

Lake Conroe Reservoir Rules and Regulations

Effective June 1, 2015



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TABLE OF CONTENTS

	<u>Page No.</u>
CHAPTER I	GENERAL PROVISIONS..... 1
CHAPTER II	BOATING AND VESSELS ON THE RESERVOIR 4
CHAPTER III	PUBLIC ACCESS; DESIGNATED USE AREAS..... 7
CHAPTER IV	PICNICKING, CAMPING AND OTHER RECREATIONAL USES OF AUTHORITY LAND AND THE RESERVOIR 9
CHAPTER V	FISHING AND HUNTING; FIREARMS; GUIDE PERMITTING; FERAL ANIMALS 11
CHAPTER VI	PRIVATE STRUCTURES, MARINAS, AND OTHER ENCROACHMENTS ON THE RESERVOIR OR AUTHORITY LAND..... 13
CHAPTER VII	SANITARY CONDITIONS; SEPTIC SYSTEMS..... 15
CHAPTER VIII	ABANDONMENT OF PERSONAL PROPERTY 16
CHAPTER IX	COMMERCIAL OPERATIONS 17
CHAPTER X	RAW WATER USE..... 18
CHAPTER XI	PENALTIES AND OTHER REMEDIES; ENFORCEMENT; SEVERABILITY..... 19
CHAPTER XII	EFFECTIVE DATE; IMPLEMENTATION; REPEAL OF PRIOR RULES 20

LAKE CONROE RESERVOIR RULES AND REGULATIONS

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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 Lake Conroe Dam and Reservoir. This term generally includes 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, up to a contour line 201 feet above mean sea level. This term generally does not include flowage easements and other similar rights to temporarily inundate land adjacent to the Reservoir above 201 feet above mean sea level, or interests in real property over which the Authority has no rights with respect to land use control or regulation.

(3) **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.

(4) **Encroachment.** 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.

(5) **Marina.** The term “Marina” shall mean a basin, pier, wharf, floating structure, boat dock, or any other structure providing for anchorage or storage of Vessels, that is operated by or associated with a Commercial Operation.

(6) **Party Boat.** The term “Party Boat” shall mean a Vessel operated by the owner of the Vessel or an employee of the owner of the Vessel that is rented or leased by the owner for a recreational event for more than six passengers and with a length exceeding 30 feet.

(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, 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 jet skis, wet bikes, and aqua planes.

(10) **Private Structure.** The term “Private Structure” shall mean a basin, pier, wharf, floating structure, boat dock, or any other structure providing for anchorage or storage of Vessels, that is privately owned or operated by a Person and not associated with a Commercial Operation.

(11) **Raw Water.** The term “Raw Water” shall mean the water of the Reservoir.

(12) **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.

(13) **Reservoir.** The term “Reservoir” shall mean Lake Conroe Reservoir, which is the body of water impounded by the Lake Conroe Dam, located in Montgomery and Walker Counties, Texas.

(14) **Rules.** The term “Rules” shall mean these rules and regulations.

(15) **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.

(16) **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.

(17) **Vessel Livery.** The term “Vessel Livery” shall mean a Commercial Operation engaged in renting or hiring out Vessels for profit.

(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, 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. The Reservoir is hereby found and declared to impound public waters of the State of Texas. Accordingly, the operation of Vessels on the Reservoir is permitted by the Texas Water Safety Act.

Section 2.02: Applicable Laws and Regulations. (a) The operation of Vessels 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 and outboard motors; required equipment for Vessels, including lights, horns, life preservers, fire extinguishers, manifolds and mufflers, rearview mirrors, and related exemptions; boating regulations, including applicability of the United States Coast Guard Inland Rules, prohibiting reckless or negligent operation, excessive speed, prohibiting interference with markers and ramps, obstructions, operation in restricted areas, setting time and manner of operation while engaging in certain watersports, requiring accident reporting, boater education, and insurance coverage for a Vessel Livery; enforcement, penalties and inspections; boat ramps and buoys and markers; party boats; 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, boat speed limits and buoy standards, 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 of 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; and

(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 2.08 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: Control of Speed. It is a violation of these Rules for any Person to:

(1) operate a Vessel on the Reservoir at a speed in excess of a “No Wake” speed within one hundred feet (100’) of any Private Structure, Marina or other lakeshore facility or bridge, any moored, anchored or occupied Vessel, or in an inlet in which people are swimming;

(2) operate a Vessel on the Reservoir at a speed in excess of a “No Wake” speed within fifty feet (50’) of another Vessel, Personal Watercraft or water skier (other than a water skier towed by such Vessel); or

(3) operate any Vessel on the Reservoir at a speed in excess of minimum planing speed (the minimum speed at which a Vessel will achieve and maintain a level plane) during the period from one half-hour after sunset to one half-hour before sunrise.

Section 2.05: Mooring, Anchoring and Docking; Unattended Vessels. It is a violation of these Rules for any Person to:

(1) anchor, moor or dock any Vessel for a period exceeding thirty-six (36) hours anywhere on the Reservoir or on any Authority Land, except at a Private Structure or Marina; provided, however, that for purposes of this Subdivision a Marina does not include a facility permitted as a courtesy dock by the Authority; or

(2) leave any Vessel unattended for any period of time, except:

(A) where such Vessel is securely moored, or anchored and flagged and lighted, so as not to create a hazard to navigation; or

(B) in the event of an emergency.

Section 2.06: Noise. (a) It is a violation of these Rules for any Person to:

(1) operate any motor-powered Vessel on the Reservoir in a manner that unreasonably disturbs the public due to engine or exhaust noise; or

(2) operate any motor-powered Vessel on the Reservoir without the use of a subsurface exhaust water manifold or a factory-type muffler, except as approved in writing by the Authority in accordance with Section 31.072 of the Texas Water Safety Act (relating to racing craft engaged in a sanctioned race).

(b) 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 2.07: No Parasail Launching from Authority Land. It is a violation of these Rules for any Person to launch a parasail or any other aerial device designed to lift and carry a person or persons aloft from Authority Land, including, without limitation, any portion of the Lake Conroe Dam, the beach area at the east end of the Dam, or anywhere on Ayer's Island. It is permissible to launch a parasail or any other aerial

device designed to lift and carry a person or persons aloft from a Vessel on the Reservoir or from private property.

Section 2.08: 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, Montgomery 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 2.09: 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 2.10: 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 Montgomery County Constable, Precinct 1. 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 except where such access is designated by the General Manager as being restricted or prohibited, or where these Rules otherwise limit or prohibit such access.

(b) No Person shall exclude the public from Authority Land without the prior written consent of the Authority.

(c) Any Person that violates this Section is subject to penalties under these Rules.

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 Lake Conroe Dam and Reservoir;

(3) areas of the Reservoir exclusively for swimming, fishing, water skiing, operation of Vessels or Personal Watercraft, or a combination of such activities; or

(4) areas of the Reservoir in which the operation of all or any certain Vessels (including Personal Watercraft) shall be prohibited or restricted, or in which speed shall be limited.

(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, Montgomery 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 AND OTHER RECREATIONAL USES
OF AUTHORITY LAND AND THE RESERVOIR

Section 4.01: Picnicking and Camping. (a) Picnicking and camping are allowed on Authority Land subject to strict compliance with the provisions of this Section.

(b) No Person may:

(1) camp or picnic on Authority Land except in those public areas so designated; or

(2) camp on any Authority Land for more than five (5) consecutive days or camp on Authority Land for more than ten (10) days within any calendar month.

(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, camping or other areas of the 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 shall be turned off between the hours of 10:00 p.m. and 6:00 a.m. 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 camping and picnicking areas on Authority Land; outside such designated camping 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) Livestock shall not be allowed to range or graze on Authority Land. No horses shall be allowed in designated camping or picnicking areas. This Subsection shall not apply to Authority employees at any time, or to Montgomery 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 VIII.

(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 may be burned on Authority Land only in established fire rings or in a contained grill, stove or fire pit.

(b) During times of drought or other fire hazard conditions, the General Manager may declare a ban on all ground fires on all or any part of Authority land, as necessary for purposes of public health, safety and welfare. No Person may light, build or maintain a ground fire on

Authority Land while such a ban is in effect.

(c) No person shall at any time burn Refuse on Authority Land.

(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 4.07: 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. This Section does not prohibit the dredging of the Reservoir and/or Authority Land if authorized by the Authority under Chapter VI. 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 V FISHING AND HUNTING; FIREARMS; GUIDE PERMITTING; FERAL ANIMALS

Section 5.01: Fishing Permitted. (a) Fishing is permitted on the Reservoir or from any Authority Land:

(1) in areas where fishing is not designated as restricted or prohibited;

(2) during the applicable fishing season; 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.

(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 Generally Prohibited. (a) Except as authorized under Section 5.03, hunting 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.

(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: Limited Waterfowl Hunting Permitted. (a) The hunting of waterfowl is permitted on the Reservoir and on Authority Land:

- (1) with a shotgun;
- (2) in the areas bounded by the Sam Houston National Forest;
- (3) during the applicable hunting season; and

(4) in accordance with the applicable federal and state laws, rules and regulations, including applicable provisions of the Texas Parks and Wildlife Code and any rules and regulations established by the Texas Parks and Wildlife Department thereunder.

(b) No fixed or stationary hunting blinds may be placed or constructed on the Reservoir or 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 hunting on the Reservoir or on Authority Land.

Section 5.04: Discharge of Firearms. (a) Except as provided by Section 5.03, it is a violation of these Rules for any Person to discharge a shotgun, rifle, pistol 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 the Authority employees, Montgomery 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 5.05: Guide Permitting. Fishing and/or hunting guide services that constitute Commercial Operations shall be subject to permitting under Chapter XI.

Section 5.06: 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 PRIVATE STRUCTURES, MARINAS, AND OTHER ENCROACHMENTS ON THE RESERVOIR OR AUTHORITY LAND

Section 6.01: General Statement. The right to engage in construction, placement, operation and maintenance of Private Structures, Marinas, bulkheads, buildings, and other facilities or Encroachments on the Reservoir or Authority Land is not an inherent right that comes with the control or ownership of waterfront property.

Section 6.02: Permit Required at All Times. (a) Except as provided under Section 6.03, 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.

(b) A request for a Permit for an Encroachment 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 6.03: Compliance with Permit. (a) Any construction, operation or maintenance of an Encroachment under a Permit shall be subject at all times to the terms and conditions set forth therein.

(b) Unless expressly prohibited by the terms of a Permit for an Encroachment, 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 an Encroachment, the violation of a Permit is considered a violation of these Rules.

Section 6.04: Encroachments Not Requiring a Permit.

Notwithstanding Section 6.02, the following Encroachments shall not require a Permit:

(1) Personal property that is immediately removable from Authority Land; or

(2) Landscaping and related irrigation systems installed on Authority Land by the Person owning or leasing an adjoining land.

Section 6.05: 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 11.02.

(c) The removal of an Encroachment under Subsection (a) is in addition to any penalties under Section 11.01.

Section 6.06: Dredging and Filling; Bulkheading. (a) It is a violation of these Rules for any Person to dredge, excavate, deposit, or fill material from, in or to the Reservoir or Authority Land at any time except in strict compliance with a valid Permit authorizing same.

(b) It is a violation of these Rules for any Person to install, re-install, replace or modify bulkheads in the Reservoir or on Authority Land at any time except in strict compliance with a valid Permit authorizing same.

(c) To obtain a Permit, a Person must submit an application on forms provided by the Authority and timely pay all fees required by the Authority. The Authority exercises the right to grant, deny, condition or renew such Permit as deemed appropriate in the sole discretion of the Authority.

(d) In addition to the terms and conditions of any Permit issued pursuant to this Section, any dredging, filling or bulkheading work shall be performed in accordance with all applicable regulations and permits of the U.S. Army Corps of Engineers (Galveston District).

Section 6.07: Inspections. All Encroachments (regardless of whether a Permit is required under these Rules) and any dredging, filling or bulkheading work described under Section 6.06(a) 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 an Encroachment or such work for purposes of conducting an inspection, or to interfere with an inspection in progress.

Section 6.08: Change in Reservoir Levels. The Authority is under no obligation to maintain a specific level of the Reservoir in order to facilitate the construction or use of Encroachments, including Private Structures or Marinas.

(b) The General Manager may limit or restrict the construction, operation and maintenance of Encroachments 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 construct, operate or maintain an Encroachment 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 for a subject Encroachment.

CHAPTER VII SANITARY CONDITIONS; SEPTIC SYSTEMS

Section 7.01: General Rule. Sanitation conditions and facilities on the Reservoir and on Authority Land shall be maintained in compliance with standards set by applicable laws, rules, regulations and orders of Federal, State and local governmental agencies. Any violation of such laws, rules, regulations and orders of Federal, State or local governmental agencies shall be a violation of these Rules without regard to the issuance of a notice of violation or other enforcement of such laws, rules, regulations and orders by Federal, State or local governmental agencies.

Section 7.02: On-Site Sanitary Sewage Facilities. On-Site Sanitary Sewage Facilities (i.e., septic systems) located within 2,075 feet of the Reservoir are subject to regulation and permitting by the Authority under that certain "Order Adopting Rules for On-Site Sewage Facilities Within 2075 Feet of Lake Conroe, Texas" passed and adopted by the Board of Directors of the Authority on February 26, 2004, as same may be amended from time to time hereafter.

Section 7.03: Sewage Collection Lines and Facilities. The construction, operation and maintenance of sewage collection lines and related facilities and appurtenances in or over the Reservoir or on Authority Land is subject to Chapter VI.

CHAPTER VIII ABANDONMENT OF PERSONAL PROPERTY

Section 8.01: 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 penalties under Section 11.01.

Section 8.02: Exception. Section 8.01 does not apply to Encroachments permitted under Chapter VI, to Commercial Operations permitted under Chapter IX, or to Vessels securely moored in or at a permitted Private Structure, Vessel Livery or Marina; provided, however, that for purposes of this Section, a Marina does not include a facility permitted as a courtesy dock by the Authority.

CHAPTER IX COMMERCIAL OPERATIONS

Section 9.01: General Statement. The right to engage in the operation of business ventures, barges, excursion and rental Vessels and other Commercial Operations on the Reservoir or Authority Land is not an inherent right.

Section 9.02: Permit Required at All Times. 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 9.03: 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 therein.

(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 9.04: 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 purposes of conducting an inspection, or to interfere with an inspection in progress.

Section 9.05: 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 current water right holders, and other factors. The Authority is under no obligation to maintain a specific level of the Reservoir in order to facilitate Commercial Operations.

(b) The General Manager may limit or restrict certain Commercial Operations 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 engage in Commercial Operations in violation of such limitations or restrictions. Any Person that violates this Subsection is subject to penalties under these Rules. If the Commercial Operation is operating under a Permit, the Authority may additionally revoke or suspend the Permit and enjoin the subject Commercial Operations.

CHAPTER X RAW WATER USE

Section 10.01: General Statement. The right to divert Raw Water from the Reservoir is not an inherent right that comes with the control or ownership of water front property.

Section 10.02: Permit Required at All Times. (a) It is a violation of these Rules for any Person to divert Raw Water from the Reservoir at any time except in strict compliance with:

(1) a water right issued by the Texas Commission on Environmental Quality authorizing such diversion; or

(2) a valid Permit authorizing such diversion.

(b) A request for a Permit to divert Raw Water from 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 10.03: 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 10.03: 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 constituting an Encroachment shall require a Permit under Chapter VI. The Authority may, but shall not be obligated to, include a Permit for such Encroachment in a Permit to divert Raw Water from the Reservoir.

Section 10.04: 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 water right 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 XI PENALTIES AND OTHER REMEDIES; ENFORCEMENT; SEVERABILITY

Section 11.01: 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 11.02: Removal, Remediation and Repair. In addition to the penalties authorized in Section 11.01, any Vessel, Private Structure, Marina, Commercial Operation, Encroachment, or other structure, facility 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 11.03. 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 11.04: 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 11.01 or the recovery of costs and expenses under Section 11.02, 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 11.05: Remedies Cumulative. The penalties, other remedies and enforcement provisions provided under these Rules are cumulative and not exclusive of any other 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 11.06: 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 XII EFFECTIVE DATE; IMPLEMENTATION; REPEAL OF PRIOR RULES

Section 12.01: 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 Montgomery County and Walker 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 12.02: Rules Effective. (a) These Rules shall be effective as of June 1, 2015 (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 continue remain effective until repealed, revoked, rescinded, or amended by official action of the Board of Directors of the Authority.

Section 12.03: 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 12.04: Repeal of Prior Rules. All regulations for the governance of the Reservoir 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.

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