

The following are the Rules & Regulations pertaining the use and enjoyment of Lake Athens and surrounding Authority property, for both visitors and residents.

### **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 any and all other land owned by the Authority.
- 8. AQUAPLANE.** Any device that is towed behind a boat, on top of, skimming, or skipping over the water.

### **ARTICLE 2: WATER SKIING**

#### **1. RESTRICTIONS GENERALLY.**

a) It shall be unlawful for any person to drive or operate a motor boat towing a person or persons on water skis, operating an aquaplane, or similar device in any area of Lake Athens unless such area has been designated by the Board as a "skiing area".

b) All water-skiing regulations found under the Water Safety Act, Chapter 31 of the Texas Parks & Wildlife Department Code are in effect on the public water of Lake Athens.

**2. SKI JUMPS PROHIBITED.** It shall be unlawful to place or maintain a ski jump on any portion of the waters of Lake Athens.

**3. SKIING PROHIBITED NEAR SWIMMING AREAS OR FISHING.** It shall be unlawful for any person on water skis, aquaplane, or similar device, to operate within two hundred (200) feet of any area on Lake Athens where such area is set aside for swimming, any public launching ramp, dock, boathouse, fishing pier or other structure; or any restricted area; or persons engaged in fishing.

**4. LIFE PRESERVER REQUIRED ON SKIER.** It shall be unlawful for any person or persons to water ski, or ride an aquaplane, or similar device, upon the waters of Lake Athens unless such person or persons shall be wearing a float-type ski belt or U.S. Coast Guard approved life preserver.

**5. RESTRICTED AREA ESTABLISHED.** It shall be unlawful for any person to swim, bathe, wade, dive, or immerse himself, or to ride any type of surfboard or skiing apparatus, or to drive or operate a boat, or to fish in any manner within two hundred (200) feet in any direction of the Authority's water intake facility.

### **ARTICLE 3: BOATS AND BOATING**

**1. PERMITS AND REGISTRATION.** It shall be unlawful for any person to maintain, operate, or cause to be operated any boat upon the waters of Lake Athens unless that person has: (1) Obtained from the proper agency of the federal government and/or Texas Parks and Wildlife Department the necessary permits and registration required for boats as classified under Chapter 31, The Water Safety Act, of the Texas Parks and Wildlife Code, as amended, and maintains that permit and registration to be current under the rules of the Texas Parks and Wildlife Department.

**2. OPERATIONS GENERALLY.** It shall be unlawful for any person to operate any boat upon the waters of Lake Athens in any manner reasonably calculated to endanger life and property. All boat and boating restrictions found under the Water Safety Act, Chapter 31 of the Texas Parks & Wildlife Department code are in effect on the waters of Lake Athens.

- 3. WATER INTAKE STATION.** It shall be unlawful for any person to anchor, moor, or stop a boat within two hundred (200) feet of any water intake station.
- 4. UNATTENDED / UNSEAWORTHY BOATS.** Except in cases of emergency, it shall be unlawful for any person to leave a boat unattended on the waters of Lake Athens unless such craft is secured to a pier or other stationary object. It shall be unlawful to have or maintain any sunken boat within Lake Athens, and the owner of any such boats shall take immediate actions to remove any such sunken boat.
- 5. OBSTRUCTION OF RAMPS.** It shall be unlawful for any person to block any public boat loading ramp leading to the waters of Lake Athens except while loading or unloading a boat.
- 6. REMOVAL FROM LAKE.** Any boat or other craft which is operating in an unsafe condition, or in the event of non-compliance by the owner after being notified of any violation, the craft will be removed from Lake Athens and the owner will be assessed all costs.
- 7. TOILETS.** It shall be unlawful for any person to place or maintain a toilet on any boat, located upon Lake Athens
- 8. PROPER MOORING.** It shall be the responsibility of the owner to keep all barges and boats, and any other item or structure placed upon the lake, properly moored. There shall be a fee levied by the Authority for reclaiming an adrift boat.
- 9. TEXAS WATER SAFETY ACT.** Operation of all crafts shall be subject to all provisions of the Texas Water Safety Act as it now exists or hereafter may be amended, and to all State acts, statutes, and regulations applicable to the operation and control of watercraft.
- 10. BARGES.** It shall be unlawful for any person to maintain or place any barge-type craft on Lake Athens which is not supported by polyester foam floatation units, unsinkable drums, metal pontoons, or fiberglass pontoons permanently attached to the vessel. Barge type craft over twenty-eight (28) feet in length and fourteen (14) feet in width will not be permitted on the Lake. Such determination of said barges acceptability shall reside solely with the Authority.
- 11. BOATS.** All boats used on Lake Athens shall not exceed thirty (30) feet in length.
- 12. ABANDONED CRAFT.**
- a)** An Abandoned Boat shall be any boat that (i) is non-operable for a period of more than 60 days and not in a boat slip raised above water level, (ii) not maintain a current registration with Texas Parks and Wildlife Department for more than 12 consecutive months, or (iii) any boat that is sunken and resting on the bottom of Lake Athens.
  - b)** The Authority may take into custody any abandoned boat found upon the waters of Lake Athens or any public property immediately adjacent to Lake Athens. When any abandoned boat shall be taken into custody under the authority of these rules, the Authority shall notify within ten (10) days thereof, by certified mail, return receipt requested, the last known registered owner and all lienholders of record that the boat has been taken into custody. The notice shall describe the boat by size, color, and general description and shall set forth the location of the facility where the boat is being held, and shall further inform the owner and any lienholder of their right to reclaim the boat within thirty (30) days after the date of the notice upon payment of all towing, preservation, and storage charges resulting from placing the boat in custody and upon paying the required registration and inspection fees as may be required by these rules. The notice shall further state that the failure of the owner or lienholder to exercise their right to reclaim the boat within the time provided shall be deemed a waiver by the owner and all lienholders of all right, title, and interest in the boat and their consent to the sale of the abandoned boat at a public auction.
  - c)** If the identity of the last registered owner cannot be determined, or the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one publication in a newspaper of general circulation in Henderson County, Texas shall be sufficient to meet all requirements of notice pursuant to these rules. Such notice by publication may contain multiple listings of abandoned boats. Any such notice shall be within the time requirements prescribed for notice by registered or certified mail and shall have the same contents required for notice by registered or certified mail.
  - d)** If an abandoned boat has not been reclaimed by the owner or lienholder as provided for herein, the Authority shall sell the abandoned boat at a public auction. The purchaser of the boat shall take title to the boat free and clear of all liens and claims of ownership, shall receive a sales receipt from the Authority, and shall be entitled to register the purchased boat as provided for herein. From the proceeds of the sale of an abandoned boat, the Authority shall reimburse itself for the expenses of the auction, the cost of towing, preserving and storing the boat which resulted from placing the abandoned boat in custody, and all notice of publication incurred pursuant to these rules. Any remainder from the proceeds of a sale shall be held for the owner of the boat or entitled lienholder for ninety (90) days, and then shall be

deposited in a special fund which shall remain available for payment of auction, towing, preserving, storage, and all notice and publication costs which result from placing other abandoned boats in custody whenever the proceeds from a sale or such other abandoned boats are insufficient to meet these expenses and cost.

**e)** In the event there are no other purchasers of the boat at a public auction held pursuant to these rules, the Authority shall be entitled to enter a bid for the purchase of said boat. Such purchase price shall be offset against the accrued cost of conducting the auction, towing, preserving, storage, and all notice of publication costs incurred, and any disposal of same, including the destruction thereof, as may be proper under the circumstances. Any balance that remains after such offset shall be a penalty against the owner of the boat, assuming such owner is also an owner of property which is adjacent and contiguous with lands owned by the Authority at elevation 448' Mean Sea Level.

**13. BUOYS.** The Authority will install on the Lake, marker buoys for the designation of restricted areas and for navigational aids. Buoys are safety or warning devices and it is a violation of the laws of the State of Texas and Rules and Regulations of the Authority for any person to move, remove, tamper with, willfully damage, or anchor a craft to any buoy. It shall be unlawful for any person to place a buoy on the Lake, except for the designation of a diving operation.

**14. RESIDENCE.** No boat on Lake Athens shall be used as a temporary or permanent residence for any person.

**15. WAKE.**

**a)** No wake zones are areas of Lake Athens, marked with white navigational buoys, where all vessels shall operate at speeds no greater than headway speed.

**b)** Headway speed is defined as a slow, idle speed, or speed only fast enough to maintain steerage.

**16. AIRBOATS.** Airboats are prohibited on all parts of Lake Athens.

Water Authority, emergency, and vessels on official State of Texas business are exempt from this article.

**ARTICLE 4: FISHING**

**1. COMMERCIAL FISHING PROHIBITED.** No person shall engage in commercial fishing of any kind, upon Lake Athens. No person shall use or operate a boat of any kind or description in the waters of Lake Athens for the purpose of catching fish and taking fish or game for market or sale.

**2. FISHING PROHIBITED IN SWIMMING AREAS.** It shall be unlawful for any person to fish within fifty (50) feet of any area, portion, or area of the waters of Lake Athens which have been restricted for swimming.

**3. FISHING PROHIBITED NEAR WATER INTAKE.** It shall be unlawful for any person to fish within two hundred (200) feet of the Authority's water intake on Lake Athens.

**4. OTHER STATUTES APPLY.** All federal and State fishing laws and statutes shall apply on Lake Athens.

**5. TROT LINE.**

**a)** Fishing with a non-metallic trot line not over one-hundred (100) feet in length containing not more than 25 hooks will be permitted except in restricted areas providing that each trot line is marked with at least three white plastic floats at least 4 inches in diameter. No trot line shall be set closer than three-hundred (300) feet of any dock, boathouse, skiing, or swimming area.

**b)** Each trot line must have affixed thereto (by waterproof method) a tag with the owner's name, address, and telephone number, and the last date the line was placed in the Lake.

**ARTICLE 5: HUNTING**

**1.** There shall be no hunting of any type on Lake Athens or any property owned by the Authority, without prior consent.

**2. PENALTIES.** Any person who violates any provision of this article shall be deemed guilty of a Class A misdemeanor and may be charged with a State jail felony, depending on the activity.

**ARTICLE 6: ATHENS MARINA AND BEACHES**

**1. THE ATHENS MARINA.** The Athens Marina's operating hours shall be set by the Marina Concessionaire, in accordance with the Master Lease agreement with the Authority. The Concessionaire reserves the right to regulate ingress and egress to the Marina and beaches at the times solely determined by the Master Lease agreement.

**2.** It shall be unlawful for any person to operate or drive any motor or other vehicle upon Athens Municipal Water Authority property (excepting the waters of Lake Athens) at speeds in excess of ten (10) miles per hour.

**3.** No person shall set up any type of temporary residence on Athens Municipal Water Authority property exceeding fourteen (14) days within any six (6) month period, except as may be specifically authorized by the Board.

4. Parking is allowed in designated areas only. Parking is expressly prohibited on unimproved areas below the 448 feet msl, except for emergency and Authority personnel.
5. Littering and dumping are strictly prohibited on all Authority property.
6. No overnight camping is permitted on Authority property, including the area adjacent to the Lake Athens public boat ramps, under any conditions.
7. The Authority provides a dumpster at the marina for recreational visitors to Lake Athens only, at the discretion of the Authority. Other regulations for dumpster use include
  - a) digging or scavenging is prohibited
  - b) prohibited items include flammable or toxic materials, household trash/yard waste, electronics, furniture/appliance, auto batteries, and construction debris
  - c) empty boxes must be broken down
  - d) no parking in front of dumpster
  - e) do not overfill dumpster.

There is a \$200.00 fine, per occurrence, for violations of the Rules & Regulations stated in this Article.

#### **ARTICLE 7: INTRODUCTION OF FISH, SHELLFISH, OR AQUATIC PLANTS INTO LAKE ATHENS**

1. No person may place any species of fish, shellfish or aquatic plant into the waters of Lake Athens.
2. This article does not apply to native, nongame fish, as defined by the Texas Parks & Wildlife Department. This article also does not apply to employees of the Texas Parks and Wildlife Department or the Authority.
3. **PENALTIES.** Violations of this article may be prosecuted as Class C misdemeanor and are additionally subject to a minimum of \$1,000 civil restitution penalties, per offense. A second violation of this article will be prosecuted as a Class B misdemeanor, with a minimum \$2,500 civil restitution. All subsequent violations of this article will be prosecuted as a Class A misdemeanor, with a minimum of \$5,000 in civil restitution.

#### **8: ARTIFICIAL FISH HABITAT STRUCTURES**

1. An artificial fish habitat structure is any material, not naturally occurring in Lake Athens, that is installed in the waters of Lake Athens for the purpose of attracting preferred game fishes to a particular location.
2. The Authority will allow artificial habitats to be installed in the waters of Lake Athens, under the following provisions:
  - a) All artificial fish habitats must be listed as an example of a fish habitat structure currently being used by Texas Parks & Wildlife or its partners.
  - b) Each person or group may place two (2) artificial structures per year.
  - c) All artificial fish habitat structures must have an anchor made of a long lasting, non-pollutant material, such as concrete.
  - d) Each person or group will complete a Fish Habitat Structure permit, and have the permit be approved by a representative of the Authority. This permit will include the name and contact information of the person(s) installing the structure, composition and materials of the structure, and GPS coordinates of where the structure will be located.
  - e) The structure must be visually inspected by a representative of the Authority prior to installation.
3. If the composition and/or location of an installed artificial fish habitat structure does not match that of the permit, criminal and/or civil penalties may be assessed, as outlined in Article 13.

#### **ARTICLE 8: RESTRICTED AREAS**

1. **PROHIBITED AREAS.** Entry or use of the following restricted areas is prohibited:
  - a) Authority owned and operated outlet works, earthen dam embankment and private road traversing the length of dam embankment, spillway, stilling basins;
  - b) Land surface within five hundred (500) feet of earthen dam;
  - c) Water surface within one hundred (100) feet of the service spillway;
  - d) Any of the Authority's water production properties, including but not limited to Powder River Well Farm, Frank's Tract Well Farm;
  - e) Authority's boathouse;
  - f) No piers or boathouses shall be located within two hundred (200) feet of the raw water supply intake structures;
  - g) All recreational activities on the lake are prohibited within two hundred (200) feet radius from all municipal raw water supply intake structures.
2. **PENALTIES.** Any person who violates any provision of this article shall be deemed guilty of a Class B misdemeanor.

## **ARTICLE 9: ABANDONMENT OF PERSONAL PROPERTY**

Personal property shall not be left unattended, except in accordance with permits issued therefore. No responsibility whatsoever will be assumed by the Authority for any personal property and if such property is abandoned or unattended in places other than designated in a Permit issued therefore, or under any existing regulation, for a period in excess of forty-eight (48) hours, it may be impounded by the Authority. Upon impoundment, the Authority shall not be liable for the property's loss or destruction. If not reclaimed and an impoundment charge (if any) paid within ninety (90) days, it will be sold, destroyed, converted to Authority use or otherwise disposed of by the Authority.

## **ARTICLE 10: FIREARMS/EXPLOSIVES/WEAPONS**

- 1. FIREARMS AND EXPLOSIVES.** Rifles, pistols, firearms and explosives of any kind, including fireworks, are prohibited on Authority property.
- 2. OTHER WEAPONS.** It shall be unlawful for any person to possess, or discharge any bow and arrow, crossbow, spear, or any other archery equipment in, on, along, or across Lake Athens.
- 3. PENALTIES.** Any person who violates any provision of this article shall be deemed guilty of a Class A misdemeanor.

This article however shall not apply to law enforcement officers of the State of Texas or peace officers of the Authority or the City of Athens, or those conducting official business for the State of Texas.

## **ARTICLE 11: NOISE**

- 1. ON LAKE OR AUTHORITY PROPERTY.** Any persons on Lake Athens or on Water Authority property that make unreasonably loud, disturbing or unnecessary noise which causes distress or discomfort to persons of ordinary sensibilities, such noise is declared to be a nuisance and is prohibited.
- 2. MOTORS IN BOATS.** Any boats whose motors make unreasonably loud noise which causes distress or discomfort to persons of ordinary sensibilities is declared to be a nuisance and shall be prohibited from being operated on Lake Athens.

## **ARTICLE 12: 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.
- 3. 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.
- 4. 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 13: 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.