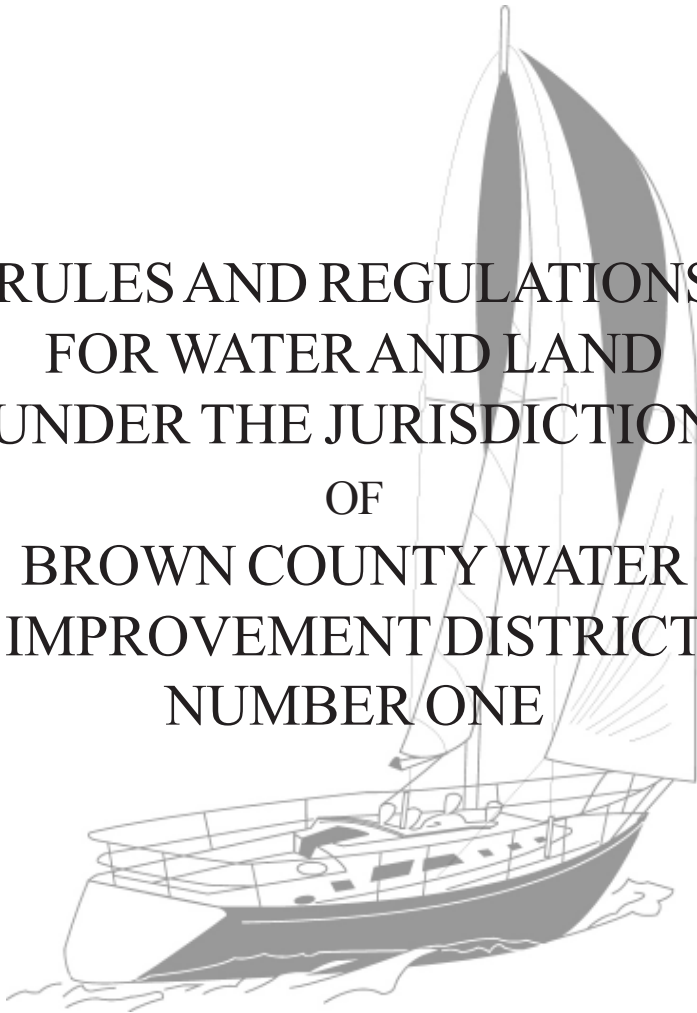


RULES AND REGULATIONS  
FOR WATER AND LAND  
UNDER THE JURISDICTION  
OF  
BROWN COUNTY WATER  
IMPROVEMENT DISTRICT  
NUMBER ONE



**Enjoy  
Beautiful  
Lake Brownwood**

**RULES and REGULATIONS** enacted by the Board of Directors of Brown County Water Improvement District Number One (MUD), under the powers and provisions of Chapter 340 of the General and Special Laws enacted by the 44th Legislature at its regular session, now appearing as Sections 51.121 (A-C), 51.122, 51.127, 51.128, 51.129, 51.130 51.131, 51.132, 51.137, 51.184, 51.185, 51.187, 51.188, et seq., of the Texas Water Code; Chapter 2 of Title 128 of the laws of the State of Texas, V.A.T.C.S. and Article XVI, Section 59 of the Texas Constitution. Declaring the general policy of the Rules and Regulations and providing an aid to the interpretation of the provisions thereof, and enacted for accomplishing among other purposes, the following purposes:

To afford protection of the physical properties and improvements of the District;

To protect the public against indiscreet acts and improper entries upon said properties;

To safeguard the purity of the water stored in the reservoirs owned and controlled by the District;

To regulate the use of the lands forming the margins of said waters, in order to preserve the purity of the water stored by the District, to the end that the same may be suitable for use by persons and beasts;

To prevent the waste or unauthorized use of water controlled by the District;

To regulate camping, residence, hunting, fishing, swimming, skiing, boating and all recreational and business privileges, when done, occurring or taking place upon the waters stored or impounded by the dam owned by the District, and to provide such regulations with reference to any lands owned by the District, under easement to it, controlled by it, or held under any right whatever;

Providing for certain licenses or permits, the fees to be charged, or bonds be required therefore by the District, and further forbidding the doing

of certain things without the prior grant of licenses or permits therefore by the District. Declaring certain acts or the maintenance of certain conditions to be a public nuisance. Declaring the entry upon waters or grounds closed to entry by the District to be unlawful trespasses and misdemeanors. Providing certain penalties for the violation of the terms of these Rules and Regulations and also establishing the judicial processes under which said penalties may be enforced. Providing for the establishment of peace officers for the District and defining the powers of such officers. Providing for the suspension or cancellation of permits or licenses, in the event that the holder thereof shall be guilty of violating the terms of such licenses or permits; also providing for the forfeiture of any fees or bond proceeds which may have been paid or provided by the licensee or penalties as consideration for the granting of the licenses or permits, as to which any such violation may occur. Providing for the lawful publication

of notice of the enactment of these Rules and Regulations and fixing the time at which these Rules and Regulations shall be in full force and effect, and making full and lawful provision for advice to the public as to the terms and provisions thereof.

BE IT THEREFORE ENACTED AND RESOLVED BY THE BOARD OF  
DIRECTORS OF BROWN COUNTY WATER IMPROVEMENT  
DISTRICT NUMBER ONE

**PREAMBLE**

This Article is deemed necessary for the purpose of furnishing aid to the interpretation of the provisions of the succeeding portions of these Rules and Regulations. This general declaration of purpose shall not be deemed to be exclusive of other reasons for the specific provisions embraced in these Rules and Regulations, but shall be deemed to be a statement of the most fundamental reasons which give rise to the enactment hereof. These most fundamental reasons are as follows:

- (a) To protect the properties, works and improvements of the District against injury, interference with the efficient operation thereof, to preserve the same in efficient condition at the minimum of costs, and to protect the properties, waters, and marginal lands owned by the District against trespassers or persons who may go upon, interfere with or use the same in any manner detrimental to the public welfare.
- (b) It is recognized that the water stored in the lake and reservoirs owned and controlled by the District must be protected as to purity thereof to the end that the same may be suitable for human consumption and domestic purposes, and uses by the persons who may reside upon, camp upon, or desire to take water directly from said lake and reservoirs for the satisfying of human needs. These Rules and Regulations are designed to effect such protection.
- (c) It is also realized that this District, as a governmental agency of the State of Texas, acting for and on behalf of the State, has the duty to give cooperation to Local, State and Federal Government, with reference to the enforcement of laws which now exist or hereafter may exist, whether Local, State, or Federal, enacted to control the taking or slaughtering of fish and aquatic fowls. These Rules and Regulations shall be liberally interpreted to the end that such cooperation may be effectively given.
- (d) In view of the fact that use of the waters controlled by the District and the marginal lands owned or controlled by the District will be sought by persons who may desire to utilize said water or said lands for purposes of profit, upon a commercial basis, it is anticipated that these uses will give rise to the need for regulation, which would cast the expense of

regulation upon the District, and it is essential that the District be given the power to mitigate this expense by requiring payment of license or permit fees if deemed necessary by the District.

- (e) It is conceived that an unregulated use of the waters controlled by the District for the purposes of boating, fishing, and hunting could create hazards to the public in general, and that adequate regulation would cause the District expense which should be borne by the persons seeking such uses. It is essential that the District be given the power to mitigate this expense by requiring the payment of license or permit fees as deemed necessary by the District.

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## ARTICLE I: DEFINITIONS

When used in these Rules and Regulations, the following words and terms shall be defined as follows:

1. **Abode:** A watercraft is considered to be a place of abode if it is occupied for more than 14 consecutive nights or for more than 30 nights total in any 90 day period.
2. **Airboat:** A shallow-draft boat driven by an airplane propeller and steered by an airplane rudder, including hovercraft and other similar craft.
3. **Barrel:** A floating cylinder with bulging sides and flat ends of metal construction.
4. **Boat:** Same definition as “Watercraft”.
5. **Breach of License Regulations:** The commission of any act or the maintenance of any condition (otherwise lawful) by any person without first having procured from the District a license or permit for the commission of any such act in all cases as to which a permit or license is, or may be, required by the District as authorized by these Rules and Regulations and shall include the commission of any such act or the maintenance of any such condition after the expiration of the time limit fixed by any such permit or license, or violation of the terms of any such permit or license. Breach of license regulations is a misdemeanor and is punishable by law.
6. **Breach Of The Peace:** To inflict upon another person bodily harm, in the presence of another person; to deprive him of property lawfully in his possession or control, in the presence of another person; to assert control over or injure any property then lawfully in the possession or control of any such person; to commit any act which reasonably should be anticipated to produce bodily harm, or the fear of bodily harm, to any other person; to commit any act which reasonably should be anticipated to produce injury to any property then lawfully in the possession of any other person; or, to commit, say or act in any such manner as reasonably should be anticipated to provoke physical resistance on the part of the person whose peace or rights may be affected or threatened; to threaten to commit any one or more of the foregoing acts; to encourage or aid another to commit any one or more of the foregoing acts; to disregard any lawful request of any peace officer or other lawfully constituted law enforcement officer; or to resist any such officer when he is engaged in the lawful discharge of his duties; and, in addition thereto, or concurrently therewith, shall embrace those acts prohibited by Section 42 of the Texas Penal Code, as the same is or may be amended. Said provisions shall be considered as part hereof. Breach of the peace is a misdemeanor and is punishable by law.

- 7. Commercial Activity:** any operation, action, or activity for which a fee, or other valuable consideration, is received in exchange for goods or services, including any facility which contributes directly or indirectly to the existence of a commercial operation.
- 8. Community Dock:** Any dock or boat slip facility which is used exclusively by members of a development, property owners' association or multi-family residence complex.
- 9. District:** Brown County Water Improvement District Number One.
- 10. District Land:** All land owned, controlled, or under the jurisdiction of the District, including lands which are so located and conditioned as to cause them to drain to the District's reservoir any polluting matter of a nature likely to be detrimental to the health of persons who may use water furnished by said reservoir.
- 11. District Officers:** All Water Quality Officers and Peace Officers employed by the District.
- 12. District Water:** Lake Brownwood and all streams, reservoirs, water courses, and all other bodies or accumulations of water, natural or artificial, which are owned or controlled by the District.
- 13. Explosive:** Shall mean blasting powder, nitroglycerin, dynamite, TNT, and any other form of high explosive, blasting material, fuse other than an electric circuit breaker, detonator and other detonating agent, a chemical compound or mixture containing oxidizing or combustible units, or other ingredients, in such proportions, quantities or packing that ignition by fire, friction, concussion or other means of detonation of the compound or mixture or any part thereof may result in the sudden generation and release of highly heated gases or gaseous pressures capable of producing effects damaging or detrimental to or destructive of life, limb or property. An explosive, as that term is used herein, does not include gasoline, kerosene, naphtha, turpentine, butane, propane, wet nitrocellulose or wet nitrostarch containing moisture in excess of 20%, or wet picric acid containing moisture in excess of 10%, or a manufactured article such as fixed ammunition for small arms, firecrackers, safety flares or matches containing an explosive in such limited quantity that the collective and simultaneous detonation thereof is incapable of resulting in the sudden generation and release of highly heated gases or gaseous pressures capable of producing effects damaging or detrimental to or destructive of life, limb or property.
- 14. Flood Stage Level:** The contour elevation measured in feet above mean sea level known as elevation 1425.1 feet or above upon the lands forming the margins of Lake Brownwood.
- 15. Forbidden Zone:** Where not otherwise indicated, will be understood to mean any area upon the lands or water owned or controlled by the District into which, or upon which, the public in general may not enter after anytime at

which the District may post signs or otherwise give advice appropriate to constitute notice as to a particular area being a forbidden zone; and, said expression shall be further understood to include any area of water within said reservoir which may be defined by the placing of buoys or signs adequate as to give advice as to the boundaries of any such forbidden zone, for all purposes, or some particular purpose, as the case may be. Violation of a forbidden zone constitutes a misdemeanor and is punishable by law.

- 16. Idle Speed:** Slowest possible speed a craft may travel under power and not make a wake in the water.
- 17. Improvement:** All structures, devices, contrivances or artificially created objects placed, constructed or erected on land or water owned, controlled or under the jurisdiction of the District.
- 18. Jurisdiction:** Territory in which the District may exercise authority.
- 19. Life Preserver:** A Coast Guard approved device designed to buoy the body while in the water.
- 20. Criminal Mischief:** Tampering with any improvement, water line, power line, structure, earthen embankment, telephone line, craft, fence, gate warning device or any District contrivance. Criminal mischief also includes any act prohibited by the Texas Penal Code. An act of criminal mischief constitutes a misdemeanor and is punishable by law.
- 21. Nuisance:** The commission of any act prohibited by those provisions of Section 42 of the Texas Penal Code, as amended or to be amended. In addition to the definitions of “nuisance” as derived from the above cited Section, the word shall be understood to include the commission of any act having a continuing or enduring nature or the maintenance of any object, activity or condition which would operate to be offensive to public morals; to impair the purity and sanitary condition of water stored in the District’s reservoir; to create any hazard to the properties, water control devices and structures owned and controlled by the District; to produce a hazard for the safe condition of properties and structures placed upon the lands forming the margins of said reservoir; or to create hazards for any craft or improvement placed in, over or upon the water stored in the District’s reservoir; or to produce fear of bodily harm to, or discomfort of, those persons who lawfully may be upon the water stored by the District or upon the lands forming the margins thereto. Further, the word “nuisance” shall include the commission of any act having an enduring effect or the maintenance of any condition which is forbidden by the succeeding provisions of these Rules and Regulations, unless such act or such maintenance shall have first been expressly authorized by the District. To cause a nuisance is a misdemeanor and is punishable by law.

22. **Occupant:** Any person who is using, occupying, or enjoying District land and water.
23. **Parasail:** A parachute or other type of apparatus used for hovering or gliding behind a watercraft.
24. **Peace Officer:** A civil officer complying with the Texas Commission on Law Enforcement Officer Standards.
25. **Person:** The singular, the plural, male and female, partnerships, corporations, associations, groups, organizations, or any other entity. Pronouns appropriate for the masculine singular shall include feminine and the plural.
26. **Personal Watercraft:** A type of motorboat which is specifically designed to be operated by a person or persons sitting, standing, or kneeling ON the vessel rather than INSIDE the vessel. Includes jet skis, wet bikes, etc.
27. **Regulated Land:** Land which is administered according to District rules and laws.
28. **Reservoir or Lake:** Lake Brownwood situated in Brown County. This also includes earthen embankments, structures, dams, levees, machinery, devices and all other appurtenances which are provided by the District.
29. **Restricted Areas:** An area of land or water marked by signs or buoys that restrict activity beyond that point. The type of restriction shall be stated on the signs and marker buoys.
30. **Sewage:** Waterborne human waste and animal wastes from domestic activities and wastes from commercial activities.
31. **Shoreline:** The extended point where the plane of the surface of the water stored in the reservoir touches land, at whatever elevation this may occur at any given time.
32. **Spillway Level:** The contour elevation measured in feet above mean sea level at which the reservoir is at optimum capacity known as elevation 1425 feet upon the lands forming the margins of Lake Brownwood.
33. **Sunrise:** The rising of the sun above the horizon at the time determined and published by the National Weather Service.
34. **Sunset:** The descent of the sun below the horizon at the time determined and published by the National Weather Service.
35. **Tampering With Warning Devices:** To deface, destroy, render inefficient, move or remove any buoy, sign, or other device provided as a means of warning, whether upon land or upon water, either by the District or by some person having authority therefore from the District. Tampering with warning devices is a misdemeanor and is punishable by law.
36. **Toilet Facility:** A disposal apparatus used to receive body waste on or within any craft or on any dock.

- 37. Trespass:** The entry into or upon any forbidden zone or restricted area, hereafter established and defined by the District; opening any gate or crossing over, under or through any fence placed around or on any land owned by the District, regardless of the occupancy of said land; going into any housed-in or fenced area, at, upon, or near to, the dam, or any levees, or earthen embankments owned by the District, which areas are hereby established as forbidden zones, without the posting of signs or other defining of such areas, placing any manner of improvement in, under or upon the water controlled by the District or upon any land controlled by it, without first having the District's written evidence of assent thereto; passing over any land forming the margins of said reservoir without first having permission from the rightful occupant of any such land; making any unauthorized entry into or upon any improvement, craft, or structure, either in or upon the water in said reservoir, or upon the land forming the margins thereto, when such lands are owned or controlled by the District; cutting, taking away, or burning timber upon any land owned by the District. Trespassing is a misdemeanor and is punishable by law.
- 38. Watercraft:** Any boat, personal watercraft, raft, or device for floating upon the water which is not anchored or conditioned for remaining in one location.
- 39. Wake:** To operate a watercraft in such a manner and speed so as to cause the waves from the craft to crest.

## **ARTICLE II: BOATING**

- A. Watercraft, as defined in these Rules and Regulations, for purposes of licensing and control, are to be distinguished as to certain physical characteristics and the varying uses to be made of them as follows:
1. Motorboats, being boats driven by either inboard or outboard motor;
  2. Sailboats;
  3. Canoe and rowboats;
  4. Any other type of craft including, but not limited to, parasails, sail boards, personal watercraft and other similar craft.
- B. The provisions of the Inland Navigational Rules Act of 1980 shall apply to Lake Brownwood.
- C. The provisions of the Texas Water Safety Act shall apply to Lake Brownwood.

- D. For the purpose of controlling boating activities, all watercraft operated in or upon Lake Brownwood shall be distinguished by the following classifications:
- Class A        Boats less than sixteen (16) feet in overall length, including personal watercraft.
  - Class I        Boats sixteen (16) feet or over and less than twenty-six (26) feet in overall length.
  - Class II       Boats from twenty-six (26) feet to forty (40) feet in overall length.
  - Class III      Boats more than forty (40) feet in overall length.
- E. The following rules and regulations concern the operation of watercraft in or upon Lake Brownwood.
1. No watercraft which is deemed to be unseaworthy, or which is in violation of the District's Rules and Regulations, or the laws of the State of Texas, shall be permitted to operate on Lake Brownwood. Any peace officer or game warden may require the immediate removal of said watercraft from Lake Brownwood. The District shall bear no responsibility for the safe condition, proper design, or safe operation of any boat or other craft placed in or upon the water controlled by the District. All craft and boats must be licensed by the State of Texas and the certificate displayed as required by law.
    - a. All motorboats, regardless of length, and sailboats fourteen (14) feet in length or over, must be registered and titled, and outboard motors must be titled.
    - b. When your motorboat or registered vessel is in operation, your certificate of number (registration) must always be aboard and available for inspection.
    - c. The number awarded to your motorboat or registered vessel must be painted, affixed by decal, or otherwise affixed to both sides of the bow of the boat in such a position as to provide easy identification.
    - d. Reciprocal license agreements with other states of the United States of America will be honored.
  2. No person shall operate or cause to be operated any boat or craft equipped with a motor or internal combustion engine, regardless of whether such a motor or engine is temporarily or permanently attached to said boat or craft, on any of the waters of the District, unless such motor or engine is equipped with an efficient muffler, in good working order and in constant operation so as to prevent excessive noise and annoying smoke. No outboard motor or internal combustion engine shall be deemed equipped with an efficient muffler unless the exhaust gases are discharged underwater, or are so muffled as to be not noisier

or more annoying than an internal combustion engine of like power equipped with an underwater exhaust. No inboard motor or internal combustion engine shall be deemed equipped with an efficient muffler unless the exhaust gases are condensed and silenced by the continuous circulation of water through the exhaust manifold, or are so muffled as not to be noisier or more annoying than when so condensed and silenced by water circulation through the exhaust manifold of an internal combustion engine of like power. No boat or watercraft with an engine emanating a noise level above eighty-six (86) decibels as measured from said boat or watercraft at a distance of twenty-five (25) feet or more will be permitted on Lake Brownwood.

3. No waste or sewage from toilet facilities may be emptied into Lake Brownwood. In addition, any toilet located on or within any boat or other watercraft operated or maintained upon the waters of the District must have only a marine toilet which has securely affixed to the discharge outlet a holding tank located on the boat, installed so that it meets the following specifications:
  - a. The holding tank shall be constructed so as to allow the removal of the sewage only by pumping to onshore facilities approved by the District.
  - b. The holding tank shall be constructed of material which will withstand the corrosive effects of the sewage and the disinfecting chemical used. It shall be so located as to minimize the possibility of rupture.
  - c. The holding tank shall be properly vented to the outside of the boat in such a manner as not to defile the interior of the boat structure.
  - d. Said marine toilets shall be certified in accordance with Subsection 337.3 and 337.4 of the Texas Water Code, Section 5.131 and 5.132.
4. No airboat shall be allowed in or upon the waters of Lake Brownwood.
5. No watercraft in or upon District waters shall serve as a place of abode.
6. All watercraft shall carry one Coast Guard approved life preserver for each occupant of a boat. Passengers twelve (12) years of age and under on Class A and Class I boats are required to wear a life preserver at all times as required by the Texas Water Safety Act.
7. Class II and III watercraft are required to carry hand portable, B1 or B-11 classification fire extinguishers. Approved types of fire extinguishers are identified by any of the following:
  - a. Make and model number. Check markings on nameplate against listing under company's name in the Coast Guard Equipment Lists booklet, CG190.

- b. “Marine Type” marking. Check nameplate for Underwriters’ Laboratories, Inc., marking “Marine Type USCG” followed by the Coast Guard classification “B-1 or B-11”.
8. Use of sirens by watercraft, with the exception of boats operated by District officers or other law enforcement agencies, is prohibited.
  9. No occupants of any boat may position themselves to be on or to be hanging or dangling over the bow, stern, or sides of the boat, or to ride standing erect, or sitting on the back of seats unless the boat’s design requires the driver to do so while the boat is under way.
  10. No person may operate any watercraft at a rate of speed greater than is reasonable and prudent, having due regard for the conditions and hazards, actual and potential, then existing, including weather and density of traffic, or greater than will permit the operator, in the exercise of reasonable care, to bring the boat to a stop within the assured clear distance ahead.
  11. No person may operate any watercraft or manipulate any water skis in a willfully or wantonly reckless or negligent manner that endangers the life, limb or property of any person.
  12. No person shall operate a watercraft while intoxicated or under the influence of a narcotic drug, barbiturate or marijuana.
  13. The operators of watercraft shall obey all wake signs and other warning signs and buoys.
  14. No boat or watercraft shall pass under a bridge or highway overpass at a speed greater than idle speed.
  15. No boat or watercraft operating at a speed greater than idle speed shall approach closer than 150 feet to any dock or area marked by buoys and designated as a Forbidden Zone by the District.
  16. No boat or watercraft operating at a speed greater than idle speed shall approach closer than 150 feet to privately marked public swimming areas or buoy marked lines except for launching and loading.
  17. No boat or watercraft operating at a greater speed than idle speed shall approach closer than 50 feet to another boat or watercraft whether the other boat or watercraft be stationary or underway.
  18. No watercraft (other than personal watercraft) powered with a motor larger than 15 horsepower may be operated by a person under the age of 13 unless accompanied by a person 16 years of age or older; or unless such person has successfully passed a boating safety course prescribed and approved by the Texas Parks and Wildlife Department and the District.
  19. No person controlling a watercraft shall leave the vessel without fastening it to an anchorage, either in the water or upon the land. If this

is not done, then the watercraft must be removed from the water at a sufficient distance to give assurance that it may not be caused to float away from its station because of rising water.

20. Any watercraft found abandoned or adrift on Lake Brownwood, or any unlicensed watercraft thereon, or any watercraft not in use found not anchored or grounded in compliance with Section 18 of this Article, shall be deemed to be a derelict, and shall be taken by the District and the District shall have a lien thereon for the expenses of taking, towing and keeping the same, which shall be done at the owner's risk and without any liability whatever on the part of the District. Such watercraft taken by the District shall be disposed of under the terms and provisions provided in Chapter 683, Subchapter B, Article 683.011 et seq, Transportation Code of the State of Texas for the disposition of motor vehicles impounded by a police department. The District shall have all the rights and duties therein provided for a "police department", such watercraft shall be treated the same as therein provided for "motor vehicles" and the owners of such watercraft and of liens thereon, shall have all the rights and duties therein provided for the owners and lienholders relative to motor vehicles. Times of natural disaster shall constitute an exception to this Section.
21. It shall be unlawful to navigate or operate any boat or water-craft at a speed greater than idle speed within one hundred fifty (150) feet of any boat or craft at anchor, or raft or other floating structure which is at anchor or motionless.
22. Watercraft are not permitted to operate in restricted areas except at a speed not greater than idle speed as marked by signs and buoys.
23. It shall be unlawful to operate any sailboat, motorboat, or other watercraft with a mast of a vertical height measured from the water level in excess of thirty-five (35) feet upon the waters of Lake Brownwood.

### **ARTICLE III: WATER SKIING AND SIMILAR ACTIVITIES**

- A. Personal watercraft traveling at a speed greater than idle speed, boats towing water skiers and the water skis themselves may not approach closer than 150 feet of docks, privately marked public swimming areas, or fishermen, or shoreline, or other skiers or personal water-craft, or any Forbidden Zone so marked by signs or buoys.
- B. It is prohibited to ride a personal watercraft or water ski after sunset and before sunrise.

- C. All persons riding personal watercraft, participating in wind surfing, parasailing, skiing, aquaplaning or other similar activities, are required to wear a Coast Guard approved life preserver, ski vest, or jacket.
- D. If a personal watercraft is equipped by the manufacturer with a lanyard type of engine cutoff switch, it shall not be operated unless the lanyard is attached to the person, clothing, or personal flotation device of the operator as appropriate for the vessel involved.
- E. No personal watercraft may be operated by a person under 12 years of age, unless accompanied by a person of at least 16 years of age, or unless such person has successfully passed a personal watercraft boating safety course prescribed and approved by the Texas Parks and Wildlife Department and the District.
- F. Personal watercraft are not permitted to operate in restricted areas except at a speed not greater than idle speed as marked by signs and buoys.
- G. It shall be unlawful to operate any motor boat towing a person or persons on water skis, aquaplane, personal watercraft or similar device, unless such boat shall be equipped with a rearview mirror, or has on board a person 13 years of age or older observing the progress of the person being towed.
- H. It shall be unlawful to water ski or to tow any water skier on the waters of Lake Brownwood west of the Jim Ned Bridge across Lake Brownwood on State Highway 279.

#### **ARTICLE IV: SWIMMING**

- A. No person is permitted to wade or swim within 100 feet of boat launching areas, except within buoyed swimming areas.
- B. No person shall be at a distance of more than 100 feet from the shoreline unless wearing an approved Coast Guard life jacket or is accompanied by a boat, except within buoyed swimming areas.
- C. Swimming should be done prudently and in a safe area.
- D. Swimming will be at the sole risk of the participants. The District does not approve, certify, or license any privately marked public swimming areas located at Lake Brownwood.

#### **ARTICLE V: FIREARMS AND EXPLOSIVES**

- A. It shall be unlawful for any person to fire a shotgun upon, along, across or from the waters of Lake Brownwood or upon, along, over or across any

land owned or controlled by the District if such shotgun is discharging shot larger than four (4) bismuth shot or number two (2) steel shot.

- B. It shall be unlawful for any person to hunt with, or fire any firearm other than a shotgun as authorized herein, upon, along, across or from any parts of the waters of Lake Brownwood or upon, along, across or from any land or water owned or controlled by the District, or to hunt with or shoot a crossbow or longbow or compound bow or other bow variations along, across, upon or from any part of the waters of Lake Brownwood or any land or water owned or controlled by the District. Notwithstanding the foregoing, bow hunting for rough fish in accordance with the rules and regulations promulgated by the Texas Parks and Wildlife Commission is expressly authorized provided the hunter or hunters of said rough fish effectuates a sanitary removal of such fish from the shore or waters of Lake Brownwood.
- C. It shall be unlawful for any person, firm or entity, on lands or property owned or controlled by the District to handle, store, control, use, sell, purchase, transport, transfer or otherwise dispose of an explosive unless such person, firm or entity shall have applied for, and obtained the written permission of the Board of Directors of such District.

#### **ARTICLE VI: HUNTING**

All rules and regulations established by the Texas Parks and Wildlife Department and those established by the District regarding hunting shall apply to District land, lake and reservoir.

- A. Use of shotguns as regulated by Article V, Section A, shall apply only to hunting of water fowl.

#### **ARTICLE VII: FISHING**

All rules and regulations established by the Texas Parks and Wildlife Department regarding fishing shall apply to Lake Brownwood and all District reservoirs and water courses.

- A. It shall be unlawful for anyone to fish, hunt or trap within the fenced-in portion of the District's open canal or its reservoirs located between Lake Brownwood and the District's filter plant and any other open canal area of the District.
- B. It shall be unlawful to place within the waters of Lake Brownwood a trotline with floats of a material other than styrofoam or plastic materials. All trotlines shall be at least four (4) feet below the surface of the water. Trotlines extended from docks with more than one small (not larger than a

one gallon plastic bleach bottle) surface float marking the end of the trotline shall be unlawful. It shall be unlawful for anyone to run, molest or take any fish from, or otherwise interfere with any trotline or throwline belonging to someone else in Lake Brownwood or to assist anyone doing so, without the consent of the owner of such trotline or throwline.

- C. It shall be unlawful for any organized fishing tournament or contest to be held on Lake Brownwood without the sponsor or sponsors thereof first obtaining from the District a permit therefore. Said permit shall be issued to said sponsor or sponsors subject to conditions and terms printed on the permit relating and pertaining to current rules and regulations of the District on the taking, weighing and release of fish or the conduct and numbers of participants in said tournament or contest.

### **ARTICLE VIII: IMPROVEMENTS ON DISTRICT PROPERTY**

- A. It is unlawful to construct, place or operate any improvement or facility of any type on land or water, or to excavate or place fill materials therein, below spillway elevation 1425 on Lake Brownwood, or any land regulated or controlled by the District, unless an application has been submitted to the District and a written permit has been granted by the District. Permits are required for any additions and/or modifications. The following items must be submitted with any permit request:
  - 1. A recorded plat of the property showing the shorefront dimensions.
  - 2. Proof of ownership of the property.
  - 3. Plans, specifications, construction details, and a list of materials to be used.
  - 4. A \$50.00 non-refundable application fee.
- B. A construction permit is valid for a period to be determined by the District, with a minimum of 30 days and a maximum of 90 days. A construction extension permit may be granted at the sole discretion of the District. The extension permit fee is \$25.00 and is valid for a period to be determined by the District, with a maximum of 90 days. No more than one extension permit will be granted. Permits are required for alterations on existing structures. For an additional permit, the \$50.00 fee may be waived at the discretion of the District. Other than general maintenance, construction is not permitted without an approved written permit. Placement of any construction without a permit is a violation of these Rules and Regulations. For a complete list of guidelines, the District's Improvement Permit Guidelines are incorporated herein, and made a part hereof, as the Guidelines now exist or are hereafter amended.

- C. The following regulations shall govern the construction, placement and operation of piers, docks and boat houses:
  - 1. The District has the sole discretion whether to permit or deny any structure of any type or character to be located on land or water owned or controlled by the District. If approved, the structure will be permitted within guidelines established by the District's Improvement Permit Guidelines.
  - 2. No new structure shall extend into the lake more than 150 feet without special exception noted on the permit.
  - 3. No structures shall be leased or sublet to others, nor shall they be used for public storage or public recreation. Such prohibited uses will cause the structure to be considered a commercial operation. Any structure used for commercial purposes is governed by the provisions of Article LX of these Rules and Regulations.
  - 4. Community boat docks may not dispense gasoline and may not be operated for profit under such conditions; said dock shall be governed by private dock regulations.
- D. Any facility existing on the effective date of these Rules and Regulations or any amendment hereto, that is designed and/or operating in a manner not permitted by these Rules and Regulations shall be allowed to remain on District property until further order of the District. However, it will be designated as a noncomplying facility.
  - 1. A noncomplying facility will not be enlarged or altered except to redesign it in a manner permitted by these Rules and Regulations. Ordinary maintenance and repairs are permitted.
  - 2. Should a noncomplying facility be removed or destroyed by any means to the extent that it would require replacement of 25% of the pilings, or the majority of the runners and decking, it will not be reconstructed except by permit and in compliance with the provisions of these Rules and Regulations.
  - 3. Should a noncomplying facility be permanently moved for any reason, it shall be done by permit and thereafter comply to the provisions of these Rules and Regulations.
- E. Any pier, dock, boat house or other such structure which is deemed dilapidated or abandoned by any District Officer or any other authorized District personnel shall be repaired by the owner so as to meet District standards or such structure will be demolished or removed at the owner's expense.
- F. Installation of a raw water intake to supply irrigation systems for single family residences are permitted by the District.

1. The intake for above ground pumps will be located and anchored in a manner so as not to be a hazard to navigation or recreation.
- G Any raw water intake for a purpose other than the irrigation of a single family residence, requires a water use contract with the District.
- H Fuel pumping facilities are not allowed on any noncommercial facility, or any watercraft.
- I District Officers have the right to inspect any facility over District water at any reasonable time.
- J All permits for the placing of structures on land or water owned or controlled by the District shall be revocable by the District whenever the structure has become a hindrance to the operation of the District's lake, or a nuisance or hazard to navigation.
- K Failure of a permittee to proceed with the construction or repair of the improvements in accordance with the permit issued by the District or failure of the permittee to comply with any of the other terms and conditions of the permit constitutes Breach of License and may result in the revocation of the permit. If the District determines that the construction of the improvements is not proceeding in accordance with the permit issued by the District, the District will give the permittee written notice of such determination and permittee will have at least five (5) days in which to comply with the permit before the permit is revoked. The District may charge the permittee with fees to compensate the District for time expended by the District personnel in visiting the site to inspect the construction of the improvements if the District determines that construction is not in accordance with the permit.
- L
1. The District, through its manager or other agent or representative, including its peace officers, shall have authority to remove or cause to be removed, any boat dock, or any other floating structure mentioned in these regulations for which the owner or operator does not have a current valid license affixed thereon; such removal to be at the cost and expense of the owner or operator thereof and for which costs and expenses the District shall have a security interest in, to, and upon said property. The District may, at its election, give the owner or operators of such dock, structure or craft, thirty (30) days written or posted notice of action to be taken hereunder.
  2. Any dock or floating structure removed under Paragraph L-1 above, may after reasonable notice first being given, be sold by the District by bid or otherwise, and the District may, from the proceeds thereof, first deduct all delinquent dock fees and then deduct all costs and expenses incurred by the District and remit the balance thereof, if any, to the owner or operator if known. In the event the monies received from the sale of such structure are insufficient to repay the District for any delinquent dock fees or the cost and expenses incurred, the owner or

operator shall nevertheless be responsible for the payment of the same to the District and the District may take appropriate legal action against the owner or operator to recover same. In the event the owner or operator is not known to the District, any excess monies over and above the cost and expenses incurred by the District shall be deposited in an escrow account maintained by the District for a period of five (5) years, said excess monies shall thereafter become the property of the District.

3. "Reasonable notice" as that term is used in Paragraph L-2 above, means the posting of a written notice at the courthouse bulletin board in Brown County, Texas, at least ten (10) days prior to the sale thereof, or if the address or reputed address of the owner or operator is known to the District, it shall mean the mailing of a notice of such sale to the last known address of the owner or operator at least ten (10) days before thereof. "Security interest" as used in Paragraph L-1 shall mean an interest in personal property which secures payment of the cost and expenses of the District in removing said dock or other floating structure and the expense of the sale of same.
- M. It shall be unlawful to place in, on or under the waters of Lake Brownwood any item, thing, substance or obstruction which causes danger to the operation of boats or other craft upon Lake Brownwood, or the enjoyment or use of Lake Brownwood by persons skiing, fishing, swimming or otherwise occupied.
- N. The excavation of any material from the bed of Lake Brownwood without a permit is a violation of these Rules and Regulations. For a complete list of guidelines, the District's Improvement Permit Guidelines contain all information required.
- O. No waste or sewage from toilet facilities may be emptied into Lake Brownwood. In addition, any toilet located on or within any dock maintained upon the waters of the District shall have a valid permit issued by the State of Texas and be a marine toilet having securely affixed to the discharge outlet a holding tank located on the dock provided so as to meet the following specifications:
1. The holding tank shall be constructed so as to allow the removal of the sewage only by pumping to onshore facilities approved by the District.
  2. The holding tank shall be constructed of material which will withstand the corrosive effects of the sewage and the disinfecting chemical used. It shall be so located as to minimize the possibility of rupture.
  3. The holding tank shall be properly vented to the outside of the dock in such a manner as not to defile the interior of the dock structure.
  4. Said marine toilets shall be certified in accordance with Subsection 337.3 and 337.4 of the Texas Water Code, Section 5.131 and 5.132.

- P. All structures, of whatsoever kind and whatsoever character, floating or otherwise upon Lake Brownwood shall have attached thereto, on the water side of the structure, a license plate with assigned dock number issued by the District, and it shall be grounds for termination of the license of any holder or owner thereof if such license plate is not so affixed.
- Q. The District will assess a dock fee each year for all private docks on Lake Brownwood. The fee will be based on the size of the dock. The District Board of Directors will set each year's fee at a meeting held in November of the previous year. The fee will be billed January 1<sup>st</sup> each year. When payment is received, the dock owner will be issued a dated decal which must be displayed on the dock license plate.

### **ARTICLE IX: COMMERCIAL ACTIVITIES**

- A. All commercial activities on the District's lake and land are regulated by the District to protect the public. Until such time as separate marina rules and regulations are adopted by the District, any modification of existing marinas or construction of new ones will require a permit as set forth in Article VIII.
- B. It shall be unlawful to operate a commercial gasoline service facility on or near the waters of Lake Brownwood without first erecting and maintaining in a visible and prominent place at such location two (2) or more signs visible to the public with the legend thereon "Danger"; "No Smoking"; and each facility shall have an emergency cut-off valve installed between the gasoline pumps and the gasoline storage tanks servicing said pumps, and said gasoline storage tanks and cut-off emergency valve shall be located above elevation 1425 mean sea level.
- C.
  1. Before a person may keep or operate for hire on District water a ferry or other type of transportation, the person must obtain a license from the District. For a complete list of guidelines, the District has prepared a one year license agreement which is incorporated herein, and made a part hereof.
  2. It shall be unlawful for any owner or person to rent or hold out for hire any boat or other floating craft for use on the waters of Lake Brownwood unless such boat or other floating craft is equipped with one (1) life preserver in good condition and correct size of U.S. Coast Guard approved type for each occupant of such boat or other floating craft so rented. Such rented craft shall also be equipped with operating lights prescribed by the Texas Water Safety Act.

## ARTICLE X: BUOYS

- A. It shall be unlawful to place any buoy or other marker on the waters of Lake Brownwood without first obtaining written permission from the District. Trotline and water intake foot valve markers and certified underwater diver markers shall be excepted. Each trotline may have only one marker made of plastic or Styrofoam material and not larger than a one (1) gallon plastic bleach bottle. Foot valves may be marked with plastic jugs or Styrofoam or with commercially produced buoys. If commercially produced buoys are used, they must be a round ball no larger than thirteen (13) inches in diameter and be only white in color.
- B. Officers of the District are authorized to place and remove buoys on Lake Brownwood as lake levels, weather conditions and weather phenomena dictate.
- C. Buoy shape, color, marking, and legend are placed to impart the following information.
1. The large 16" red/orange floating ball buoys designate underwater hazards, boats or other watercraft need to stay 150 feet away from such balls and do not navigate between such balls or series of balls in delineation (enclosure) of hazardous areas.
  2. A 9" vertical cylinder with black and white vertical stripe regulatory buoys designate mid-channel (appx.). Boats or other Watercraft navigating such channels should proceed slowly due to debris or floating underwater hazards.
  3. A 9" vertical cylinder with red and white vertical stripe regulatory buoys designate boats or other watercraft are not to navigate between the buoy and the shoreline due to certain conditions.
  4. A 9" vertical cylinder, white in color with the legend "NO SKI" OR "NO WAKE" OR "NO WAVE", prohibit such activity where placed. It shall be unlawful to operate any boat or other watercraft, other than at idle speed, within or adjacent to authorized areas duly marked.
  5. A cone with rounded top, white in color with a blue band buoy~ are for mooring sailboats ONLY, with mooring permits issued by BCWID# 1.
  6. A buoy with a 16" X 24" flag with a red background and a white diagonal slash denotes a underwater diver location.
- D. It shall be unlawful to remove, destroy or change the location of any buoy or marker placed upon Lake Brownwood by the District, or at its direction
- E. Mooring buoys for anchoring sailboats will be permitted under the following conditions:
1. The boat owner must apply to the District for a license.
  2. The owner must submit proof of ownership of a lakefront lot.

3. The owner must identify the sailboat as one of the following classes:  
CLASS A Less than 16 feet in overall length.  
CLASS I 16 feet but less than 26 feet in overall length.  
CLASS II 26 feet to 40 feet in overall length.  
CLASS LII Above 40 feet in overall length.
4. The owner must submit a diagram to scale showing width of lakefront lot owned, and width of the cove if property is located in a cove. No moored sailboat or combination of dock and moored sailboat may occupy more than one-third (1/3) of any channel width and in no case will any boat or combination of boat and dock come within ten (10) feet of the center line of the channel. The end of the channel is always an exception.
5. Buoy holding weights will be made of solid concrete, in excess of fifty (50) pounds dead weight, with looped steel bar or chain embedded into concrete. More than one weight may be attached to an anchor chain. The anchor chain will be 1/4" in diameter or greater.
6. Anchor buoys must be placed within the extension into the lake of the owner's lot lines so the boat cannot swing into or encroach upon the five (5) foot setback required for the placement of docks. No anchor buoy shall extend into the lake more than 150 feet without special exception noted on the permit.
7. Written permits to place a sailboat anchor buoy or to anchor a sailboat to an existing dock will be issued at the sole discretion of the District. Sailboats anchored to buoys or to existing docks will be charged an annual fee by the District. The annual fee to be charged by the District will be set each year at the November meeting of the District Board of Directors. The annual fee will be due and payable January 1st each year. Upon receipt of payment, the permittee will be issued a license decal to be placed on the buoy or the bow of the boat.

## **ARTICLE XI: SPECIAL EVENTS**

Special events such as motor boat races, water skiing competitions, fireworks displays or similar activities, shall be conducted only under written permit from the District. The District will determine the terms by which the permit will be issued. See Article VII, Section "C" for fishing tournaments.

## **ARTICLE XII: LIVESTOCK GRAZING**

Allowing livestock to graze on District land without a written permit is prohibited.

## **ARTICLE XIII: MOTORIZED VEHICLES**

Traffic and parking generated by and for motorized vehicles are regulated by the District. Those regulations are specified herein.

- A. The District shall designate the maximum speed any motorized vehicle may travel on streets and parking areas developed on property owned or controlled by the District.
- B. The District shall designate “NO PARKING” areas in which parking may be prohibited or limited. It shall be unlawful to park in such areas except in compliance with posted signs. The District’s agents or employees shall have the right and authority to tow away or have towed away or removed any illegally parked vehicle at the owner’s or operator’s expense.
- C. It shall be unlawful for any person operating a motorized vehicle to stop or park on or upon the street or roadway atop the Lake Brownwood Dam.
- D. It shall be unlawful for any person to stop, drive or propel a motorized vehicle or tow a structure in such a manner as to block or obstruct the normal flow of traffic on any street or roadway located on land or easement owned or controlled by the District without approval from the District’s office.
- E. It shall be unlawful for any person having the possession, direction, operation or control of any motorized vehicle of whatever character to park or leave unattended any such vehicle upon property owned or controlled by the District in any area designated “NO PARKING” or “LIMITED PARKING”. No camping, day or night, is permitted in the District parking lots or any District owned property not signed or designated as a camping area.
- F. It shall be unlawful to operate any motorized vehicle upon any property owned or controlled by the District without having attached to the exhaust of such vehicle a muffler which prohibits the noise level from such vehicle while operated in a normal and customary fashion from exceeding eighty-six (86) decibels, as measured from said vehicle at a distance of twenty-five (25) feet or more, and any vehicle producing such a noise shall be deemed a public nuisance hereunder.
- G. It shall be unlawful to operate any motorized vehicle upon any unsigned roadways owned or controlled by the District at a speed in excess of twenty miles per hour (20 mph).

- H. It shall be unlawful to operate any motorized vehicle off designated roadways or parking areas on any property owned or under the control of the District.

#### **ARTICLE XIV: DESTRUCTION OF DISTRICT PROPERTY**

It is unlawful to destroy, damage, deface, remove or relocate any of the District's property without the prior written approval of the District.

#### **ARTICLE XV: MODIFICATION OF DISTRICT LANDS**

It shall be unlawful for all owners, operators, proprietors or lessees of dwellings, amusement places, camping or recreation areas or places, public resorts or other activities, contiguous or adjacent to Lake Brownwood, to fail to comply with the provisions of Chapter 341, Health & Safety Code of the State of Texas, commonly known as the Sanitation and Health Protection Law, and all amendments thereto, as well as all rules promulgated to implement said law, same being adopted as minimum standards for sanitation and health for the Lake Brownwood area.

- A. No transfer, assignment, mortgage, lien or hypothecation of any lease of real or personal property owned or controlled by the District shall be effective or binding upon the District unless same is first approved in writing by the District and any and all transfer fees or other fees levied by the District on such transactions are first paid in full. No leased mooring space on McCartney Island or Goat Island shall be considered by the District for transfer or assignment prior to the expiration of twelve months from the initial date of said lease.

#### **ARTICLE XVI: SANITATION**

- A. A permit is required for the construction or placement of any container or on-site waste control facility on lands over which the District exercises jurisdiction.
- B. It is prohibited to allow upon any land or water or air above any land or water over which the District exercises jurisdiction any dead animals or parts thereof, or dead fish or parts thereof, or decayed vegetable, food or any other matter of any kind which by its decay could pollute the said land, air or water.
- C. It is prohibited for any person to discharge or release any type of bodily waste into the District's water.

- D. It is prohibited for any person or any manufacturing, industrial or commercial enterprise to throw or release any type of refuse into areas over which the District exercises jurisdiction.
- E. It is prohibited for any person to place or operate any slaughterhouse or facility for the killing of animals or to place or operate any feedlot or other enclosure in which the refuse and accumulation could pollute the land, air or water over which the District exercises jurisdiction.
- F.
  - 1. Refuse, including garbage, rubbish, and litter, shall be deposited onshore in leakproof receptacles, which are maintained properly, with ultimate disposal in such a manner as to prevent the creation of a public health nuisance, as well as prevent possible entrance into the waters of the District.
  - 2. The District dumpsters placed at boat ramps located at the Lake Brownwood Dam and Flat Rock Park, are for the use of those launching watercraft onto the lake for a day's recreation. Deposit of household refuse, garbage or rubbish by those residing or camping in these areas is forbidden.

## **ARTICLE XVII: POLLUTION PROHIBITED**

The District owns and operates Lake Brownwood, and other reservoirs referenced in these Rules and Regulations and the District has a continuing responsibility and duty to supply therefrom uncontaminated fresh water to sections of Brown and Coleman counties of Texas, for domestic, municipal, agricultural, mining, industrial and other authorized uses, This duty includes, among other things, the responsibility to prevent pollution in the reservoirs of the District and in the drainage areas of these reservoirs.

The District shall continue to maintain surveillance programs on the watersheds above its lake and reservoir and to pursue a concerted water quality control program. Detection or reports of present or potential pollution from oil, gas or other hydrocarbons, from raw sewage, from toxic waste, from garbage or from any other unpermitted discharge, shall be promptly and vigorously investigated by the District and reported to all governmental agencies having jurisdiction thereof, including the investigative and enforcement resources of the Environmental Protection Agency, the Texas Railroad Commission, the Texas Natural Resource Conservation Commission and the Texas Department of Health, as well as any other federal, state or local agency having jurisdiction of such matter.

No oil, gas, or other hydrocarbons or any raw sewage, toxic waste, garbage or other unpermitted discharge in any form or in combination with any other materials or constituents, from whatever source, shall be permitted to flow into the District's water or onto the adjacent marginal lands and drainage areas,

whether the cause of the flowage or discharge is an intentional act or caused by an accident.

The District shall immediately report the sighting of any form of water pollution to the operator or person responsible for such pollution and such operator or other person shall immediately remove such oil, gas or other hydrocarbons, raw sewage, toxic waste, garbage or other unpermitted discharge from the waters and the marginal lands and drainage areas where it is found. Such removal operations will be at the sole expense of the operator or other person responsible for such pollution or in possession or control of the premises where such pollution occurs or where the act causing such pollution was committed.

If the operator or other person responsible for such pollution or in possession or control of the premises where such pollution occurs or where the act causing such pollution was committed fails to take immediate and effective remedial action to correct such pollution, the District may do so. The District is under no legal or other obligation to correct such pollution on behalf of the operator or other person responsible for such pollution or in possession or control of the premises where such pollution occurs or where the act causing such pollution was committed, but if such action is taken by the District, such operator or other person shall be liable to forthwith reimburse the District for all costs incurred by the District in taking such action. Failure of the operator or other responsible person to promptly reimburse the District for such pollution clean-up costs will result in legal action by the District to enforce the liability for same.

The District may enjoin operations by any entity, or suspend any permit previously granted by the District for any operation, when it appears that the provisions of this article are being, have been or will be violated.

Any intentional violation hereof shall be a misdemeanor, punishable as provided in Article XX of these Rules and Regulations.

## **ARTICLE XVIII: EMERGENCY PROCEDURES**

- A. In order to protect properties and provide for the general welfare of the public, all access to the District's lake, reservoirs and other waters may be restricted when it is deemed necessary.
- B. Watercraft or persons found upon the waters of Lake Brownwood during times of restriction, without prior consent of the District or by virtue of other lawful reason, shall be guilty of a nuisance under Article I, Section 21.
- C. Every officer, agent or employee of the District, while responding to emergency calls or reacting to emergency situations, is hereby authorized to act in such a manner as to effectively deal with the emergency. An action or inaction is "effective" if it in any way contributes or can reasonably be thought to contribute to preserving any lives and/or property. This section of these Rules and Regulations shall prevail over all other Rules and Regulations of the District and, to the extent to which the District has

authority to so, authorize over any other law establishing standards of care in conflict with this section. Neither the District nor the employee, agent or officer thereof, shall be liable for the failure to use ordinary care in such emergency. Subject to the above, the District's officers, agents or employees responding to an emergency or an emergency call shall use a reasonable rate of speed under the circumstances, using a vehicle or boat marked as belonging to the District, if such is available within a reasonable time under the circumstances of the emergency then existing, and shall take reasonable measures to prevent the destruction of property or injury to persons.

#### **ARTICLE XIX: LEASH LAW**

It shall be unlawful for any person who owns, keeps or is in charge of a dog on property owned or controlled by the District to fail to restrain said dog at all times.

#### **ARTICLE XX: PENAL CODE**

The Penal Laws of this State are hereby adopted as the Penal Laws of this District without formally incorporating each one of such laws or articles into these Rules and Regulations.

#### **ARTICLE XXI: VIOLATIONS OF THESE RULES AND REGULATIONS**

The violation of any Rules or Regulations of this District is a Class C Misdemeanor and shall be punishable by a fine not to exceed five hundred dollars (\$500.00). These penalties shall be in addition to any other penalty provided by the laws of the State of Texas and may be enforced by complaints filed in the appropriate court or jurisdiction in the County of Brown, State of Texas, and county in which the District's principle office is located. Each twenty-four (24) hour period of any violation constitutes a separate offense.

#### **ARTICLE XXII: ENFORCEMENT**

The Board of Directors of this District is authorized and empowered to employ and establish peace officers. Each peace officer shall have the authority to enforce the laws of the State of Texas, the provisions of these Rules and Regulations and any amendments hereto that may be adopted in accordance with the Texas Water Code and shall have all additional powers authorized by the Texas Water Code, the Texas Penal Code or any other law. Failure to obey instructions or warnings from a District officer shall be considered a misdemeanor and punished as such.

**ARTICLE XXIII: SEVERABILITY**

It is hereby declared to be the intention of the Board of Directors of the District that all sections, paragraphs, sentences, clauses and phrases of these Rules and Regulations are severable and, if any phrase, clause, sentence, paragraph or section of these Rules and Regulations shall be declared unconstitutional by the valid judgment or decree of any court of any competent jurisdiction, such unconstitutionality shall not effect any of the remaining phrases, clauses, sentences, paragraphs and sections of these Rules and Regulations, since the same would have been enacted by the Board of Directors of this District without the incorporation in these Rules and Regulations of any such unconstitutional phrase, clause, sentence, paragraph or section.

**ARTICLE XXIV: LEGAL NOTICES REQUIRED**

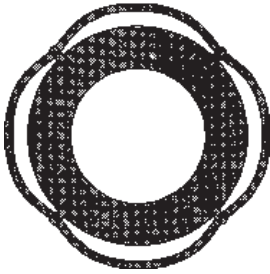
All provisions of these Rules and Regulations not of a penal nature shall instantly be in full force and effect; however, those provisions thereof which are penal in nature shall remain in suspense until the sixth day next after the appropriate officers of this District shall have caused substantive statements of all the penal provisions hereof to be published once a week for two consecutive weeks in one or more newspapers having general circulation in this District and the lands controlled by it; all to be done with all possible dispatch, in manner and substance as provided by Chapter 340 of the General and Special Laws enacted by the 44th Legislature, at its regular session, now appearing as Sections 5 1 - 129, et seq., of the Texas Water Code.

**ARTICLE XXV: ENACTMENT**

All provisions of these Rules and Regulations supersede and take the place of any and all former Rules and Regulations pertaining to the same subject matter, and all such former Rules and Regulations are hereby repealed effective the date and time these Rules and Regulations become law as evidence of the enactment hereof on this 8th day of October, 1996, to be effective January 1, 1997. Witness the signing hereof on this day by TED SIMPSON, as President of the Board of Directors of the District, and the attest hereof by J. Y. TIMMINS, as Secretary of the Board of Directors of the District, with the imprinting of the District's seal.

TED SIMPSON, PRESIDENT

J. Y. TIMMINS, SECRETARY



**SAFETY  
FIRST**

**DON'T TAKE  
CHANCES**

