

Rules & Regulations for permitted usage of Authority property below the 448 msl, surrounding Lake Athens.

ARTICLE 1: DEFINITIONS

For the purposes of this Article, the following words and phrases shall have the meaning respectively ascribed to them:

- 1. BOATS.** Any motorboat, sailboat, rowboat, canoe, barge, or other vessel capable of being used as transportation on water.
- 2. LAKE.** All waters impounded by a dam constituting Lake Athens in Henderson County, Texas.
- 3. WATER INTAKE STATION.** The point or points on Lake Athens where the Authority collects lake water for supply to the City of Athens.
- 4. AUTHORITY.** The Athens Municipal Water Authority.
- 5. BOARD.** The Board of Directors of the Athens Municipal Water Authority.
- 6. SHORELINE.** The shoreline of Lake Athens at 440 feet Mean Sea Level (msl).
- 7. AUTHORITY PROPERTY.** Authority property includes the Lake, all land surrounding Lake Athens up to 448 feet msl, and all other land owned by the Authority.

ARTICLE 2: PIERS AND BOATHOUSES

1. AREA. No pier or boathouse shall contain more than the ratio of eight (8) square feet per linear foot of the ingress/egress permit holder's property line at the 448 msl. If multiple lots are used to determine the maximum area of a pier or boathouse, an agreement shall be signed and recorded whereby the total linear footage of the 448 msl used for that pier or boathouse area, cannot be used for future structures. Regardless of the total linear footage measured at the 448 msl, the maximum boathouse size that may be allowed is 3,500 square feet. The area measurement shall exclude a walkway not to exceed five (5) feet in width, leading to the structure. Jet Ski docks and/or platform square footage shall be calculated and considered as part of the boathouse and dock square footage allotment.

a) If an ingress/egress permit holder is allotted 800 square feet or less in maximum boathouse size and wishes to build a rooftop sun deck, the square footage of the stairway will not be counted toward the maximum boathouse size, as long as the stairway is less than 80 square feet and does not exceed nine (9) feet in width, including the attached walkway. The adjacent property owner will be assessed an annual fee based on the total square footage of the boathouse, including the stairway and where the walkway becomes wider than five (5) feet.

2. LENGTH. A pier or boathouse located on Lake Athens may extend into the lake from the 440 msl, shoreline at full pool, up to sixty (60) feet. Notwithstanding the aforementioned, no pier or boathouse may occupy more than one-third (1/3) of any channel width and in no case will any part of the structure come within ten (10) feet of the centerline of the channel (the end of the channel being the exception) or can the length present a hazard.

3. HEIGHT. No boathouse shall be taller than 18' from deck to the tallest roof point. If a second story open deck is to be constructed, the sun deck may not be taller than ten (10) feet from the lower deck. Both the deck and the stairway must have a 30" high safety rail, surrounding the deck and stairway.

4. MATERIALS. All piers or boathouses shall be constructed of cedar, redwood, treated wood, steel materials, or other materials with a demonstrated long-life expectancy. All materials located above the water line must have non-reflective surfaces.

5. FLOATING PIERS OR DOCKS. No floating piers or boathouses are allowed on the waters of Lake Athens. Floating platforms, designed to float personal watercraft, are allowed up to two (2) jetskis or other personal watercraft, and securely tethered to an existing pier or boathouse. These structures will count toward the allowed square footage of a pier or boathouse, as outlined in Article 2, Section 1 Area of a Pier or Boathouse, found in these Rules & Regulations.

6. LOCATION. No pier or boathouse (or any part thereof) may be located closer than fifteen (15) feet to a property line or the extension of a property line into the lake.

7. SAFETY.

a) All piers or boathouses fifty (50) feet, or more, from the shoreline shall install, maintain, and operate a dusk to dawn light at the outermost portion of the pier or boathouse.

b) No pier or boathouse shall constitute, in any reasonable manner, a safety hazard.

8. ENCLOSURES. No new enclosed boathouses will be permitted on Lake Athens. If any existing enclosed boathouse is removed or altered, the replacement or alteration must adhere to the current *Rules & Regulations*.

9. MAINTENANCE.

a) All piers and boathouses shall be properly maintained.

b) The Authority, with the approval of the Board of Directors, may undertake to remove any pier or boathouse that may be considered, in the sole judgment of the Authority, to be a threat to the public safety or which creates a nuisance to the property owners surrounding the Lake.

c) When any pier or boathouse is to be removed and/or destroyed by the Authority, the Authority shall notify the adjacent land owner within twenty (20) days thereof, by certified mail, return receipt requested, at the last known address of the record owner of such adjacent owner that such pier or boathouse will be removed and/or destroyed. The notice shall further state that the failure of the owner to repair the pier or boathouse to the satisfaction of the Authority or to remove the pier or boathouse themselves shall be deemed a waiver by the owner of all right, title, and interest in the pier or boathouse and their consent to the removal and/or destruction of said structure.

d) The cost of removal and/or destruction of any pier or boathouse by the Authority shall be a penalty against the owner of the property adjacent to the Authority Property on which the pier or boathouse is located.

10. PERMITTING PROCEDURE. See Article 16, Section 2, Construction Permits.

11. NUMBER. There shall only be one pier or one boathouse per lot. Walkways/paths may not connect any boathouses or piers located on more than one lot.

12. FEES. The Authority shall charge an annual fee for all piers or boathouses. The fees may be set in accordance with a graduated scale per pier or boathouse square footage, or any other reasonable standard adopted by the Authority.

13. PRIOR PIERS OR BOATHOUSES.

a) Piers or boathouses constructed prior to the enactment of these Rules and Regulations and which have been permitted by the Authority shall be allowed but are subject to all terms of these Rules & Regulations concerning safety, maintenance, and payment of fees to the Authority. All piers and boathouses constructed prior to the enactment of these Rules and Regulations and which were not permitted, or the permit was not renewed shall be subject to this article.

b) Floating piers or docks constructed prior to the enactment of these Rules and Regulations and to which a permit has been issued shall be allowed except that in the event of repair or alteration, a new permit will not be issued.

c) If a pier or boathouse was constructed prior to the enactment of these Rules & Regulations, and that pier or boathouse is removed or altered, any replacement or alteration of the pier or boathouse must comply with the current Rules & Regulations.

d) If any portion of an existing pier or boathouse was constructed prior to the enactment of these Rules & Regulations, and that portion of the pier or boathouse is altered for any reason, the alterations must adhere to the current Rules & Regulations.

e) If a pier or boathouse was granted a construction variance, of any kind, and the pier or boathouse is removed, pending replacement, any previously approved variances become void.

14. VARIANCES. Variances for the construction of piers and boathouses outside of these Rules & Regulations may be requested from the Board of Directors to alleviate a demonstrable and unusual hardship or difficulty so great as to warrant a deviation from the Rules & Regulations. The Authority shall only grant a variance when such deviation would not materially or adversely affect the surrounding property(ies). Lake Athens' resident convenience, financial hardship, or the fact that any other improvement on Lake Athens have been granted a variance are not grounds for the issuance of a variance. The petitioner must provide a completed variance request form, including a written statement demonstrating the special conditions or circumstances that exist to that particular property or improvement, construction plans to scale, a plat of the property with the proposed pier or boathouse location marked, and a non-refundable \$200 variance application fee. Following the return of the application materials, Authority staff will notify the adjacent property owners and solicit responses. The Authority shall have a minimum of thirty (30) days to process the variance request prior to a vote of the Board of Directors. Authority staff will inform the petitioner of the meeting date the variance petition will appear on the agenda. No "fast-track" or accelerated procedure exceptions will be granted. Notwithstanding the opinions of the adjoining landowners, the decision of whether to grant or deny any request for a variance is solely that of the Authority's Board of Directors. A construction permit application must be received within 180 days of a

variance approval to maintain the validity of the variance. There shall be no modification to the plans submitted with a variance application without prior approval of an amended variance from the Board of Directors.

15. BOATS. All boats and personal watercraft stored on piers/boathouses on Lake Athens must be either in a slip (three sides) or a lift. A boat or personal watercraft may only remain outside of a slip or lift for up to seven (7) days, unless a boathouse construction permit has been applied for.

ARTICLE 3: SANITATION

To entitle an adjoining landowner to Lake Athens to have any permits issued by the Authority, the adjoining landowner must abide by the following:

1. APPLICATION FOR PERMIT. No septic system (of any type) or part thereof shall be installed without permit and inspection by the Texas Department of Health as required by law.

2. INSTALLATION SITES. Installation sites and septic systems (of all types) shall meet all requirements as provided by the Texas State Health Department and Texas Commission on Environmental Quality as may be established. Such standards shall control placement, location, and construction of septic systems and specifications as to layout and placement of traps, lateral lines, and all other necessary appurtenances thereto.

3. LOCATION. Septic tanks and the lateral lines (with their associated absorption field) shall not be closer than seventy-five (75) feet from the shoreline. No septic tanks, no irrigation sprays or drips, and no lateral lines shall be allowed on Authority property.

4. RIGHT TO ENTER PRIVATE PROPERTY. The Authority's inspector shall have the right, at any reasonable time and upon presentment of his identification, to enter any private property which is adjacent to Authority property for the purpose of determining compliance or enforcing this Article. Each property owner who receives an ingress and egress permit from the authority shall be deemed to have consented to inspection of any septic system located on his property by Authority personnel.

5. NOTICE OF INADEQUATE SYSTEM.

a) For all septic tanks and/or systems, or any associated lines, or any traps which fail to meet the property requirements, the inspector shall immediately notify the occupants that said system is inadequate and unless there is an immediate health hazard, the occupants, owners and/or users of said system shall have ten (10) days to rectify the same and to bring the system up to the standards as set forth in these regulations.

b) In the event said system is dangerous and requires immediate attention, the said inspector shall notify the occupants to cease the use of the system immediately until the said defects have been properly remedied.

6. PIT TOILETS. No pit-type toilet shall be permitted on any land owned by the Authority or located within five hundred (500) feet of the Lake's shoreline.

7. DUMPS. It shall be unlawful to maintain any dump ground or garbage incinerator on the water shed.

8. VIOLATIONS.

a) Any person who installs or causes to be installed any septic tank or system without a permit shall be subject to the penal provisions of this article.

b) Any person who covers or causes to be covered any septic tank or system before inspection shall be subject to the penal provisions of this article.

c) Any person who removes or causes to be removed the approval slip and/or inspection slip from the post, stake or other object as stated in this article, shall be subject to the penal provisions of this article.

d) Any person who fails to permit reasonable access to the inspector for the purpose of inspection of the septic tank and/or system shall be subject to the penal provisions of this article.

e) Any person who fails to rectify any defects in the septic system within the time prescribed in this article shall be subject to the penal provisions of this article.

ARTICLE 4: IMPROVEMENTS/STRUCTURES/INFRASTRUCTURE

1. STRUCTURES. No improvements, structures or infrastructure of any type, whether temporary or permanent, shall be permitted on Authority property other than piers, pavilions, fire pits, boathouses, retaining walls, pumps, heat exchangers, walking paths, and light poles, and no such improvements, structures, or infrastructure shall be constructed or maintained on Authority property without a permit issued for the current calendar year specifically providing therefore. Permits may be allowed for:

a) An unenclosed pavilion or patio may be constructed between elevation 440 feet msl and elevation 448 feet msl, provided it does not exceed 254 sq. ft. A pavilion shall maintain a fifteen (15) ft. setback from adjoining side property lines.

b) A fire pit may be constructed between elevation 440 feet msl and elevation 448 feet msl, provided it does not exceed 18 feet in diameter or 254 sq. ft, the square footage includes any seating/improved surface area surrounding the firepit. A fire pit shall maintain a fifteen (15) ft. setback from adjoining side property lines.

c) A heat exchanger that is located totally within the confinements of a pier or boathouse. Closed systems shall use only distilled water and shall be totally submerged at elevation 435 feet msl. All repairs to heat exchangers shall require a permit issued by the Board, or its designee.

d) All installations on Authority property below the 448 msl, may only be placed after a land use permit application has been approved by the Executive Director, or its representative, as defined in Article 16.

e) Retaining walls must be made of a long lasting, non-degrading material, such as vinyl, galvanized steel, reinforced concrete, riprap, etc. Retaining walls must be constructed at an elevation as directed by the Authority's inspector. A Land Use permit must be completed prior to installation of a retaining wall, as outlined in Article 16.

f) Walking paths may not exceed 48" from curb to curb.

g) The following are prohibited below the 448 msl: fences (of any type), privacy hedges, or any other item that would impede a contiguous 448.

2. FEES. The Authority may charge a fee for all improvements/structures/infrastructure on Authority property, as allowed by these Rules & Regulations.

3. PERMITS. To construct improvements, structures, or infrastructure as defined in this article, a construction permit must be completed for all allowed improvements, structures, or infrastructure, as defined in Article 16. A map, showing property lines and where the improvement, structure, or infrastructure will be placed must accompany all permit requests. For the construction of piers and boathouses, see Article 2.

ARTICLE 5: LIVESTOCK

1. CATTLE OR OTHER LIVESTOCK. No livestock shall be permitted to graze on Authority property, nor shall livestock be allowed to have access to water in Lake Athens without the owner of the livestock first obtaining a permit for access from the Board. The Board may deny or revoke a permit in the event that the Board believes that the type or number of livestock presents a degradation of the Lake's water quality.

ARTICLE 6: INGRESS AND EGRESS

1. PERMIT. No adjacent property owner shall have ingress and egress to the property owned by the Authority without a permit providing for such ingress or egress, excepting use of a public concession or using the public boat ramp. To obtain such a permit, a fee set by the Authority shall be paid annually.

2. REVOCATION. The Authority shall have the authority to revoke and cancel any permit for ingress and egress should an adjacent property owner violate, or are suspected of violating, any provisions of these Rules and Regulations. The Authority has the right to revoke or suspend a permit for ingress/egress at any time for any reason.

ARTICLE 7: PUMPING OF WATER FOR DOMESTIC USE

1. PERMITS. The pumping of water from Lake Athens is expressly prohibited except by those person or persons holding a legal valid one-year permit for such purposes. The Authority may, at its discretion, issue permits on an annual basis only to owner or owners of lands which are adjacent and contiguous with lands owned by the Authority at elevation 448' Mean Sea Level. Said adjacent property owner or owners may install pumps into the reservoir for the purpose of supplying reasonable quantities of unpotable water to the permit holder's land, which is adjacent to Authority property at the 448 msl only. Those persons holding such permits are expressly prohibited from pumping water from Lake Athens to any other lot, tract or parcel of land owned by them or anyone else except the residential lot located and situated adjacent to lands owned by the Authority. The Authority shall charge an annual fee for the pumping of water which should be paid by each applicant. Nothing contained herein shall allow any applicant to pump water from the Lake Athens reservoir for any purpose other than to water only that portion of applicant's land immediately adjacent to Lake Athens Reservoir.

a) The use of submersible pumps in Lake Athens is prohibited.

2. WITHDRAWAL. Domestic water withdrawal may be made with not more than one pump that shall not be larger than five (5) horsepower with a maximum two (2) inch water line.

3. WATER QUALITY. The Authority shall not be responsible for availability, purity, quality, quantity or regularity of flow at any time, it being expressly recognized that this raw water use is subordinate to present and future need by the Authority.

4. NO LIABILITY. Water users shall hold the Authority harmless from any direct or indirect damages, injuries, or illnesses that might occur from the use of such raw water or from the water system.

5. PRIVATE USE. Water withdrawal shall be for the personal and private use of the Permittee, family, and guests on his premises only, and in no event shall such water be used for commercial or agricultural purposes (other than for the Permittee's lawn or non-commercial garden.)

6. PERMIT. All new pumps to be installed on Authority property, may only be installed after a land use application has been approved by the Executive Director, or its representative, as defined in Article 16.

ARTICLE 8: GASOLINE, OIL AND OTHER CHEMICALS

1. PETROLEUM PRODUCTS. Gasoline or oil shall not be situated on Authority property, except that contained in Underwriters Laboratories approved safety cans or fuel tank with a capacity of ten (10) gallons or less. No petroleum products whatsoever or similar products shall at any time be dumped in, on, or about the Lake.

2. OTHER CHEMICALS. No pesticides, herbicides, detergents, fertilizers, acids, solvents, or other chemicals that could impact the quality of water in Lake Athens shall be applied, situated or stored on Authority property, unless said chemical, herbicide, fertilizer, or pesticide bears the US Environmental Protection Agency label stating that same is approved for use in a potable water supply reservoir.

3. CHEMICAL VEGETATION CONTROL. See Article 16

4. RIGHT TO ENTER PRIVATE PROPERTY. The Authority's inspector shall have the right, at any reasonable time and upon presentment of his authority, to enter all boathouses or inspect any enclosures or piers on Authority property and to inspect said structures for storage of gasoline, oil, and other chemicals, pesticides or herbicides. The granting of an annual permit for a boathouse operates as consent by the landowner to such inspections.

ARTICLE 9: DESTRUCTION OF AUTHORITY PROPERTY/ MAINTENANCE OF PROPERTY

1. DESTRUCTION OF AUTHORITY PROPERTY. The destruction, damage, defacement or removal of Authority property or of vegetation, rocks or minerals is prohibited. Routine lawn maintenance, and the removing and burning of brush are permissible. However, no tree larger than ten (10) inches in circumference at the base may be cut, removed, or destroyed, without the prior approval of the Authority.

ARTICLE 10: ADVERTISEMENTS/NOTICES

1. ADVERTISEMENTS/NOTICES. Private notices and advertisements are prohibited on any land owned by the Authority area except when authorized by the Authority as necessary for the convenience and guidance of the public using the area.

ARTICLE 11: WATERFRONT DEVELOPMENT ON LAKE ATHENS

1. SINGLE FAMILY DWELLINGS. From the date of the enactment of these Rules and Regulations, no permits for ingress or egress, septic tanks, piers, boathouses, fences, or light poles shall be granted on any land which is subdivided so that each lot or tract which abuts the shoreline has less than:

a) 15,000 square feet provided each lot or tract is serviced by a public water supply, or;

b) 20,000 square feet provided each lot or tract is not serviced by a public water supply.

Notwithstanding the above, no permits for ingress or egress, septic tanks, piers, boathouses, fences, or light poles shall be granted on any land which is subdivided so that each lot or tract which abuts the shoreline contains less than sixty (60) linear feet at 448 feet msl. In the event a lot or tract of land which has been granted one of the aforementioned permits is subdivided so that the resulting tracts or lots which abut the shoreline have less than the minimum square or linear footage required under this article, that tract or lot shall have all the aforementioned permits revoked by the Authority. A lot shall be defined to mean that tract or parcel of land on which there shall be located only one residential dwelling, and not consist of any type of multi-family dwelling.

2. MULTI-FAMILY UNITS. No permits for ingress or egress, septic tanks, piers, boathouses, fences, or light poles shall be granted on any land in which there is constructed any type of condominium, duplex, fourplex, apartments, mobile home park, or any type of multi-family dwelling within one thousand (1,000) feet of the shoreline.

ARTICLE 12: BOAT LAUNCHES

1. PUBLIC BOAT RAMPS. Except for the boat launching ramps at the Lake Athens Marina, there shall be no other boat launching ramps, piers, docks, or marinas of any type available to the general public. No development or subdivision on Lake Athens shall have any of the public facilities set forth above.

2. PRIVATE BOAT RAMPS. All private boat ramps must be approved by the Authority. It shall be illegal for any property owner adjoining Lake Athens to launch any boat into Lake Athens from any area other than the boat launching ramp at Lake Athens Marina or a private boat ramp that has been approved by the Authority.

ARTICLE 13: DREDGING

1. LOCATION. All proposed dredging below elevation 448 feet msl within the Lake Athens impounded area, owned and operated by the Athens Municipal Water Authority (AMWA) shall be approved by the Department of the Army Corps of Engineers.

2. PROCESS.

a) The Corp of Engineers shall determine if the proposed activity will qualify under Nationwide Permits for Minor Dredging. Copies of Corp application and determination letter shall be supplied with a land use permit application.

b) Dredging may occur only after a land use permit application is approved by the Executive Director, or its representative, as defined in Article 16.

ARTICLE 14: DIRT WORK AND EXCAVATION

1. DIRT WORK, FILL, EXCAVATION. No dirt work, adding fill, or excavation of any type or nature whatsoever shall be allowed on Authority property without a permit to do such work.

2. MATERIAL. No material whatsoever shall be dumped onto Authority property without obtaining a permit.

3. PERMIT. Dirt work, fill, or excavation may occur only after a land use permit application is approved by the Executive Director, or its representative, as defined in Article 16.

ARTICLE 15: AQUATIC VEGETATION CONTROL & REMOVAL

1. DEFINITIONS. Aquatic vegetation are all plants or grasses that grow partly or wholly in the water, whether rooted in the mud, or floating without anchorage. Mechanical control is any physical activity that inhibits vegetation growth, including, but not limited to raking, pulling by hand, or cutting. Chemical control is using any non-water solution to inhibit vegetation growth.

2. GENERAL. All aquatic vegetation control must adhere to both these Rules & Regulations and the Aquatic Vegetation Management Plan for Lake Athens, which will be reviewed on an annual basis by both Texas Parks & Wildlife and the Authority. The Aquatic Vegetation Management Plan will be available at both the Authority's offices and online at the Authority's website (athenstxwater.org).

3. MECHANICAL CONTROL/REMOVAL. It shall be unlawful for any person to mechanically remove aquatic vegetation from the waters of Lake Athens or to any land surface below elevation 440 feet msl without first obtaining approval and permits from the Athens Municipal Water Authority and Texas Parks and Wildlife Department, in accordance to the Aquatic Vegetation Management Plan. It shall further be unlawful for any person to deposit any aquatic vegetation that is removed, on property that is owned or controlled by the Athens Municipal Water Authority. All aquatic vegetation must be deposited above the 448 feet msl. The application for these permits can be obtained at the Authority office or online at the Authority website (athenstxwater.org).

4. CHEMICAL CONTROL/REMOVAL. It shall be unlawful for any person other than an approved and licensed, by the state of Texas, aquatic vegetation herbicide applicator to apply any chemical, herbicide or pesticide in or to the waters of Lake Athens or to any land surface below elevation 440 feet msl. It shall further be unlawful for any person to apply any chemical, herbicide, or pesticide to any additional land owned or controlled by the Athens Municipal Water Authority. All chemical aquatic vegetation treatment must be approved and permitted by the Athens Municipal Water Authority and Texas Parks and Wildlife Department, in accordance to the Aquatic Vegetation Management plan. The application for these permits can be obtained at the Authority office or online at the Authority website (athenstxwater.org).

5. EXOTIC/NON-NATIVE SPECIES. Some species of aquatic vegetation are highly regulated by the State. An exotic species possession permit may be required. Please contact the Authority or Texas Parks & Wildlife for more information.

6. No permit application will be accepted, nor will any permit be issued for any reason, if the applicant has a past due account balance with the Authority. Permits will be revoked for non-payment of annual Lake service fees, on July 1 annually. If June 30 falls on a weekend or holiday, permits will be revoked on the next business day.

7. PENALTIES. Persons found in possession of a regulated exotic species shall be guilty of a State jail felony.

ARTICLE 16: PERMITS

1. LAND USE PERMITS. A land use permit must be obtained for any action, not defined as construction, occurring on Authority property, such as ingress/egress, water pumps, dredging, and retaining walls.

a) PERMIT APPLICATIONS. An applicant shall file a land use application with the Executive Director, or its representative.

1) A complete land use permit application will consist of a completed, signed, permit application, completed and signed contractors page, support documentation as required by the Executive

Director and required in these Rules & Regulations, and the accompanying application fee (see Article 18). A complete land use permit may be submitted to the Executive Director, or its representative, for review.

2) An approved permit application is valid for 90 days. If installation is not completed within those 90 days, a new permit application must be submitted.

3) No permit application will be accepted, nor will any permit be issued for any reason, if the applicant has a past due account balance with the Authority. Permits will be revoked for non-payment of annual Lake service fees, on July 1 annually. If June 30 falls on a weekend or holiday, permits will be revoked on the next business day.

2. CONSTRUCTION PERMITS. A construction permit is required for new, additions, or replacements of boathouses, piers, pavilions, patios, pathways, firepits, or non-motorized water vessel storage.

a) Anyone desiring to build a pier or boathouse shall make a written application to the Executive Director for a Pier or Boathouse Permit. The application shall be accompanied by:

1) A drawing, to scale, of the proposed construction, and a drawing, to scale, showing the applicant's lot with its boundary lines, the shoreline, with the proposed location constructed improvement; and, in the event that the drawing is not adequate, the Board may require a plat by a licensed surveyor showing those items specified above;

2) Material specifications.

3) Signed contractor page.

4) A permit application fee as defined in Article 18, and an inspection fee of \$65, both non-refundable and due with the permit application.

b) After the Executive Director, or its representative, has reviewed and accepted the permit application, the construction permit shall have a term commencing on the day the Executive Director grants the construction permit and terminates 90 days thereafter. If construction is not complete within those 90 days, a one-time extension, of an additional 90-days, can be requested, along with an extension fee of \$50.

c) Once a permit has been approved, the contractor must meet with the Executive Director, or their representative, prior to the start of construction.

d) There shall be two points of inspection during the construction of a pier or boathouse. Once the support piers and or/poles are in place, the Executive Director or their representative, will inspect the work, before construction can continue. Once the stringers and deck boards are installed, the Executive Director, or its representative, will inspect the work before construction can continue.

e) Once construction is completed, the applicant must request a final inspection, in order to obtain a permit for the structure. The structure permit may be obtained only after inspection by a person designated by the Executive Director, and that person is satisfied said structure meets the Board's criteria. The Permittee shall display the label, tag, or other evidence provided by the Authority in a visible location to demonstrate the fact that the structure has been permitted and the permit is up to date. The pier or boathouse may not be used, for any activity, until a final permit has been issued for the structure.

f) No permit application will be accepted, nor will any permit be issued for any reason, if the applicant has a past due account balance with the Authority. Permits will be revoked for non-payment of any fees charged by the Authority, on July 1 annually. If June 30 falls on a weekend or holiday, permits will be revoked on the next business day.

3. CONTRACTORS. All contractors that will wish to perform any construction (boathouses, patios, pavilions, firepits, etc) or any dredging activity of an approved permit application, must be registered with the Authority. This does not apply to contractors performing regular lawn or landscape maintenance, or homeowners performing contractors' duties under an approved permit application. All signed contractors' pages in a permit application must be accompanied by a certificate of Insurance from the contractors' general liability insurance policy, with the Athens Municipal Water Authority listed as an additional insured. Liability coverage shall be no less than \$250,000 per occurrence.

ARTICLE 17: PENALTIES AND ENFORCEMENT

1. CRIMINAL PENALTIES. A person who violates a rule or regulation contained herein commits a Class C Misdemeanor, as defined in Section 12.23 Texas Penal Code as amended, unless specifically provided otherwise by law. Each twenty-four (24) hour period of any violation constitutes a separate offense.

2. CIVIL PENALTIES. In addition to penal fines and penalties, failure to abide by any of these rules and regulations contained herein shall be punishable by a Civil Penalty, of not less than one hundred dollars (\$100.00) nor more than five thousand dollars (\$5,000.00) for each violation or each day of continuing violation, or an amount

determined by the Board of Directors. The penalty hereby authorized shall be in addition to any other penalties provided by the State of Texas. The Authority shall also be entitled to all available and applicable equitable relief, including but not limited to writs of injunction.

a) After notification of non-compliance with these Rules & Regulations, the following daily penalties may apply:

1-15 days of non-compliance \$100 per day

16-30 days of non-compliance \$200 per day

31-45 days of non-compliance \$400 per day

3. LATE FEES. A late fee of 15% will be assessed on the first business day, following the due date of the annual Lake service fees, of each year on all outstanding balances, including all amounts past due. On the first of every month thereafter, a 10% late fee will be assessed on all remaining outstanding balances. Late fees may not be waived. For due date, please see Article 18.

4. ENFORCEMENT. The Authority may employ its own peace officers or contract with other police department for police officers to:

a) Make arrests when necessary to prevent or abate the commission of any offense against the Rules of the Authority and against the laws of the State of Texas, and against the ordinances of the City of Athens, Texas when the offense or threatened offense occurs on any land, water, or easement owned or controlled by the Authority; and

b) Make an arrest in case of an offense involving injury or detriment to any property owned or controlled by the Authority.

c) File complaints with the appropriate Justice Court, other criminal court, on behalf of the Authority against violators of any of the Rules and Regulations set forth herein.

d) The issuance of an ingress and egress permit to Authority Property shall be deemed consent by the property owner to which the permit is granted to have any item or structure located on Water Authority property inspected at any time by Authority personnel.

e) Prohibit the use of Authority property for any purpose, including prohibiting the right of ingress/egress to Authority Property and/or structures located on that land, and to prohibit the use of water pumps used to pump water from Lake Athens. This provision shall include the right to enforce the same by the issuance of criminal trespass warnings and prosecution of the same.

5. COOPERATION WITH STATE & FEDERAL AGENCIES. Any penalties assessed by the Authority are separate from any potential penalties that may be assessed by other local, State, and Federal agencies. Any collected evidence of a violation or potential violation may be shared by the Authority, with other local, State, and Federal agencies.

ARTICLE 18: FEE STRUCTURE

Annual fees will be assessed on April 1 of each year with payment being due by June 30 of each year. If June 30 falls on a weekend or holiday, payment is due the first business day after June 30. If there is an issue with either your invoiced Lake service fees, you have thirty (30) days from the date of the invoice to notify the Authority of any issue. After thirty (30) days you waive your right to protest your invoice. New permit fees are due upon application of said permit. Proration of fees will be made only on new construction. No proration of fees will be given on removal or non-use. The annual fee for water pumps shall automatically increase by the Consumer Price Index, in odd numbered years, while inspection, ingress/egress, and dock fees will only increase by a majority vote of the Board of Directors, to be taken during that same year.

1. INSPECTION FEES. A permit application fee of \$38.00 will be charged on all new land use and construction permits. A \$65.00 inspection fee will be collected for boathouse and pier construction permits, in addition to the application fee.

2. INGRESS/EGRESS FEES. Payment of this fee allows you to have exclusive use of uncontested Authority land, subject to Authority's rights, between your lot or tract and Lake Athens. The fee is \$.52 per linear foot at your property line (Elev. 448 feet msl), with a maximum of 500 feet. If an adjacent property owner subdivides a property with more than 500 linear feet at the 448 msl, then a five (5) year rollback ingress/egress fee will be charges on the entire 448 msl linear footage, at the current rate.

3. PIER, DOCK, BOATHOUSE, PAVILION, HEAT EXCHANGER FEES AND EXISTING BOAT LAUNCHES. There is a minimum fee of \$34.00 for each separate structure, regardless of its size. Additionally, if the structure contains more than 200 square feet, excluding walkways, then \$.17 per square foot for the excess shall be paid. Unenclosed pavilions, firepits, and patios will have a minimum fee of \$44.

4. WATER PUMP FEES. If you pump water from the lake or have a water pump on Authority property, there is an annual fee based upon the motor horsepower as follows:

- ½ H.P. Motor \$84.00
- ¾ H.P. Motor \$129.00
- 1 H.P. Motor \$168.00
- 1½ H.P. Motor \$225.00
- 2 H.P. Motor \$267.00
- 3 H.P. Motor \$299.00
- 4 H.P. Motor \$537.00
- 5 H.P. Motor \$565.00

a) Board of Directors approval is required on anything over 5 H.P. Motor.

b) The right to operate a pump withdrawing water from Lake Athens is subject to all terms and restrictions of the Drought Contingency Plan for the Athens Municipal Water Authority dated May 2019 ("Plan") and any amendments to this Plan. Any person or entity who utilizes a pump for such purpose agrees to abide by and be subject to the provisions of the Plan.

5. COLLECTION FROM FUTURE OWNERS. The fees identified in this Article 18 and any penalty imposed against any owner of property adjacent to Authority Property at elevation 448 feet msl under any provision of these Rules and Regulations shall be obligations that continue to run with the property upon any sale of the property adjacent to Authority Property. Therefore, all fees shall continue to be owed by a purchaser of the property on which a fee is owed at the time of purchase. It shall be the duty of all purchasers to make adequate inquiry if any such fees are due from the prior owner.

ARTICLE 19: PERMIT HOLDERS DISPUTES

If a dispute between two or more Lake Athens permit holders arises, related to property lines, encroachments, or protrusions, the Lake Athens permit holders shall obtain an improvement survey, at their sole cost and expense, which accurately depicts to disputed property line and the location of any encroaching, or protruding improvement. Once the new improvement survey has been obtained, the disputing Lake Athens permit holders may petition the Authority for a determination of the disputed property line, encroachment, or protrusion.

ARTICLE 20: INTERPRETATION AND MODIFICATION

1. The Board shall have the authority to modify these Rules and Regulations at any time, and retains the right to revoke, suspend, or modify any of the permits or privileges stated herein upon good cause.

2. Disputes or questions of interpretation or uncertainty of these Rules and Regulations shall be controlled by the Board, or its authorized designee, who will render a final determination.

ARTICLE 21: PROVISIONS SUBJECT TO DISCRETION OF THE WATER AUTHORITY

The ability to access the 448 msl, construct below the 448 msl, and pump water for domestic use are subject to approval at the discretion of the Authority staff. Any decision to not allow access below the 448 msl, construct below the 448 msl, or pump water for domestic use may be appealed to the Board of Directors.