

ATHENS MUNICIPAL WATER AUTHORITY

Athens, TX

RULES & REGULATIONS CONCERNING THE QUALITY OF WATER AND USE & ENJOYMENT OF LAKE ATHENS

The following are the Rules & Regulations concerning the quality of water and use and enjoyment of Lake Athens as presented by the Athens Municipal Water Authority (the "Rules & Regulations"):

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.

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 adjacent property owner'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. 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. ~~Any person seeking to construct a pier or boathouse larger than the area allowed in this paragraph, must petition the Board of Directors for a variance approval.~~
 1. **LENGTH.** ~~-~~
 - a) A pier or boathouse located on Lake Athens may extend into the lake from the 440 msl. shoreline at full pool, a distance of 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.

~~c) 2. Any person seeking to extend a pier or boathouse more than sixty (60) feet from the shoreline, to obtain 48" of water depth at the end of same, when Lake Athens is at full pool, must petition the Board of Directors for a variance approval.~~

~~2.3. HEIGHT.~~ No boathouse shall be taller than a standard one-story structure, plus an open sun deck. If a second story open deck is to be constructed, 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~~ long-life expectancy. All materials located above the water line must have non-reflective surfaces.

~~3.5. 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 10' x 10', 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.

~~4.6. 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, ~~without a variance granted by the Board, as referenced in Section 14 of this Article.~~

~~5.7. 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.

~~6.8. 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*.

~~7.9. 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.

~~**FLOATING PIERS OR DOCKS.** A floating pier or boathouse is defined as a pier or boathouse that is not anchored into the substratum below the waters of Lake Athens. All floating docks, ramps or boathouses shall be of a manufactured polyethylene construction. Weight capacity shall be a minimum of 108 pounds per cubic foot and the structure shall meet or exceed Texas Parks & Wildlife specifications on structures used in State Parks.~~

~~9.~~ **10. PERMITTING PROCEDURE.**

- 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 of the pier or boathouse; 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) 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.
 - 5) A permit application fee as defined in Article 29, 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 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 its 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.

~~10.11.~~ **NUMBER.** There shall only be one pier or one boathouse per lot.

~~11.12.~~ **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.

~~12.13.~~ **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 ~~substantial~~ repair or alteration, a new permit ~~must be applied for same 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 to 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.

14. VARIANCES. Variances for the construction of piers and boathouses ~~may be granted by the Board of Directors. Any variance request shall require a written notification, with proof of delivery, to the adjoining property owners a minimum of 10 days prior, to any ruling by the Board of Directors. Such notification shall be to the all adjoining owners for variances affecting the size, length, materials, or height of a pier or boathouse. For a variance for the location of a pier or boathouse, a letter, from the affected property's owner, granting approval, will be required, in addition to a plat, from a licensed surveyor 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 a 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 granting of approval by the adjoining land owners, the decision of whether to grant or deny any request for a variance is solely that of the Authority's Board of Directors.

13-15. 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 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 ski within one hundred fifty (150) feet of any area on Lake Athens where such area is set aside for swimming, or within two hundred (200) feet of 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 4

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 water craft.
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.

† Water Authority and emergency vessels are exempt from this article.

**ARTICLE 5
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 in 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 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
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 8
SANITATION**

1. **APPLICATION FOR PERMIT.** No septic system 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 shall meet all requirements as provided by the Texas State Health Department 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 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 9 STRUCTURES

1. **STRUCTURES.** No structures of any type, whether

temporary or permanent, shall be permitted on Authority property other than piers, pavilions, fire pits, boathouses, fences, retaining walls, pumps, heat exchangers, and light poles, and no such structures 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 may be constructed between elevation 440 feet msl and elevation 448 feet msl, provided it does not exceed 244 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. 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 27.

ARTICLE 10 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 28.

**ARTICLE 11
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 12
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. **REVOCAION.** 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 13
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 submergible 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 27.

**ARTICLE 14
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 15
ABANDONMENT OF PERSONAL PROPERTY**

1. **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 16

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 25
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 a permit for a boathouse operates as consent by the landowner to such inspections.

ARTICLE 17

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 18

FIREARMS AND EXPLOSIVES

1. **FIREARMS AND EXPLOSIVES.** Rifles, pistols, firearms and explosives of any kind, including fireworks, are prohibited on Authority property. This provision 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 persons granted prior consent under Article 7.
2. **PENALTIES.** Any person who violates any provision of this article shall be deemed guilty of a Class A misdemeanor.

ARTICLE 19

ADVERTISEMENTS

1. **ADVERTISEMENTS.** 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 20

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 21

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 22

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 23 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. Dredging may occur only after a land use permit application is approved by the Executive Director, or its representative, as defined in Article 27.

ARTICLE 24 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.

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 27.

ARTICLE 25 FENCES, RETAINING WALLS, AND LIGHT POLES

1. **LOCATION.** No fences, retaining walls, or light poles of any type shall be allowed on Water Authority property, except those fences, retaining walls, and light poles which have been permitted by the Authority. The permitting process shall be in accord with the process set forth in Article 27.
2. **FEES.** The Authority may charge an annual fee for all fences, retaining walls, and light poles located upon Authority property.

ARTICLE 26 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 27 LAND USE PERMITS

1. A land use permit must be obtained for any action occurring on Authority property, as outlined in this document.
2. **PERMIT APPLICATIONS.** An applicant may file a land use application with the Executive Director, or its representative.
 - a) 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 the accompanying application fee (see Article 27). A complete land use permit may be submitted to the Executive Director, or its representative, for review.
 - b) 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.
 - c) 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.

ARTICLE 28

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. **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. Late fees may not be waived. For due date, please see [Article 29](#).
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

- b) 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 29

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 \$35.00 will be charged on all new installation and construction permits.
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 \$. 48 per linear foot at your property line (Elev. 448 feet msl), not to exceed five hundred (500) feet maximum or \$240.00.
3. **PIER, DOCK, BOATHOUSE, PAVILION, HEAT EXCHANGER FEES AND EXISTING BOAT LAUNCHES.** There is a minimum fee of \$32.00 for

each separate structure, regardless of its size. Additionally, if the structure contains more than 200 square feet, excluding walkways, then \$.16 per square foot for the excess shall be paid.

determination.

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	\$81.00
¾	H.P. Motor	\$124.00
1	H.P. Motor	\$162.00
1½	H.P. Motor	\$217.00
2	H.P. Motor	\$258.00
3	H.P. Motor	\$288.00
4	H.P. Motor	\$518.00
5	H.P. Motor	\$545.00

- 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 September 13, 2011 (“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 27 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 30

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 31

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