toilet facilities; or any other refuse matter of any kind or description whatever.
  - (12) **Reservoir** - The term "Reservoir" shall mean Highlands Reservoir comprising approximately 1,400 acres of land which is partially inundated and created by water impounded by the Highlands Dam located in eastern Harris County, Texas, northeast of Highlands, Texas.
  - (13) **Rules** - The term "Rules" shall mean these rules and regulations.
  - (14) **Texas Water Safety Act** - The term "Texas Water Safety Act" shall mean Chapter 31 of the Texas Parks and Wildlife Code, as the same may be amended from time to time.
  - (15) **Vessel** - The term "Vessel" shall mean any watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water, including, for example, boats, barges, and Personal Watercraft.

- (b) These definitions shall apply to these Rules only and have no effect on any other rules, regulations, resolution, orders or other acts or instruments of the Authority unless specifically referenced and incorporated therein.

**Section 1.03: Applicability**

These Rules apply to the Reservoir, Canals, Authority Land, and Raw Water.

**Section 1.04: Other Laws and Regulations; Conflicts**

- (a) These Rules shall be in addition to any applicable rules, regulations, laws or requirements of any other Federal, State, or local regulatory authority.
- (b) In the event of a direct conflict between these Rules and any Federal or State rules, regulations, laws, or requirements, such Federal or State rules, regulations, laws, or requirements shall prevail and control over these Rules.

**CHAPTER II**

**BOATING AND VESSELS ON THE RESERVOIR**

**Section 2.01: Operation of Vessels**

- (a) The Reservoir and Canals are hereby found and declared to impound privately-owned waters of the Authority as diverted from the San Jacinto River under permits from the State of Texas.
- (b) The operation or use of any type of Vessel on the Canals is prohibited.
- (c) The operation or use of any type of motorized Vessel on the Reservoir, with the exception of electric trolling motors, is prohibited. The operation or use of non-motorized Vessels or Vessels powered by electric trolling motors on the Reservoir is permitted and shall be governed by the Texas Water Safety Act, provided that such Vessels shall remain non-motorized or powered by electric trolling motor at all times while in the Reservoir.

**Section 2.02: Applicable Laws and Regulations**

- (a) The operation of non-motorized Vessels or Vessels powered by electric trolling motors on the Reservoir shall be subject to any applicable Federal, State, or local rules, regulations, laws or requirements.
- (b) Without limiting the generality of Subsection (a), the following laws and regulations may be applicable, in whole or in part, to the operation of Vessels on the Reservoir:
  - (1) Texas Water Safety Act – relating to the identification and numbering

of vessels; certificates of title for Vessels; required equipment for Vessels; operation in restricted areas; requiring accident reporting; boater education; and enforcement, penalties and inspections, and rulemaking of the Texas Parks and Wildlife Department;

- (2) Chapters 51, 53 and 55, Title 31, Texas Administrative Code, as amended – relating to the rules of the Texas Parks and Wildlife Department promulgated under the Texas Water Safety Act, including boater education, fees, and marine safety enforcement;
- (3) Subchapter E, Chapter 12, Texas Parks and Wildlife Code, as amended – relating to punishments for violation of Texas Parks and Wildlife Code, including Texas Water Safety Act and regulations promulgated thereunder;
- (4) Chapter 49, Texas Penal Code, as amended – related to public intoxication, boating while intoxicated, intoxication assault, and intoxication manslaughter;
- (5) Chapter 38, Texas Penal Code, as amended – related to evading arrest or detention;
- (6) Chapter 66, Texas Parks and Wildlife Code, as amended – related to fishing aquatic plants, and exotic or potentially harmful aquatic fish, shellfish, or aquatic plants;
- (7) Chapter 34, Title 33, United States Code, as amended – relating to inland navigation rules;
- (8) Part 175, Title 33, Code of Federal Regulations, as amended – relating to personal flotation devices, distress signals, and ventilation;
- (9) Part 25, Title 46, Code of Federal Regulations, as amended – relating to fire extinguishers; and
- (10) Chapter 321, Title 30, Texas Administrative Code, as amended – relating to boat sewage disposal.

**Section 2.03: Adoption of Local Rules**

As authorized by the Texas Water Safety Act, Sections 2.04, 2.05 and 2.06 of these Rules are hereby adopted as local rules of the Authority. Such local rules shall supplement any applicable Federal, State, or local laws or regulations.

**Section 2.04: Mooring, Anchoring and Docking; Unattended Vessels**

It is a violation of these Rules for any Person to:

- (a) Anchor or moor any Vessel for a period exceeding thirty-six (36) hours anywhere on the Reservoir or on any Authority Land; or
- (b) Leave any Vessel unattended for any period of time, except:
  - (1) where such Vessel is securely moored, or anchored and flagged and lighted, so as not to create a hazard to navigation; or
  - (2) in the event of an emergency.

**Section 2.05: Noise**

It is a violation of these Rules for any Person to operate any Vessel on the Reservoir in a manner that contributes to excessive noise or disturbs the public between the hours of 10:00 p.m. and 6:00 a.m. Noise that unreasonably disturbs other members of the public is considered excessive. Amplified music shall be turned off between the hours of 10:00 p.m. and 6:00 a.m. Amplified music containing explicit lyrics shall not be audible to the general public at any time. Any Person that violates this Subsection is subject to penalties under these Rules and is further subject to removal and/or ban from Authority Land.

**Section 2.06: Buoys and Other Markers and Signage**

- (a) All Persons shall observe and comply with any duly authorized buoy, beacon, marker, stake, flag, navigation aid or sign on the Reservoir. Failure to do so is a violation of these Rules.
- (b) It is a violation of these Rules for any Person to install or maintain a buoy, beacon, marker, stake, flag, navigation aid or sign on the Reservoir without the prior written approval of the Authority.
- (c) It is a violation of these Rules for any Person to move, remove, displace, tamper with, damage or destroy a buoy, beacon, marker, stake, flag, navigation aid or sign on the Reservoir without the prior written approval of the Authority.
- (d) Subsections (a) through (c) shall not apply to a buoy, beacon, marker, stake, flag, navigation aid or sign on the Reservoir installed or maintained by Authority employees, Harris County law enforcement officers, Texas Parks and Wildlife Department employees, or employees of an agency of the United States Government, in the performance of official duties.

**Section 2.07: Inspections**

All Vessels on or off the Reservoir shall be subject to inspection by authorized representatives of the Authority at all times. It is a violation of these Rules for a

Person to fail or refuse to allow authorized representatives of the Authority access to Vessels for purposes of conducting an inspection, or to interfere with an inspection in progress.

**Section 2.08: Accident Reporting**

Any accident required to be reported to the Texas Parks and Wildlife under the Texas Water Safety Act, shall also be reported to the Office of the Harris County Constable, Precinct 2. Failure to so report an accident is a violation of these Rules.

**CHAPTER III**

**PUBLIC ACCESS; DESIGNATED USE AREAS**

**Section 3.01: Public Access to Authority Land**

- (a) The public shall have the right to access and go upon, over and across the surface of Authority Land in such areas designated as permissible by the General Manager (see map of access areas on the Authority’s website at [www.sjra.net/Highlands/Access Areas](http://www.sjra.net/Highlands/Access%20Areas)), or where these Rules otherwise do not limit or prohibit such access.
- (b) Public entry is from sunrise to sunset year-round by walk-in only. Driving or parking on Authority Land is prohibited and will result in your vehicle being towed. No Person shall exclude the public from Authority Land without the prior written consent of the Authority.

**Section 3.02: Designation by General Manager**

- (a) The General Manager of the Authority may designate:
  - (1) areas of Authority Land designated as public parks, boat launch, picnicking or camping areas;
  - (2) areas of the Reservoir or Authority Land where certain activities are deemed unusually hazardous or dangerous to public safety or unreasonably interfere with the proper and efficient operation of the Highlands Reservoir;
  - (3) areas of the Reservoir exclusively available to the public for fishing, operation of Vessels, or a combination of such activities; or areas of the Reservoir in which the operation of all or any certain Vessels shall be prohibited or restricted.
- (b) Areas designated under Subsection (a) shall be clearly marked by buoys or signs indicating the boundaries, restriction(s), and purpose(s) of such

designation, all as required by applicable Federal and State laws and regulations.

### **Section 3.03: Designated Uses**

- (a) It is a violation of these Rules for any Person to engage in any activity in violation of a designation made, marked and identified under Section 3.02.
- (b) Subsection (a) shall not apply to activities by Authority employees, Harris County law enforcement officers, Texas Parks and Wildlife Department employees, or employees of an agency of the United States Government, in the performance of official duties.

## **CHAPTER IV**

### **PICNICKING, CAMPING, SWIMMING, AND OTHER RECREATIONAL USES OF AUTHORITY LAND AND THE RESERVOIR**

#### **Section 4.01: Picnicking and Camping**

- (a) Picnicking is allowed on Authority Land subject to strict compliance with the provisions of this Section.
- (b) No Person may:
  - (1) picnic on Authority Land except in those public areas so designated; and
  - (2) camp at any time or in any location on Authority Land around the Highlands Reservoir or along the Canal easements in those public areas so designated.
- (c) Any Person that violates this Section is subject to penalties under these Rules and is further subject to removal and/or ban from Authority Land.

#### **Section 4.02: Littering; Glass**

- (a) No Person may litter or contaminate any picnic grounds, other areas of Authority Land or the Reservoir, or otherwise abandon or dispose of Refuse in the Reservoir or on Authority Land except in designated public trash receptacles.
- (b) No Person may bring or use any glass container on Authority Land.
- (c) Any Person that violates this Section is subject to penalties under these Rules and is further subject to removal and/or ban from Authority Land.

#### **Section 4.03: Noise**

No Person may cause, create or contribute to excessive noise or disturb the public on the Reservoir or Authority Land. Noise that unreasonably disturbs other members of the public is considered excessive. Amplified music is not allowed at any time. Any Person that violates this Section is subject to penalties under these Rules and is further subject to removal and/or ban from Authority Land.

#### **Section 4.04: Consumption of Alcohol**

Conspicuous public consumption or display of alcoholic beverages that unreasonably disturbs other members of the public is prohibited on the Reservoir or Authority Land. It is a violation of these Rules for any intoxicated individual to enter upon Authority Land. It is a violation of these Rules for any individuals to become intoxicated while on Authority Land. Any Person that violates this Section is subject to penalties under these Rules and is further subject to removal and/or ban from Authority Land.

#### **Section 4.05: Pets; Livestock; Abandonment of Animals**

- (a) All Persons must keep their pets on leashes at all times while in designated picnicking or fishing areas on Authority Land; outside such designated fishing and picnicking areas, pets must be kept under their owners' direct control while on Authority Land. No Person's pet may cause, create or contribute to excessive noise or disturb the public on Authority Land between the hours of 10:00 p.m. and 6:00 a.m. In no case shall a Person bring a dangerous animal or a dangerous dog on Authority Land. For purposes of the foregoing, a "dangerous animal" means any animal that is:
  - (1) defined as a "dangerous wild animal" by Section 822.101, Texas Health and Safety Code, or
  - (2) an animal of any other species of wild or feral mammal or reptile that by its nature or breeding is capable of inflicting serious bodily injury to a human, and a "dangerous dog" has the meaning given by Section 822.041, Texas Health and Safety Code, and also includes any dog running at large that makes an unprovoked attack on a domestic animal that causes serious bodily injury or death, and the attack occurs on property other than that of the dog's owner.
- (b) Unless specifically authorized under a valid contract establishing a grazing lease, livestock shall not be allowed to range or graze on Authority Land. No horses shall be allowed in designated picnicking areas. No person shall ride or permit a horse or other domestic animal on the levees or banks of the Canals or the Reservoir or on Authority Land without the prior conditional consent of the Authority. This Subsection shall not apply to Authority

employees at any time, or to Harris County law enforcement officers, Texas Parks and Wildlife Department employees, or employees of an agency of the United States Government, in the performance of official duties.

- (c) No Person may place, dump, abandon or leave any animal on Authority Land, and any such animals may be removed immediately from Authority Land notwithstanding the provisions of Chapter VI.
- (d) Any Person that violates this Section is subject to penalties under these Rules and is further subject to removal and/or ban from Authority Land.

**Section 4.06: Fires**

- (a) Fires of any kind are prohibited on Authority Land.
- (b) Any Person that violates this Section is subject to penalties under these Rules and is further subject to removal and/or ban from Authority Land.

**Section 4.07: Swimming**

No person shall swim in the Reservoir or Canals of the Authority or waters owned or controlled by the Authority at any time.

**Section 4.08: Removal of Natural Resources**

No Person shall destroy or remove from Authority Land any timber, shrubs, other vegetation, rock, sand, gravel, caliche, or any other substance, material or geologic feature without the prior written approval of the Authority. Any Person that violates this Section is subject to penalties under these Rules and is further subject to removal and/or ban from Authority Land.

**Section 4.09: Motor Vehicles**

No person shall operate or drive a Motor Vehicle on the levees or banks of the Reservoir or the levees or banks of the Canals of the Authority or upon Authority Land.

**CHAPTER V**

**FISHING AND HUNTING; FIREARMS;  
GUIDE PERMITTING; FERAL ANIMALS**

**Section 5.01: Fishing Permitted**

- (a) Fishing is permitted on the Reservoir, from the banks of the Reservoir, or from the levees or banks of the Canals, or from any Authority Land

specifically marked:

- (1) in areas where fishing is not designated as restricted or prohibited;
  - (2) during the applicable fishing seasons; and
  - (3) in accordance with the provisions of the Texas Parks and Wildlife Code and any rules and regulations established by the Texas Parks and Wildlife Department thereunder;
  - (4) the use of trotlines, setlines, bows and arrows, gigs, spears, fish traps, crawfish/crab nets or any other traps or nets are prohibited.
- (b) Any Person that violates this Section is subject to penalties under these Rules and is further subject to removal and/or ban from fishing on the Reservoir or from Authority Land.

**Section 5.02: Hunting and Trapping Prohibited**

- (a) Hunting of any kind on the Reservoir or any Authority Land is prohibited.
- (b) Except for legal minnow or bait traps, no Person shall place poisons, traps or snares in the Reservoir or on Authority Land. No person shall willfully harm, harass, trap, confine, catch, feed, or possess any terrestrial wildlife on the Reservoir or Authority Land.
- (c) Any Person that violates this Section is subject to penalties under these Rules and is further subject to removal and/or ban from Authority Land.

**Section 5.03: Discharge of Firearms**

- (a) It is a violation of these Rules for any Person to discharge a shotgun, rifle, pistol, bows, or other firearm into, along, across or from the Reservoir or Authority Land.
- (b) Subsection (a) shall not apply to the discharge of any firearms by Authority employees, Harris County law enforcement officers, the Texas Parks and Wildlife Department employees, or employees of any agency of the United States Government in the performance of official duties.

**Section 5.04: Guide Permitting**

Fishing guide services that constitute Commercial Operations shall be subject to permitting under Chapter VII.

**Section 5.05: Feral Animals; Exotic or Potentially Harmful Species**

- (a) Except for native fish, birds and waterfowl, no Person may feed any feral or

wild animal on Authority Land.

- (b) No Person shall possess or introduce exotic or potentially harmful fish, shellfish or exotic plants or other species on Authority Land or into the Reservoir in violation of Chapter 66, Texas Parks and Wildlife Code, as amended, or any rules and regulations established by the Texas Parks and Wildlife Department thereunder.
- (c) Any Person that violates this Section is subject to penalties under these Rules and is further subject to removal and/or ban from Authority Land.

## **CHAPTER VI**

### **ABANDONMENT OF PERSONAL PROPERTY**

#### **Section 6.01: General Rule**

- (a) It is a violation of these Rules for any Person to abandon personal property on the Reservoir or on Authority Land. If personal property is left unattended for a period of more than thirty-six (36) hours, it shall be deemed to have been abandoned.
- (b) Abandoned personal property may be impounded by the Authority and held in custody. Such abandoned personal property may be reclaimed by payment of one dollar per day storage fees plus additional cost to the Authority which was incurred in recovering the property and moving it to the site for storage. Abandoned personal property which has been impounded and which has not been reclaimed within ninety (90) days from the date of impoundment by the payment of the above specified charge, may be sold, destroyed or otherwise disposed of by the Authority, as the Authority, in its sole discretion, deems appropriate with or without notice by the Authority. The Authority shall neither have nor assume any responsibility whatsoever, as fiduciary custodian, agent or otherwise for any abandoned personal property or the impoundment or disposition of same by the Authority pursuant to these rules.
- (c) The Authority shall neither have nor assume any responsibility whatsoever, as fiduciary custodian, agent or otherwise for any abandoned personal property, to attempt to identify the owner of the abandoned personal property. If the Authority identifies the owner of the abandoned personal property, such owner shall be responsible for any costs incurred by the Authority under Subsection (b) in addition to any applicable penalties under Chapter X.

## **CHAPTER VII**

### **COMMERCIAL OPERATIONS**

#### **Section 7.01: General Statement**

The right to engage in the operation of business ventures, or to provide excursion and rental Vessels and other Commercial Operations on the Reservoir or Authority Land is not an inherent right.

#### **Section 7.02: Permit Required at All Times**

- (a) It is a violation of these Rules for any Person to conduct a Commercial Operation on the Reservoir or any Authority Land at any time except in strict compliance with a valid Permit authorizing same.
- (b) A request for a Permit for a Commercial Operation shall be directed to the Authority and processed in accordance with procedures approved by the General Manager from time to time. The Authority exercises the right to grant, deny, condition, or renew such Permit as deemed appropriate in the sole discretion of the Authority.

#### **Section 7.03: Compliance with Permit**

- (a) Any Commercial Operation engaged in or operated under a Permit shall be subject all times to the terms and conditions set forth in these Rules.
- (b) Unless expressly prohibited by the terms of a Permit for a Commercial Activity, the Authority may revoke or suspend a Permit at any time due to the violation of the terms of such Permit or any violation of these Rules by the holder of the Permit.
- (c) Unless expressly prohibited by the terms of a Permit for a Commercial Activity, the violation of a Permit is considered a violation of these Rules.

#### **Section 7.04: Inspections**

All Commercial Operations shall be subject to inspection by authorized representatives of the Authority at all times. It is a violation of these Rules for a Person to fail or refuse to allow authorized representatives of the Authority access to a Commercial Operation for purpose of conducting an inspection, or to interfere with an inspection in progress.

## **CHAPTER VIII**

### **RAW WATER USE**

#### **Section 8.01: General Statement**

The right to divert Raw Water from the Canals or the Reservoir is not an inherent right that comes with the control or ownership of water front property or property that is located adjacent to the Canals, the Reservoir, or any Authority Land.

#### **Section 8.02: Permit Required at All Times**

It is a violation of these Rules for any Person to divert Raw Water from the Canals or the Reservoir at any time except in strict compliance with a valid Permit authorizing such diversion. A request for a Permit to divert Raw Water from the Canals or the Reservoir shall be directed to the Authority and processed in accordance with procedures approved by the General Manager from time to time. The Authority exercises the right to grant, deny, condition or renew such Permit as deemed appropriate in the sole discretion of the Authority.

#### **Section 8.03: Compliance with Permit**

- (a) Any diversion of Raw Water under a Permit shall be subject all times to the terms and conditions set forth therein.
- (b) Unless expressly prohibited by the terms of a Permit to divert Raw Water, the Authority may revoke or suspend a Permit at any time due to the violation of the terms of such Permit or any violation of these Rules by the holder of the Permit.
- (c) Unless expressly prohibited by the terms of a Permit to divert Raw Water, the violation of a Permit is considered a violation of these Rules.

#### **Section 8.04: Raw Water Intake**

The diversion of Raw Water from the Reservoir, any associated Raw Water intake, pumping, diversion, metering, or other equipment located in the Reservoir or on Authority Land shall require a Permit.

#### **Section 8.05: Reservoir Levels**

- (a) The level of the Reservoir is subject to change due to evaporation rates, rainfall, runoff within the watershed boundary, the amount of water used by Permit holders, and other factors. The Authority is under no obligation to maintain a specific level of the Reservoir in order to facilitate the diversion of Raw Water from the Reservoir.

- (b) The General Manager may limit or restrict the diversion of Raw Water from the Reservoir by Permit in response to changes in Reservoir levels, for public health and safety, in times of emergency, or when, in his or her judgment, circumstances so require. No Person may divert Raw Water from the Reservoir in violation of such limitations or restrictions. Any Person that violates this Subsection is subject to penalties under these Rules. The Authority may additionally revoke or suspend the Permit and enjoin the subject Raw Water diversion.

## **CHAPTER IX**

### **ENCROACHMENTS ON THE RESERVOIR OR AUTHORITY LAND**

#### **Section 9.01: General Statement**

The right to engage in construction, placement, operation and maintenance of any type of structure, buildings, and other facilities or Encroachments on the Reservoir and Canals of Authority Land is not an inherent right that comes with the control or ownership of waterfront property or property that is located adjacent to the Canals, the Reservoir, or any Authority Land, or with a Permit authorizing the diversion of Raw Water from the Canals or the Reservoir except as expressly provided of such a Permit.

#### **9.02: Violation:**

It is a violation of these Rules for any Person to construct, operate or maintain an Encroachment on the Reservoir or any Authority Land at any time except in strict compliance with a valid Permit authorizing same.

#### **9.03: Removal of Encroachments:**

- (a) The Authority by written notice may compel any Person that owns, operates or maintains an Encroachment in violation of these Rules to immediately remove same at no cost or expense to the Authority. If such Person fails to fully and timely remove the Encroachment in accordance with such notice, the Authority with or without any further notice to the owner, operator or licensee of the Encroachment, and with or without revocation or suspension of any related Permit(s), may remove the Encroachment at the sole cost and expense of the owners, operator, or licensee.
- (b) Notwithstanding Subsection (a), the Authority reserves the right to remove an Encroachment under Section 10.02.
- (c) The removal of an Encroachment under Subsection (a) is in addition to any penalties under Section 10.01.



## **CHAPTER X**

### **PENALTIES AND OTHER REMEDIES; ENFORCEMENT; SEVERABILITY**

#### **Section 10.01: Penalty for Violation**

A violation of any part of these Rules shall constitute a Class C misdemeanor, which shall be punishable by a fine of not less than \$25.00 or more than \$500 per day per violation.

#### **Section 10.02: Removal, Remediation and Repair**

In addition to the penalties authorized in Section 10.01, any Vessel, or item which, in the judgment of the Authority, poses a public nuisance or an imminent danger of collapsing, sinking, capsizing, releasing pollutants or creating a navigational hazard on the Reservoir or Authority Land may be immediately removed by the Authority, and any related pollution or damages may be remediated or repaired by the Authority, with or without notice to the owner, operator or licensee, and with or without revocation or suspension of any related Permit(s), at the sole cost and expense of the owners, operator, or licensee.

#### **Section 10.03. Enforcement of Rules Authorized**

These Rules, including any penalties hereunder, may be enforced by complaints filed in the appropriate court of jurisdiction. The General Manager is delegated authority to enforce these Rules, including the authority to cause such complaints to be prepared, filed and prosecuted on behalf of the Authority.

#### **Section 10.04: Recovery of Fees and Costs**

If the Authority prevails in any suit to enforce these Rules, including but not limited to a suit for the recovery of penalties under Section 10.01 or the recovery of costs and expenses under Section 10.02, it may, in the same action, recover fees for attorneys, expert witnesses and other costs incurred by the Authority to the fullest extent allowed by law.

#### **Section 10.05: Remedies Cumulative**

The penalties, other remedies and enforcement provisions provided under these Rules are cumulative and not exclusive of any other penalties provided under applicable law, any other right of recovery that the Authority may have for damages or otherwise under applicable law, or any other remedies available to the Authority at law or in equity.

#### **Section 10.06: Severability**

The provisions of these Rules are severable, and if any provision or part of these Rules or the application hereof to any Person or circumstances shall ever be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of these Rules and application of the same shall not be affected thereby.

## **CHAPTER XI**

### **EFFECTIVE DATE; IMPLEMENTATION; REPEAL OF PRIOR RULES**

#### **Section 11.01: Publication of Statement of Rules**

The General Manager is authorized and directed to publish once a week for two consecutive weeks a substantive statement of these Rules and the penalties for violation of these Rules in a newspaper with general circulation in Harris County. The statement must intelligently explain the purpose to be accomplished by or the acts prohibited by these Rules. The statement must advise the public that violation of these Rules will subject the violator to a penalty. The statement must advise the public that the full text of these Rule is on file in the principal offices of the Authority and that any interested person is entitled to read the full text.

#### **Section 11.02: Rules Effective**

- (a) These Rules shall be effective as of July 1, 2016 (the "Effective Date"); provided however, a violation of these Rules is not punishable as an offense unless the violation occurs after the 30th day on which the notice requirements under Subsection (a) have been met.
- (b) These Rules shall remain effective until repealed, revoked, rescinded, or amended by official action of the Board of Directors of the Authority.

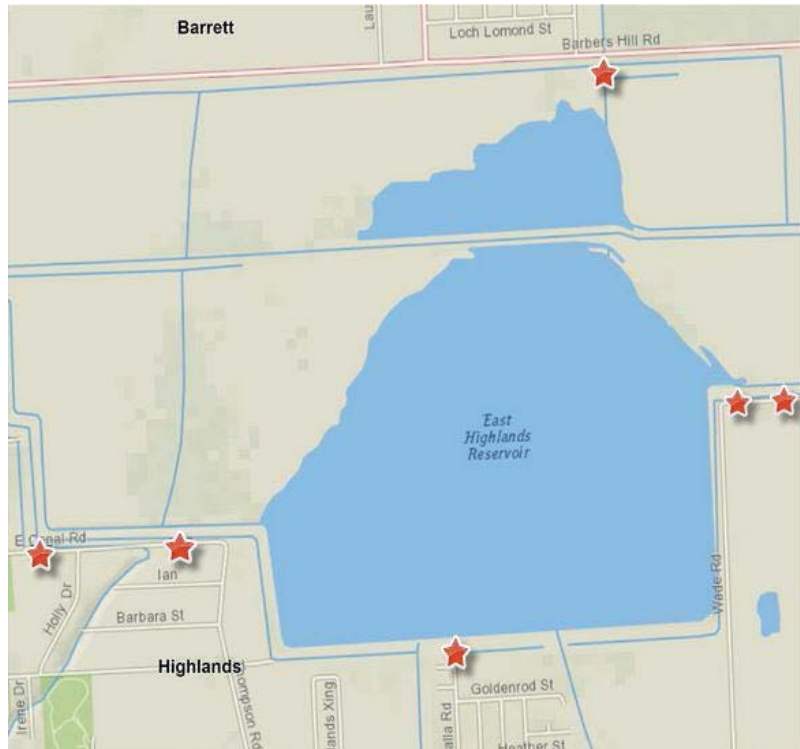
#### **Section 11.03: Implementation**

Except where expressly reserved to the Board of Directors of the Authority herein, the implementation of these Rules shall be delegated to the General Manager and his or her designees.

#### **Section 11.04: Repeal of Prior Rules**

All regulations for the governance of the Reservoir, the Canals and Authority Land adopted by the Board of Directors of the Authority prior to the adoption of these Rules are repealed as of the Effective Date.

## HIGHLANDS RESERVOIR PUBLIC ACCESS LOCATIONS



## SAN JACINTO RIVER AUTHORITY HIGHLANDS DIVISION

1108 E. Canal  
Highlands, Texas 77562  
281-843-3300  
[www.sjra.net/highlands](http://www.sjra.net/highlands)

