

COMMERCIAL FACILITIES ORDINANCE

REGULATIONS FOR COMMERCIAL FACILITIES
LOCATED ON RESERVOIRS OPERATED BY
TARRANT REGIONAL WATER DISTRICT, A WATER CONTROL AND
IMPROVEMENT DISTRICT

800 EAST NORTH SIDE DRIVE
FORT WORTH, TEXAS 76102
(817) 335-2491

AS ADOPTED BY ITS BOARD OF DIRECTORS

March 19, 2002

AN ORDINANCE ESTABLISHING REGULATIONS GOVERNING COMMERCIAL FACILITIES ON RESERVOIRS OPERATED BY TARRANT REGIONAL WATER DISTRICT, A WATER CONTROL AND IMPROVEMENT DISTRICT, FOR THE PURPOSE OF MAINTAINING PUBLIC ACCESS, USE AND SAFETY; PROTECTING WATER QUALITY, ESTABLISHING REGULATIONS RELATIVE TO THE LOCATION, CONFIGURATION, LIGHTING, SAFETY, CONSTRUCTION, SANITATION, POLLUTION CONTROL AND ELECTRICAL SERVICES OF COMMERCIAL FACILITIES; ESTABLISHING RULES AND REGULATIONS RELATIVE TO INSPECTIONS, LICENSES, PERMITS, APPLICATIONS, FEES AND INSURANCE FOR COMMERCIAL OPERATIONS; ESTABLISHING RULES AND PROCEDURES RELATIVE TO NONCOMPLYING FACILITIES, PROVIDING FOR THE SUSPENSION OR REVOCATION OF PERMITS AND LICENSES; PROVIDING FOR THE AMENDMENT OF THIS ORDINANCE; PROVIDING CERTAIN CIVIL AND MISDEMEANOR PENALTIES FOR THE VIOLATION OF THE TERMS OF THIS ORDINANCE AND ALSO ESTABLISHING THE JUDICIAL PROCESSES UNDER WHICH THIS ORDINANCE MAY BE ENFORCED; PROVIDING FOR THE ESTABLISHMENT OF PEACE OFFICERS FOR THE DISTRICT AND DEFINING THE POWERS OF SUCH OFFICERS; PROVIDING FOR THE LAWFUL PUBLICATION OF NOTICE OF THE ENACTMENT OF THIS ORDINANCE AND FIXING THE TIME AT WHICH THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT, AND MAKING FULL AND LAWFUL PROVISION FOR ADVICE TO THE PUBLIC AS TO THE TERMS AND PROVISIONS THEREOF.

ARTICLE ONE

Sections 1.01 Purpose

The purpose of this ordinance is to provide minimum standards for the operation and maintenance of Commercial Facilities on Reservoirs operated by Tarrant Regional Water District, a Water Control and Improvement District. (Hereafter referred to as "the District.") For such Reservoirs, these minimum standards are intended to protect public use, access and safety and to maintain good water quality consistent with Texas Natural Resource Conservation Commission standards.

ARTICLE TWO

Section 2.01 Definitions

Words used in this ordinance and not defined in this article shall have their ordinarily accepted meanings. For the purpose of this ordinance the following words and phrases shall have the meanings ascribed to them by this article:

1. Annual Operating License: A license issued by the District in consideration of an annual fee collected by the District after a commercial facility has been inspected and found to be in compliance with this ordinance. The annual license fee is valid for 365 days from the date of issuance.
2. Board, The: The Board of Directors of Tarrant Regional Water District, a Water Control and Improvement District.
3. Breakwater: A structure used to protect a marina facility, dock, harbor or beach from the force of waves and which includes a navigable passage through or around the structure.
4. Commercial Facility: Any water based facility for the commercial mooring, fueling, leasing or servicing of watercraft, including but not limited to, all structures, docks, leasing facilities, restaurants, breakwaters, piers, ramps and associated anchoring facilities. Commercial mooring, fueling, leasing or servicing of watercraft includes charges made by condominiums and homeowners' associations for rental of boat slips or boat storage and includes community docks.
5. Community Docks: Any dock or boat slip facility which is used exclusively by members of a development, property owners' association or multi-family residence complex.
6. Configuration: The relative arrangement of the separate parts of a commercial facility as herein defined.
7. Construction: To erect or install any structural, electrical or plumbing portion of a commercial facility, including preliminary dredging and clearing.

8. Construction Permit: A permit issued by the District after an application for such permit has been received and reviewed and the construction plans have been found to be in compliance with this ordinance.
9. Cove: A sheltered recess in the shoreline of a reservoir of less than 600 feet in width between parallel or converging shorelines.
10. District: Tarrant Regional Water District, a Water Control and Improvement District.
11. District General Ordinance: An ordinance enacted by the Board of Directors of the District establishing general administrative policy in regards to the following:
To afford protection of the lands, physical properties and improvements of the District;

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

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

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

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

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

Providing for certain licenses or permits, the fees to be charged therefor by the District, and further forbidding the performance of certain acts without the prior grant of licenses or permits therefor by the District. Declaring certain acts or the maintenance of certain conditions to be a malicious mischief or nuisance. Declaring the entry upon waters or grounds closed to entry by the District to be unlawful trespasses. Providing certain civil and misdemeanor penalties for the violation of the terms of this Ordinance and also establishing the judicial processes under which this Ordinance may be enforced. Providing for the establishment of peace officers for the District and defining the powers of such officers. Providing for the suspension or cancellation of permits or licenses, in the event that the holder thereof shall be guilty of violating the terms of such licenses or permits; also providing for the forfeiture of any fees which may have been paid by the licensee or penalties as consideration for the granting of the licenses or permits, as to which any such violation may occur. Providing for the lawful publication of notice of the enactment of this Ordinance and fixing the time

at which this Ordinance shall be in full force and effect, and making full and lawful provision for advice to the public as to the terms and provisions thereof.

12. District Inspector: A District employee with the duty of inspecting commercial facilities for compliance with this ordinance.
13. District Reservoirs: Either Lake Bridgeport, situated in Wise and Jack Counties, Texas; Eagle Mountain Lake, situated in Tarrant and Wise Counties, Texas; Marine Creek Lake, situated in Tarrant County, Texas; Cedar Creek Reservoir situated in Henderson and Kaufman Counties, Texas; or Richland-Chambers Reservoir, situated in Freestone and Navarro Counties, Texas, either one or all as the context may indicate.
14. Expansion: To increase the area of water surface occupied by the commercial facility.
15. Flotation Material: Extruded (closed cell) or foam bead expanded polystyrene foam encapsulated in a high quality protective coating.
16. Full Watercraft Storage Capacity: The maximum number of watercraft that can be accommodated at a commercial facility.
17. Flood Flowage Boundary: The contour elevation measured in feet above mean sea level elevation 668 feet upon the lands forming the margins of Eagle Mountain Lake, elevation 851 feet upon the lands forming the margins of Lake Bridgeport, elevation 320 feet upon the lands forming the margins of Richland Chambers Reservoir, elevation 325 feet upon the lands forming the margins of Cedar Creek Reservoir and elevation 715.2 feet upon the lands forming the margins of Marine Creek Lake.
18. Improvements: All structures, devices, contrivances, or artificially created objects placed, constructed or erected on land or water owned by, controlled by or under the jurisdiction of the District.
19. International Building Code (IBC): The 2000 International Building Code, as appended, amended or supplemented to the extent adopted in this ordinance. It is published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, CA 90601-2298.
20. International Fire Code (IFC): The 2000 International Fire Code, as appended, amended or supplemented to the extent adopted in this ordinance. This is published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, CA 90601-2298.
21. Lot: A parcel of land occupied or intended to be occupied, by a commercial facility and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as may be present. A lot may or may not be specifically designated as such on public records.

22. Main Body of the Reservoir: The portion of the reservoir formed along the original river channel and its major tributaries.
23. Marine Fuel Facility: A facility which provides fueling services for watercraft.
24. Modification: Any change, addition or alteration in the construction, substructure, flotation, anchorage, plumbing or electrical services of a structure other than routine maintenance.
25. National Electrical Code (NEC): The 1999 Edition, as appended, amended, or supplemented, to the extent adopted in this ordinance. This is published by the National Fire Protection Association, Batterymarch Park, Quincy MA 02269
26. Navigable Passage: A space that is a minimum of 40 feet wide and 10 feet deep to afford passage of watercraft.
27. Noncomplying Structure: Any structure licensed through this ordinance which following District inspection is deemed to be any of the following: dilapidated; in disrepair; generally a hazard to owners, occupants or the general public; impedes flood control, navigation or water quality and/or fails to comply with specifications mentioned through this ordinance.
28. Occupation of Water Surface: The location of any structure on the water surface.
29. One Hundred Year Flood Elevation: The flood peak elevation, based upon statistical data, which would have a one percent (1%) chance of occurring in any given year.
30. Person: Shall include the singular, the plural, male and female, partnerships, corporations, associations, groups, organizations, or an entity, and pronouns appropriate for the masculine singular shall include feminine and the plural.
31. PumpOut Facility: Any pump and hose combination used for the transfer of sewage from boats to an approved receptacle.
32. Occupant: Any person who has either from the District or from any other source of proper authority the right to use or occupy District land and water.
33. Shoreline: The extended point where the plane of the surface of the water stored in any of said reservoirs touches land, at whatever elevation this may occur at any given time.
34. Spill: Any amount of petroleum product or distillate, chemical or sewage that is unaccounted for in a handling system in excess of .05 gallons per hour or 1.2 gallons per day or any amount in excess of one (1) gallon which reaches the water during any time period, will constitute an improper release or spill.
35. Spillway Elevation: The contour elevation measured in feet above mean sea level at which the reservoir is at optimum capacity known as elevation 649 feet

upon the land forming the margins of Eagle Mountain Lake, elevation 836 feet upon the lands forming the margins of Lake Bridgeport, elevation 322 feet upon the lands forming the margins of Cedar Creek Reservoir, elevation 315 feet upon the lands forming the margins to Richland-Chambers Reservoir and elevation 687 feet upon the lands forming the margins to Marine Creek Lake.

36. Structure: Anything constructed or erected as part of a commercial facility, the use of which requires location on the water or attachment to something having location on ground which is covered by water.
37. Temporary Operating License: Commercial facilities in existence prior to adoption of this ordinance, (March 19, 2002) or constructed henceforth, which are or become noncompliant with the provisions set forth in this ordinance, must obtain a Temporary Operating License in order to operate while noncompliant items are corrected. The Temporary Operating License is valid for a term reasonably necessary to complete repairs but not to exceed one year. The fee for this Temporary Operating License is \$100.00.
38. Watercraft: Any boat, personal watercraft, raft, or device for floating upon the water in said reservoirs, which is not anchored or conditioned for remaining in one location.

ARTICLE THREE

MINIMUM STANDARDS AND CONFIGURATION

Section 3.01 Location and Configuration

- A. The District shall have sole discretion in determining how far a commercial facility may extend into the main body of a reservoir.
- B. No commercial facility shall extend into the waters of any of the District's reservoirs to such a distance that such would constitute a navigational hazard, a safety hazard, a flood control hindrance or occupy more than the following amount of surface:
 1. No commercial facility, at anytime, shall extend such a distance so as to preclude the maintenance of navigable passage of a cove. The facility shall not be within twenty (20) feet of the centerline between parallel or converging shorelines. The District reserves and shall have sole discretion in interpreting this provision.
 2. No commercial facility shall extend to a height of more than 35 feet above the surface of the water (measured perpendicular to the surface of the water at spillway elevation).

- C. Commercial facilities shall be located over property which is owned or leased by the commercial facility owner or operator.
- D. No commercial facility shall be nearer than twenty (20) feet to any property line of the lot or parcel of land on which the facility is located.
- E. Relocation or alteration of the configuration of commercial facilities will not be permitted unless special permission is granted by the District.

Section 3.02 Lighting

- A. All structures extending more than fifty (50) feet from the shoreline (measured perpendicular to the shoreline at any point) shall provide continuous and adequate lighting from thirty (30) minutes before sunset to thirty (30) minutes after sunrise each calendar day.
- B. A minimum of one (1) light station is required along each exterior side of a commercial facility, except that side which faces the shore. Some circumstances may require additional lighting as determined by the District in its sole discretion.
- C. If only one (1) light station, per exterior side, is required, the light station shall be on the end of the side of the structure farthest from the shoreline.
- D. The wiring method shall be one or more of the following:
 - 1. Rigid conduit.
 - 2. Seal-tight flexible conduit with appropriate fittings and boxes.
 - 3. Direct-burial UF cable, in protected areas.
- E. The lighting requirements set forth in this section shall not be deemed to prohibit use of additional lights so long as the minimum requirements are met; provided no lights shall be so placed on any such structure as to cast beams of light outward from the structure in such a manner as to constitute a hazard to safe boating or a nuisance to the general public, as determined by the District in its sole discretion.
- F. Low voltage (24 volt or lower AC or DC) lighting may be used on commercial facilities. Low voltage lighting shall be wired in accordance with the NEC.
- G. Weatherproof lamp holders and weatherproof junction boxes shall be used for placement of the light fixtures at each light station.

Section 3.03 Fuel Facilities/Environmental Requirements

- A. All commercial facilities shall comply with the International Fire Code, Section 2209, Section 79.910 and Section 79.911 (Marine Service Stations); Chapter 334

of the Texas Administrative Code and the National Fire Protection Association (NFPA) 30 A Code For Motor Fuel Dispensing Facilities and Repair Garages.

- B. Fire extinguishers of a minimum rating of 20 B:C shall be visible in convenient, accessible locations. All extinguishers shall be U.S. Coast Guard approved and maintained fully charged.
- C. Fuel storage areas shall be clearly marked.
- D. Marine Fuel Facilities built after March 19, 2002 shall be isolated from mooring docks and shall be, if necessary, protected by adequate breakwater facilities.
- E. Fuel dispensing nozzles shall not be equipped with trigger locks.
- F. Underground Storage Tanks
 - 1. In all Underground Storage Tanks (UST) systems there must be the following: a shear/impact valve located under the dispenser, a solenoid valve located at the tank, a solenoid valve located near the dispenser and a circuit breaker or other switch which shall be located in accordance with the requirements of NFPA 30 A..
 - 2. In cases where the fuel lines leave the shoreline (at spillway elevation), such as on a dock, there will be a two way shear/impact valve located at the point where the line leaves the shore.
 - 3. In UST systems with a submersible pump located in the tank, there will be a leak detector located in the line at the tank before the dispenser.
 - 4. In the UST systems where the line does not grade back toward the tank, a permit is required from the Texas Natural Resource Conservation Commission to operate such fuel lines at less than minimum slope requirements.
 - 5. Tank fill ports will be located above the One Hundred Year Flood Elevation of the associated lake. (The dispenser for the tanks may be located below the One Hundred Year Flood Elevation).
 - 6. There must be a pullaway-type valve located in the flexible hose between the dispenser and the nozzle, as close to the nozzle as possible.

G. Above Ground Storage Tanks

- 1. In all Above Ground Storage Tanks (AST) installations there must be a berm surrounding the tank designed to hold 1.5 times the volume of the largest tank.
- 2. If the dispenser on the AST system is housed outside of the bermed area, there must be a solenoid valve or a manual disconnect/shutoff device on the line prior to the point at which the line leaves the berm.

3. In all fuel installations there must be a pullaway type valve located in the flexible hose between the dispenser and the nozzle, as close to the nozzle as possible.
4. Tank fill ports will be located above the One Hundred Year Flood Elevation of the associated lake. (The dispenser for the tanks may be located below the One Hundred Year Flood Elevation).
5. Product lines which are not located inside the bermed area must be pressure tested according to the guidelines set forth by the Texas Natural Resources Conservation Commission for underground storage tanks associated underground fuel lines and those results submitted to the District.

Section 3.04 Structural Requirements

- A. All structures shall comply with applicable portions of the International Building Code, excluding Chapter I-Administrative, and shall have structural integrity capable of withstanding prolonged exposure to wave action and high winds normally associated with District Reservoirs. Other applicable codes or engineering standards may be substituted, with prior District staff approval, provided those standards are equal to or higher than those required herein.
- B. All structures shall be securely anchored or moored at all times in such a manner that will insure stability and integrity during prolonged exposure to wave action and high winds normally associated with the District Reservoirs.
- C. All flotation must comply with all Local, State, and Federal regulations. Metal drums shall not be used as flotation material. Flotation material shall be securely affixed to the structure in a manner approved by the District and must be capable of withstanding prolonged exposure to wave action, UV rays or customary and foreseeable weather conditions. Flotation material for all commercial facilities shall consist solely of extruded (closed cell) polystyrene or foam bead expanded polystyrene that is encased in a high quality protective coating. Existing non-encapsulated polystyrene or styrofoam will be authorized until it becomes severely deteriorated and no longer serviceable in which case it will be replaced by extruded polystyrene or foam bead expanded polystyrene and in either case shall be encapsulated in a high quality protective coating.

Section 3.06 Sanitation and Pollution Control Regulations

- A. All commercial facilities consisting of 50 or more slips and capable of accommodating watercraft equipped with toilet facilities must have an approved, certified and functional holding tank pump-out facility.
- B. Disposal of watercraft sewage at commercial facilities shall be by discharge into a pump-out facility which has been approved and certified in accordance with Texas Natural Resource Conservation Commission regulations (Section 321.10 of the Texas Administrative Code). Certification shall be displayed per Texas Natural

Resource Conservation Commission regulation (Section 321.11 of the Texas Administrative Code).

- C. Disposal of sewage from pump-out facilities shall be by discharge into a private sewage facility approved by the District, the applicable city or county, or the State of Texas; or by discharge to a liquid-tight vacuum truck for disposal at a sewage facility which is licensed in accordance with the Section 321.13 of the Texas Administrative Code and constructed in accordance with the Texas Department of Health regulations; or for disposal at a sewage treatment plant operated under a valid permit issued by the Texas Natural Resource Conservation Commission.
- D. Commercial fuel facilities shall be designed, maintained and operated so as to prevent spillage or leakage of fuel and/or petroleum products into the District Reservoirs. All maintenance and repair of watercraft shall be performed in such a manner as to prevent the discharge of fuel, oil, sewage, or other pollutants into the waters of District Reservoirs. All application or removal of paint must be performed in a manner such as not to allow any paint or paint residue to enter into or onto the waters of District Reservoirs.
- E. If a spill occurs, the District shall be notified by the designated commercial facility operator as soon as possible and no later than 24 hours after the spill occurs. The notification shall include information as to the time of the spill, what was spilled, the cause of the spill, how much was spilled and what efforts have been taken to clean up the spill.
- F. On-site facilities shall be provided for the collection of any garbage and trash that might be generated at the commercial facility and arrangements for the timely removal of such collections shall be made by the commercial facility owner or operator.
- G. All boats accepted for storage that have not been previously inspected and approved by the District in accordance with the District's General Ordinance and which are of a size capable of containing toilet facilities must be inspected by the District. Marinas, within seventy-two (72) hours after entering into an agreement for the storage of such boat, or when the boat is first placed in a District Reservoir, whichever occurs first, (i) must notify the boat owner that such boat is subject to inspection and approval by the District; and (ii) must notify the District that such an agreement has been made or such a boat placed in a District Reservoir.

Section 3.07 Electrical Requirements

- A. The electrical services of a commercial facility shall be installed in accordance with Articles 553 and 555 of the National Electrical Code (NEC).
- B. All existing commercial facilities shall conform to all requirements of Article 555 of the NEC, including ground fault circuit interrupter protection; however, no open wire service shall be permitted.

- C. All overhead primary electric lines installed after the effective date of this ordinance shall be installed such that the ground level of the support poles is located at an elevation at or above the spillway elevation. The clearance of the conductor associated with any such line shall be as described in Articles 225.18 and 225.19 of the NEC.
- D. Underground and overhead primary electric lines shall be installed in accordance with the National Electric Code (NEC), and all surface mounted facilities shall be restricted to elevations not subject to frequent flooding. Proper operating safeguards shall be followed to assure that such circuits are de-energized when the surface mounted facilities are subject to inundation.
- E. A properly executed easement over the properties traversed shall be obtained from the appropriate property owner(s) prior to the installation of any primary line.
- F. The secondary service cable shall have at least two (2) full-rated grounding conductors, one of which shall be a non-current carrying grounding conductor.
- G. The attachment of the service cable to the floating structure shall be a design which allows flexibility under changing lake levels. The ground conductors shall be electrically bonded to all metal parts of the floating unit.
- H. These District requirements shall in no way be construed as relieving the persons utilizing such electrical services from employing sound and prudent judgment in the use, operation and maintenance of such facilities supplying electrical service.

ARTICLE FOUR

LICENSES, PERMITS AND INSPECTIONS

Section 4.01 General

All required licenses and permits shall be obtained, renewed and displayed in open view to the public by the owner of the commercial facility or by the owner's agent who shall be designated in writing to the District.

Section 4.02 Annual Operating License

- A. The Annual Operating License shall be required to operate a commercial facility on the water surface of District Reservoirs.
- B. The Annual Operating License may be issued by the District after:
 - 1. the required application has been completed and reviewed;

2. the commercial facility, after initial or subsequent inspections, is found to be in compliance with all applicable District regulations; and
 3. the required fee is paid.
- C. The District requires that all commercial facilities be maintained in a clean and attractive condition and appearance and requires that all commercial facilities maintain their operational facilities in a good and safe working condition, as determined by the District in its sole discretion. Commercial facilities failing to meet such standards will be classified by the District as noncompliant with the terms of this ordinance.

Section 4.03 Temporary Operating License

- A. Commercial facilities which become noncompliant shall obtain a Temporary Operating License within thirty (30) days after notification of noncompliance by the District.
- B. The Temporary Operating License is valid for a period specified by the District which shall approximate a reasonable time necessary for the facility to be repaired so as to come into compliance. This period shall not exceed one (1) year. The District may consider renewal of temporary operating licenses, provided it is satisfied in its sole discretion that the owner of a commercial facility is making reasonable progress toward completing the necessary repairs required for compliance.

Section 4.04 Construction Permits

- A. A construction permit shall be required prior to the construction of new commercial facilities or the expansion, modification, or reconstruction of existing commercial facilities on the water surface of District Reservoirs.
- B. A construction permit shall be required prior to any modification that will increase or decrease the square footage of a commercial facility.
- C. A construction permit shall be issued by the District after:
1. the required application has been completed and reviewed;
 2. the plans are found to be in compliance with all applicable District regulations;
 3. materials to be used in the construction have been approved by the District;
 4. the required fees have been paid; and

5. the requirements of Section 5.02.B of this ordinance calling for Public Notice have been met.
- D. The construction permit shall be prominently displayed at the construction site.
- E. The construction permit is non-transferable.
- F. The requirement of a construction permit under this Section 4.04 may be waived by the District's staff if, in the sole discretion of the staff, the proposed expansion, reconstruction, alternation, modification, renovation or addition is not significant.

Section 4.05 Suspension or Revocation of Permits and Licenses

- A. A license or permit issued under the provisions of this ordinance may be suspended or revoked whenever one or more of the following has occurred:
 1. the license or permit has been issued on the basis of incorrect information;
 2. the licensed or permitted facility is in violation of this ordinance or any other local, state or federal regulation or law;
 3. the licensee or permittee has failed to pay the required fees;
 4. construction recommendations resulting from inspections by the District Inspector have failed to be implemented;
 5. the licensee or permittee has failed to provide entry to a District Inspector;
 6. the licensee or permittee has failed to cease work upon receipt of a Stop Work Order; or
 7. the licensee has permitted illegal operations on the premises or allowed activities which are morally or sexually offensive to persons of ordinary taste and judgment.
 8. Construction work has not been done in accordance with construction plans and specifications or this Ordinance.
- B. No license will be revoked without a hearing. The licensee whose license is proposed to be revoked will be given no less than seven (7) days' written notice of a revocation hearing before the District staff. If, after such hearing, the license of such licensee is suspended or revoked by the staff, the licensee may appeal any suspension or revocation of the license to the Board of Directors of the District by giving written notice to the General Manager of such desire to appeal within seven (7) days after the staff's decision to suspend or revoke the license. The Board of Directors will address such an appeal within thirty (30) days following receipt of notice to appeal. The decision of the Board of Directors will be final. Upon final decision of the Board of Directors adverse to the licensee, if the license is

revoked, the commercial facility shall be removed from District property by the owner or the District at owner's expense.

Section 4.06. Inspections

- A. An inspection by the District of the commercial facility shall be performed prior to the issuance of any license or permit.
- B. An annual inspection of the commercial facility shall be performed by the District prior to the collection of annual fees or issuance of the annual operating license.
- C. Inspections of the construction site shall be performed by the District during the construction of any new commercial facility and during the expansion or modification of any existing commercial facility.
- D. A District Inspector may perform additional inspections without prior notice to owner or operator during the normal business hours of the commercial facility.
- E. The District may waive certain requirements of this ordinance if the inspection of the noncompliant item reveals that no hazard would result.
- F. Failure of a commercial facility owner, operator or construction contractor to proceed with the construction or repair of the commercial facility in accordance with construction plans approved by the District and in accordance with all of the terms and revision of this Ordinance, may result in the revocation of the construction permit or the charging of fees to compensate the District for additional time expended by District personnel reviewing such construction project caused by such failure to proceed in accordance with the construction plans and/or this Ordinance. The purpose of such fees or revocation of the permit is to encourage the commercial facility owner, operator or construction contractor to proceed with construction in a satisfactory manner toward advancing the completion of the project.
 - 1. If the District determines that the construction is not proceeding in accordance with the construction plans or in accordance with the terms of this Ordinance, the District will give the commercial facility owner, operator or construction contractor written notice of such determination and the commercial facility owner, operator or construction contractor will have five (5) days in which to comply with the construction plans and/or this Ordinance before any fee is charged or permit revoked.
 - 2. The fee charged, if any, will be a maximum of \$25.00 per visit per inspector or as set by the Board of Directors periodically.

ARTICLE FIVE
APPLICATIONS

Section 5.01 General

Applications for a permit or license to construct or operate a commercial facility shall be submitted, in writing, to Tarrant Regional Water District, Manager, Real Property Department, at 800 East North Side Dr., Fort Worth, TX 76102, prior to operation or construction of new facilities and/or expansion or modification of any facility.

Section 5.02 Applications

A. Any application for Temporary Operating License, Annual Operating License or Construction Permit shall include the following information:

1. full description of the proposed facility, including services to be offered;
2. proof that the commercial facility owner/operator has control by ownership or lease of the property contiguous to which the facility is\will be located;
3. drawings, to approximate scale, indicating the location and configuration of the facility at the design elevation;
4. construction plans and specifications;
5. complete plans fully describing all sanitation and waste control facilities and apparatus;
6. calculations indicating the amount of water surface in square feet, occupied by the facility; and
7. any additional information or documentation requested by the District that is directly related to the proposed facility.

B. An applicant for the construction of a new commercial facility or major addition or improvement to an existing commercial facility must have published public notice of the application.

1. When the District has determined that the application is complete and in compliance with these regulations, the District shall publish public notice of the application at applicant's expense.
2. Notice of the application shall be published by the District once each week for two consecutive weeks in a newspaper of general circulation for the county where the facility will be located. The applicant shall file with the

District proof of publication prior to the granting of a permit. The published notice shall contain the following:

- a) popular name, location and owner of the proposed commercial facility;
 - b) a short description of the proposed project; and this statement, "interested persons may inspect this application at the Administrative office of the District."
3. A major addition, as stated above, will encompass any additional construction to an existing commercial facility that will result in the required installation of a pump-out facility.
- C. Any person may oppose the issuance of a construction permit to an applicant under this section by a written notice of protest to the District. No notice of protest will be considered if received by the District more than twenty-one (21) days after the day of the first publication of the required notice in the newspaper.
- D. A public hearing will be scheduled upon receipt of any written protest of any commercial facility construction permit application.
1. This hearing will be conducted by District staff.
 2. The decision rendered as a result of the hearing will be based upon verbal and written submissions.
 3. Notice of the District's intent to hold a public hearing will be published by the District once each week for two consecutive weeks in a newspaper of general circulation for the county where the facility is or will be located. A short description of the proposed project will be contained within the notice.

ARTICLE SIX

FEES

Section 6.01 Fees

- A. The Board shall periodically establish fees for the use of the surface of the water of District Reservoirs for the location of private and public commercial facilities. As a minimum, these fees shall cover the costs incurred by the District in the administration of this ordinance.
- B. The Fees established by the Board in accordance with this ordinance shall be additional to any lease fees associated with the use of any District property over which the commercial facility is located.

- C. All required fees shall be paid prior to issuance of any permit unless an alternative payment schedule has been agreed upon in writing. The alternate schedule for payment of fees under Section 6.01, subsection E, item 2 will be quarterly payments in advance.
- D. Increases in fees adopted by the Board of Directors will become effective only as of March 1 of each year and licensees will be notified of such fee increases no later than August 1 of the preceding year.
- E. Fee structure:
 - 1. Annual Operating License - \$50.00, and
 - 2. Annual fee per square foot of occupied water space - \$.10 per square foot per year: and
 - 3. Temporary Operating License - \$100.00; and
 - 4. Construction permit - \$100.00
- F. Certain community docks may not be required to pay the annual square foot fee. See General Ordinance, Article XI(C).

ARTICLE SEVEN

INSURANCE

Section 7.01 Insurance

Each commercial facility shall maintain comprehensive general liability insurance in such amounts and on such terms as shall be required by the District from time to time. A certificate of insurance and a copy of the policy shall be furnished to the District annually, showing the District as an additional insured, and providing that such insurance may not be canceled without thirty (30) days written notice to the District.

- A. The minimum level of acceptable liability insurance coverage shall be \$100,000 per person and \$300,000 per occurrence.
- B. The minimum level of acceptable property insurance coverage shall be \$100,000.
- C. The maximum acceptable insurance deductible shall be \$25,000.
- D. The insurance company providing the above coverage must be acceptable to the District.
- E. Certain community docks may not be required to acquire insurance. See General Ordinance, Article XI (C).

ARTICLE EIGHT

NONCOMPLYING FACILITIES

Section 8.01 Noncomplying Facilities

Any facility existing on the effective date of this ordinance, or any amendment hereto, that is designed and/or operating in a manner not permitted by this ordinance shall be designated as a noncomplying facility.

- A. No such noncomplying facility shall be enlarged or altered except to redesign it in a manner permitted by this ordinance. Ordinary maintenance and repairs are permitted.
- B. Should such noncomplying facility be destroyed by any means to an extent of more than fifty percent (50%) of its replacement cost at time of destruction, it shall not be reconstructed except in compliance with the provisions of this ordinance.
- C. Should such facility be permanently moved for any reason, it shall thereafter comply with the provisions of this ordinance.
- D. Immediate hazards as determined by the District in its sole discretion, must be addressed within a time period to be determined by the District according to the severity and apparent danger of the hazard.
- E. Where special circumstances apply to any noncomplying facility which does not apply generally to others affected hereby, extensions of time may, in the sole discretion of the District, be granted for cases of undue hardship.
- F. A non-compliant item if changed to conforming, may not thereafter return to a previous, or be altered to, a non-compliant state.
- G. Closed commercial facilities will be required to comply with the insurance requirements under Article Seven of this ordinance. The facility will be inspected annually. Should the facility be deemed dilapidated or non-compliant by the District, it shall be brought into compliance within thirty days of notification by the District or be removed from the waters of the District at the owner's expense.

ARTICLE NINE

ADMINISTRATION AND ENFORCEMENT

Section 9.01 Right of Entry

- A. Whenever necessary, to make an inspection or to enforce any of the provisions of this ordinance, the District Inspector or his authorized representative may enter

any part of a commercial facility during normal business hours to inspect the same, but shall first present proper credentials and request entry. The District Inspector or his authorized representative may use any boat ramp or docking service without charge. If such entry is refused, the District Inspector or his authorized representative shall have recourse to every remedy provided by law to secure entry. Failure to provide access to a District Inspector shall be grounds for immediate revocation of any license or permit issued by the District.

- B. Names and addresses of all boat storage lessees shall be made available to the District by each commercial facility upon request by a representative of the District.

Section 9.02 Stop Work Order

Whenever any construction work is being done contrary to the provisions of this ordinance, the District Inspectors may order the work stopped by notice in writing served on any persons engaged in doing or causing such work to be done. Failure to cease work upon the receipt of a Stop Work Order shall be grounds for immediate revocation of any license or permit issued by the District.

Section 9.03 Amendments

- A. The Board may amend any provision of this ordinance wherever it is necessary in order to further the intent of this ordinance or for any other reason deemed sufficient by the Board of Directors.
- B. The District staff may submit a request to the Board that certain general provisions of this ordinance be amended. The request shall be in writing and shall contain the reasons for such a request and indicate whether it conforms to the intent of this ordinance.
- C. All licensed commercial facility owners and operators will be notified of any proposed amendment to the Ordinance and will have the opportunity to comment on such proposed amendment prior to its adoption by the Board of Directors.

All provisions of this Ordinance not imposing a penalty for the violation thereof shall instantly be in full force and effect; however, those provisions thereof which provide penal penalties shall remain in suspense until the sixth day next after the appropriate officers of this District shall have caused substantive statements of all the penal provisions hereof to be published once a week for two consecutive weeks in one or more newspapers with general circulation in the area in which the property of the District is located; all to be done in manner and substance as provided by Chapter 340 of the General and Special Laws enacted by the 44th Legislature of Texas, at its Regular Session, now appearing as Sections 51.129, et seq., of the Texas Water Code, as amended. All current license holders will be notified by certified mail.

Section 9.04 Relationship to Other Laws

All regulations and ordinances for the governing of commercial facilities on District reservoirs previously adopted by the District are repealed as of the time this Ordinance becomes effective. Whenever regulations or restrictions imposed by this ordinance are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule, or regulation, the regulations, rules or restrictions which are more restrictive or which impose higher standards or requirements shall govern.

Section 9.05 Severability

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 9.06 Effective Date

This ordinance shall become effective on March 19, 2002.

Section 9.07 Violations of this Ordinance.

- A. 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.

- C. In addition to penal fines and penalties, failure to abide by any of the rules and regulations contained herein shall be punishable by a Civil Penalty of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00). The penalty hereby authorized shall be in addition to any other penalties provided by the State of Texas. The District shall also be entitled to all available and applicable equitable relief, including but not limited to writs of injunction.

Section 9.08 Enforcement

The Board of Directors of this District is authorized and empowered to contract for or employ peace officers. Each peace officer shall have the authority to enforce local laws and the laws of the State of Texas, the provisions of this Ordinance and any amendments hereto that may be adopted in accordance with the Texas Water Code and shall have all additional powers authorized by the Texas Water Code, the Texas Penal Code or any other law. Failure to obey instructions or warnings from all District officers shall be a violation of this Ordinance and punishable as provided herein in Section 9.07. A peace officer who arrests and or issues a citation to a person for a violation of this ordinance may deliver to the alleged

violator a written notice to appear, within 15 days after the date of this notice, before a Justice of the Peace Court having jurisdiction of the offense. The person arrested or cited shall sign the notice to appear, promising to make an appearance in accordance with the requirements set forth in this notice. After signing the notice, the arrested person may be released. Failure to appear before the Justice Court having jurisdiction constitutes a violation of the District regulations. A warrant for the arrest of the person failing to appear may be issued.

Section 9.09 Amended References

Any code or regulation cited or referenced in this ordinance shall be considered as it may hereafter be amended and revised.

Section 9.10 Present and Future Lakes

All provisions of this Ordinance shall be applicable to any and all lakes or reservoirs constructed, operated or maintained by Tarrant Regional Water District, a Water Control and Improvement District, whether now in existence or hereafter constructed.

As evidence of the enactment hereof on the 19th day of March, 2002,

WITNESS:


George W. Shannon, President

ATTEST:


Charles B. Campbell, Jr., Secretary