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General Ordinance

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CAPTION

An ORDINANCE enacted by the Board of Directors of Tarrant Regional Water District, a Water Control and Improvement District, ~~("District")~~, a political subdivision of the State of Texas, created under authority of Article XVI, Sec. 59 of the Texas Constitution, and operating under the powers and provisions of Chapter 31 of the Texas Parks and Wildlife Code, Chapter 340 of the General and Special Laws enacted by the 44th Legislature of Texas at its Regular Session, ~~now appearing as Sections 51.127, et seq., of the Texas Water Code,~~ as amended, and also under the general powers and provisions of Chapters 26, 49, 50 and 51 of the Texas Water Code, as amended. Declaring the general policy of the Ordinance and providing an aid to the interpretation of the provisions thereof, and enacted for accomplishing, among other purposes, the following purposes:

To afford protection of the 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 and other waters owned ~~and/or~~ controlled by or subject to the jurisdiction of the District;

To secure and maintain safe, sanitary, and adequate plumbing installations, connections and appurtenances as subsidiary parts of sanitary sewer systems;

To preserve the sanitary condition of all land and water 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 animals;

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 all bodies or streams of water, or any lands owned by the District, under body of land, or any easement to it, owned or controlled by it, or subject to the jurisdiction of, the District~~ or held under any right whatever;

To regulate privileges on any land, easement or property interest adjoining a reservoir, stream, creek, tributary, river or other property owned or controlled by or subject to the jurisdiction of the District, including prevention of activities on adjoining land, easements, watercourses or property interests that could adversely affect the purity of water in this state; and

To promote state or local economic development and stimulate commercial activity in the District.

Providing for certain licenses or permits, authorizing the General Manager of the District to create, set the amount of, and collect 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~~ or permits, in the event that the holder thereof shall be guilty of violating the terms of such leases, 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.

BE IT THEREFORE ENACTED AND ORDAINED BY THE BOARD OF DIRECTORS OF TARRANT REGIONAL WATER DISTRICT, A WATER CONTROL AND IMPROVEMENT DISTRICT

PREAMBLE

_____ This [Article Preamble](#) is deemed necessary for the purpose of furnishing aid to the interpretation of the provisions of the succeeding portions of this Ordinance. This general declaration of purpose shall not be deemed to be exclusive of other reasons for the specific provisions embraced in this Ordinance, but shall be deemed to be a statement of the most fundamental reasons which give rise to the enactment hereof. These most fundamental reasons are as follows:

(a) To protect the properties, works and improvements of the District against injury, interference with the efficient operation thereof, to preserve the same in efficient condition at the minimum of cost, and to protect the properties, waters, and marginal lands owned by the District against trespassers or persons who may go upon, interfere with or use the same in any manner detrimental to the public welfare.

(b) It is recognized that the water stored in the reservoirs owned and controlled by the District [and other waters subject to the jurisdiction of the District](#) must be protected as to the quality thereof to the end that the same may be suitable for human consumption and domestic purposes, and uses by the persons who may reside upon, camp upon, or desire to take water directly from said reservoirs [or other waters](#) for the satisfying of human or animal needs. This Ordinance is designed to effect such protection.

(c) It is recognized that said reservoirs [and other waters](#) will be utilized by the rightful users of the lands forming the margins thereto and as well by persons who may desire to go to or upon the water for boating, for special events, for fishing and for the purpose of hunting migratory waterfowls. It is realized that an uncontrolled exercise of these privileges by boaters, fishermen, and hunters might result in invasion of the lawful rights of the users of the marginal lands and might subject the public in general to indiscreet or harmful acts on the part of boaters, hunters and those desiring to take fish from said waters, and that such abuses should be controlled.

(d) It is also realized that this District, as a political subdivision of the State of Texas, acting for and on behalf of the State, has the duty to give cooperation to local, state and ~~Federal Governments~~[federal governmental agencies or departments](#), with reference to the enforcement of laws which now exist or may hereafter exist, whether local, state, or federal, enacted to control the taking or slaughtering of fish, [wildlife](#), and aquatic fowls. This Ordinance shall be liberally interpreted to the end that such cooperation may be effectively given.

(e) In view of the fact that use of the waters controlled by the District and the marginal lands owned or controlled by the District will be sought by persons who may desire to utilize said water or said lands for purposes of profit, upon a commercial basis, it is anticipated that these uses will give rise to the need for regulation, which would cast the expense of regulation upon the District, and it is essential that the District be given

the power to mitigate this expense by requiring payment of license or permit fees if deemed necessary by the District.

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

(g) ~~All regulations and ordinances for the governing of the District's lakes and lands~~The General Ordinance previously adopted by the District ~~are~~is repealed as of the time this revised General Ordinance becomes effective.

(h) It is recognized that the water stored in reservoirs owned and controlled by the District must be conserved and used in a manner that is not wasteful or excessive in order to ensure that adequate water supplies remain available for all current and future District customers, including municipal, domestic, commercial, and industrial users, as well as lakeside residents. This Ordinance is designed to effect such protection.

(i) It is further recognized that stormwater discharges may contain silt, sediment, sewage, hazardous waste, or other contaminants and/or adulterants that affect the purity, quality or sanitary condition of the waters owned or controlled by or subject to the jurisdiction of the District, and that the regulation of such discharges is a purpose of this Ordinance.

ARTICLE I: DEFINITIONS OF TERMS AND DEFINING CERTAIN VIOLATIONS OF THIS ORDINANCE

When used in this Ordinance, the following words and terms shall be defined as follows:

1. Abode: A Watercraft is considered to be a place of abode if ~~it is occupied~~a person occupies the Watercraft and engages in those usual and customary activities associated with a Person's residence abode, such as sleeping, preparation of meals, etc., for more than 14 consecutive nights or for more than 30 nights total in any 90 period in excess of fourteen (14) cumulative days in any sixty (60) day period.
2. Airboat: A shallow-draft Boat driven by an airplane propeller and steered by an airplane rudder, including hovercraft and other similar craft.
3. Boat: ~~Same definition as "A Watercraft",~~ as defined below.
4. Breach of License Regulations: The commission of any act or the maintenance of any condition (otherwise lawful) by any Person without first having procured from the District a license or permit for the commission of any such act in all cases as to which a permit or license is, or may be, required by the District as authorized by this

Ordinance and shall include the commission of any such act or the maintenance of any such condition after the expiration of the time limit fixed by any such permit or license, or violation of the terms of any such permit or license. Breach of license regulations is a violation of the Ordinance and is punishable as herein provided ~~in Article XVII.~~

5. Breach Of Theof the Peace: To inflict upon another Person bodily harm, in the presence of another Person; to deprive ~~him~~another Person of property lawfully in ~~hissuch Person's~~ possession or control, in the presence of another Person; to assert control over or injure any property then lawfully in the possession or control of any such Person; to commit any act which reasonably should be anticipated to produce bodily harm, or the fear of bodily harm, to any other Person; to commit any act which reasonably should be anticipated to produce injury to any property then lawfully in the possession of any other Person; to commit, say or act in any such manner as reasonably should be anticipated to provoke physical resistance on the part of the Person whose peace or rights may be affected or threatened; to threaten to commit any one or more of the foregoing acts; to encourage or aid another to commit any one or more of the foregoing acts; to disregard any lawful request of any peace officer or other lawfully constituted law enforcement officer; or to resist or interfere with any such officer ~~when he is~~ engaged in the lawful discharge of ~~his~~official duties; and, in addition thereto, or concurrently therewith, shall embrace those acts prohibited by SectionChapter 42 of the Texas Penal Code, as the same is or may be amended. ~~SaidThe~~ provisions of Chapter 42 of the Texas Penal Code shall be considered as part hereof. Breach of the peace is punishable as herein provided ~~in Article XVIII.~~
6. Commercial Activity: Any operation, action, or activity for which a fee, or other valuable consideration, is received in exchange for goods or services, including any facility which contributes directly or indirectly to the existence of a commercial operation.
7. Community Dock: Any dock, ramp, or boat slip facility which is used exclusively by members of a development, property owners' association, homeowners' association or multi-family residence complex.
8. District: Tarrant Regional Water District, a Water Control and Improvement District.
9. District Land or District Lands: All land owned by, controlled by, or under the jurisdiction of the District, including lands which are so located ~~and conditioned~~ as to cause them to drain to District Waters or the District's reservoirsFloodway polluting matter of a nature likely to be detrimental to the health of Persons who may use water furnished or conveyed by said ~~reservoirs~~Reservoirs, District Waters, or the Floodway and including all pipeline, flowage, and other easements held by the District. District Lands include all easement interests and rights-of-way owned or Controlled by the District.
10. District Officers: ~~All~~Officer: The General Manager, Deputy General Manager(s), Assistant General Manager(s), all Lake Supervisors, Lake Superintendents,

Reservoir Managers, Inspectors and District Peace Officers employed by the District, or any of their authorized designees.

11. District Peace Officer: A peace officer contracted for or employed by the District in accordance with Section 49.216 of the Texas Water Code and licensed under the provisions of the Texas Administrative Code, Title 37 - Public Safety, Part VII - Texas Commission on Law Enforcement Standards and Education, or any subsequent regulations adopted by the Texas Commission on Law Enforcement Standards and Education or any successor commissions or agencies.
12. District Water or District Waters: All Lakes, Reservoirs, rivers, creeks, streams, lakes, reservoirs, water courses, tributaries, sloughs, canals, watercourses, ditches, detention structures, and sump areas, including the Floodway, and all other bodies or accumulations of water, natural or artificial, which are owned or controlled by the District or located within its Service Area.
13. Drone: A powered aerial vehicle without an onboard human operator that can navigate autonomously or be piloted or controlled remotely.
14. Facility: Each and every structure, building, sign, pipeline, fence, or other improvement.
- ~~13.~~15. Floodway: Those lands and waters owned or controlled by the District in association with the flood control project along the West Fork Trinity River and Clear Fork Trinity River and their tributaries, including, without limitation, all levees, bypass channels, valley storage areas, sump areas, storm water mitigation or detention areas, canals, ecosystem restoration areas, gates, drains and other areas and improvements relating thereto or connected or operated therewith. The portion of the Clear Fork Trinity River within the boundaries of the Floodway begins upstream at the point where State Highway 183 crosses the Clear Fork Trinity River and continues downstream to the confluence of the Clear Fork Trinity River with the West Fork Trinity River immediately north of the downtown area of Fort Worth, Texas. The portion of the West Fork Trinity River within the boundaries of the Floodway begins approximately 1000 feet upstream of the point where Meandering Road crosses the West Fork Trinity River in Fort Worth, Texas, and continues downstream to approximately 1500 feet east of the point where the West Fork Trinity River crosses under the Beach Street overpass in Fort Worth, Texas.
- ~~14.~~16. Flood Flowage Boundary: The contour elevation measured in feet above mean sea level known as elevation 325 feet upon the lands forming the margins of Cedar Creek Reservoir, elevation 320 feet upon the lands forming the margins of Richland-Chambers Reservoir, 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 and elevation 715.2 feet upon the lands forming the margins of Marine Creek Lake.

- ~~15-17.~~ Forbidden Zone: Where not otherwise indicated, ~~will be understood to mean~~ any area upon ~~the lands or water owned or controlled by the~~ District Land or District Water into which or upon which the public in general may not enter after anytime at which the District may post signs or otherwise give ~~advice appropriate to constitute~~ notice as to a particular area being a ~~forbidden zone; and, said expression shall be further understood to include~~ Forbidden Zone; including any area of water within any of said ~~reservoirs~~ Reservoirs which may be defined by the placing of buoys or signs adequate as to give ~~advice as to~~ notice of the boundaries of any such Forbidden Zone, for all purposes, or some particular purpose, as the case may be. Entry into a Forbidden Zone is a violation of this Ordinance and is punishable as herein provided ~~in Article XVIII.~~
18. General Manager: The person employed by the District as its General Manager pursuant to the authority of Section 49.056 of the Texas Water Code, as amended, or his or her designee(s).
- ~~16-19.~~ Hazardous Waste: A liquid or solid that is listed by the Environmental Protection Agency (“EPA”) as a hazardous waste or exhibits the characteristics of ignitability, corrosivity, reactivity or toxicity as defined by the EPA.
- ~~17-20.~~ Headway Speed: The slowest possible speed at which a ~~watercraft~~ Watercraft may travel under power and maintain steerage.
- ~~18-21.~~ Improvement: 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 Land or District Water.
22. Inland Rules: The United States Coast Guard, Department of Homeland Security Inland Navigation Rules (33 C.F.R. 83.01 et seq.) and annexes thereto, as amended.
- ~~19-23.~~ Jurisdiction: Any body or stream of water, or any body of land, or any easement owned or controlled by, or subject to the jurisdiction of, the District.
- ~~20-24.~~ Lake Resident Water Conservation and Drought Management Plan: A Water Conservation and Drought Management Plan containing a combination of strategies designed to conserve water over the long-term in order to reduce the volume of water withdrawn from District ~~Reservoirs~~ Waters, to reduce the loss or waste of water, and/or to maintain or improve the efficiency in the use of ~~water from~~ District ~~Reservoirs~~ Waters. The Plan also includes a series of water management responses to temporary or potential water supply shortages that may occur as the result of drought conditions or other water supply emergencies. The rules and regulations contained in the Plan are applicable to all ~~lakeside~~ residents adjacent to any District Water withdrawing water from any such District ~~Reservoir~~ Water for irrigation or other purposes.
- ~~21.~~ Life Preserver: A Coast Guard approved device designed to buoy the body while in the water.

22-25. Malicious Mischief: Tampering without permission with any ~~improvement~~Improvement, Facility, water line, power line, structure, earthen embankment, telephone line, telegraph line, fiber optic line, ~~craft~~motor vehicle, Watercraft, fence, gate, gauge, warning device or any District contrivance. Malicious mischief also includes any act prohibited by Section 28.03 of the Texas Penal Code. and such section, as same is or may be amended, shall be considered as a part hereof. An act of Malicious Mischief is a violation of this Ordinance and is punishable as herein ~~provided in Article XVIII.~~

23-26. Nuisance: The commission of any act prohibited by the provisions of ~~Section~~Chapter 42 of the Texas Penal Code, as amended or to be amended. In addition to the definitions of ~~"nuisance"~~ as derived from the above ~~cited~~ ~~Section~~Chapter 42, the word shall be understood to include the commission of any act, having a continuing or enduring nature or the maintenance of any object, activity or condition which would: (1) impair the quality and sanitary condition of water stored or found in District Reservoirs, District Waters, or the District's reservoirs~~Floodway~~; (2) to create any hazard or obstruction to the properties, or unpermitted encumbrance of any District Land or District Water or water control devices and ~~structures~~Facilities owned and controlled by the District; (3) produce a hazard for the safe condition of properties and structures placed upon ~~the lands forming the margins of said reservoirs~~District Lands; (4) create hazards for any ~~craft or~~ improvement placed in, over or upon the water stored in the ~~District's reservoirs~~Reservoirs or flowing through the Floodway; or (5) produce fear of bodily harm to, or discomfort of, those persons who lawfully may be upon ~~the water stored by the~~ District Water or upon the lands forming the margins thereto. Further, the word ~~"nuisance"~~ shall include the commission of any act having an enduring effect or the maintenance of any condition which is forbidden by the succeeding provisions of this Ordinance, unless such act, or such maintenance shall have first been expressly authorized by the District. To cause a Nuisance is a violation of this Ordinance and is punishable by law as herein provided ~~in Article XVIII.~~

24-27. Occupant: Any Person who is using, occupying, or enjoying District Land or Water.

25-28. Parasail: A parachute or other type of apparatus used for hovering or gliding through the air behind a Watercraft.

26-29. Person: The singular, the plural, male, female, or otherwise self-identifying individuals, partnerships, corporations, associations, groups, organizations, or any other entity. Pronouns appropriate for the masculine singular shall include the feminine singular and the plural.

27-30. Personal Watercraft: A type of ~~motorboat~~motor-propelled vessel that is specifically designed to be operated by a Person or Persons sitting, standing, or kneeling on the vessel rather than in the conventional manner of sitting or standing inside the vessel.

28-31. Regulated Land: Land which is administered according to District rules and laws.

~~29-32.~~ Reservoir, Reservoirs, Lake or Lakes: Lake Bridgeport, situated in Wise and Jack Counties, Texas; Eagle Mountain Lake, situated in Tarrant and Wise Counties, Texas; Marine Creek Lake and Cement Creek Lake, situated in Tarrant County, Texas; Cedar Creek Reservoir, situated in Henderson and Kaufman Counties, Texas; and Richland-Chambers Reservoir, situated in Freestone and Navarro Counties, Texas, either one or all as the context may indicate, and includes earthen embankments, structures, dams, levees, machinery, devices and all other appurtenances which are provided by the District.

~~30-33.~~ Restricted Areas: An area of land or water marked by signs or buoys that restrict activity beyond that point. The type of restriction shall be stated on the signs and marker buoys.

~~34.~~ Service Area: The area within which the District provides raw water to customers as same exists from time to time. As of the date of adoption of this General Ordinance in 2020, the Service Area consists of all or parts of Jack, Wise, Parker, Denton, Johnson, Ellis, Tarrant, Kaufman, Henderson, Navarro and Freestone Counties.

~~31-35.~~ Sewage: Water which contains, or which has been in contact with, organic and/or inorganic contaminants such as human or animal wastes, vegetable matter, cooking fats and greases, laundry, hand and dish washing wastes and/or other chemical compounds and waste products.

~~32-36.~~ Shoreline: The extended point where the plane of the surface of the water stored in any ~~of said reservoirs~~ Reservoir or other body of District Water touches land, at whatever elevation this may occur at any given time.

~~33-37.~~ Spillway Elevation: The contour elevation measured in feet above mean sea level at which the Reservoir is at optimum capacity, currently known as elevation 649.1 feet upon the lands 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 of Richland-Chambers Reservoir and elevation 687 feet upon the lands forming the margins of Marine Creek Lake.

~~34-38.~~ Sunrise: The rising of the sun above the horizon at the time determined and published by the National Weather Service for a given date and location.

~~35-39.~~ Sunset: The descent of the sun below the horizon at the time determined and published by the National Weather Service for a given date and location.

~~36-40.~~ Tampering With Warning Devices: To deface, destroy, detach, render inefficient, move or remove any buoy, light, railing, sign, or other device, or part thereof, provided as a means of notice or warning, whether upon land or upon water, either by the District or by some Person having authority therefor from the District. Tampering with Warning Devices is a misdemeanor and is punishable by law as herein provided.

~~37.~~41. Toilet Facility: A disposal apparatus used to receive body waste on or within any Watercraft.

~~38.~~42. Trespass: (1) The entry into or upon any Forbidden Zone or unauthorized activity in any Restricted Area now or hereafter established and defined by the District; (2) opening any gate or crossing over, under or through any fence placed around or on any land owned by the District, regardless of the occupancy of said land; (3) going into any housed-in or fenced area, at, upon, or near to, any of the dams, levees, or earthen embankments owned by the District, which areas are hereby established as Forbidden Zones, without the posting of signs or other defining of such areas; (4) placing any manner of improvement in, under or upon ~~the water controlled by the~~any District Water or upon any ~~land controlled by it~~District Land, without first having the District's written evidence of assent thereto unless such improvement is authorized by other provisions of this Ordinance; (5) passing over any land forming the margins of ~~said reservoirs~~any Reservoirs without first having permission from the rightful occupant of any such land; (6) making any unauthorized entry into or upon any ~~improvement, watercraft, or~~Improvement, Watercraft, Facility structure, either in or upon the water in ~~said reservoirs~~the Reservoirs, or upon the land forming the margins thereto, when such lands are ~~owned or controlled by the~~ District; Lands; (7) the placing of any personal property, including any vehicles, equipment, building materials, trash, and/or refuse without District permission on any District Land where such personal property cannot readily be removed by the owner or custodian thereof in less two (2) hours, or (78) cutting, taking away, or burning timber upon any ~~land owned by the~~ District Land. Trespassing is a violation of this Ordinance and is punishable by law and as herein provided ~~in Article XVIII~~.

~~39.~~43. Watercraft: Any boat, ~~personal watercraft~~submarine or other submersible or semi-submersible vessel, Personal Watercraft, raft, or device for floating upon the water which is not anchored or conditioned for remaining in one location.

~~40.~~44. Wake: To operate a Watercraft in such a manner and speed so as to cause the waves from the Watercraft to crest.

~~45.~~ Warning Sign or Buoy: Any device used to notify any person of permissible or prohibited activities and to any device used to designate boundaries where certain activities or conduct is permitted or prohibited. Disregarding the rules or regulations stated on signs or buoys is a violation of this Ordinance and is punishable as herein provided.

ARTICLE II: DESIGNATED USE AREAS ON RESERVOIRS OF DISTRICT LAND AND DISTRICT WATER AND REGULATION OF ACTIVITIES IN, ON, UPON OR ADJACENT THERETO

A.

RESTRICTED USE AREAS

- A. The General Manager of the District is authorized to and may, from time to time, designate:
1. Areas of a Reservoir exclusively for swimming, fishing, water skiing, operation of ~~vessel~~Watercraft or Personal Watercraft or a combination of such or other or similar marine activities.
 2. Areas in which the operation of certain ~~vessels~~Watercraft, including Personal Watercraft, shall be prohibited or restricted or in which speed shall be restricted.
 3. Such Areas of District Land exclusively used for walking, running, hiking, biking, camping and/or launching Watercraft.
 4. Areas that restrict or allow the use of livestock, horses or pets (other than service animals).
 5. Areas that restrict the operation, use or parking of vehicles.
 6. The hours of use of specific venues.
 7. Areas for fire use, outdoor cooking or the prohibition thereof.
 8. Areas within or upon which other activities are prohibited, restricted or limited for safety, operational, sanitary or other reasons.
- B. The location of such areas shall be clearly marked by buoys in accordance with Title 31, Chapter 55, Subchapter G of the Texas Administrative Code or signs indicating the boundaries, limits and purpose(s) of such designation.
- C. No person shall engage in any activity in violation of such designated boundaries, limits or purpose(s).
- D. This section shall not apply to ~~vessels~~Watercraft owned or operated by the District, the Texas Parks and Wildlife Department, or any other governmental agency having jurisdiction and in the performance of ~~their~~ official duties.
- E. The General Manager of the District is authorized and may, from time to time, designate areas upon or around the ~~respective reservoirs~~Reservoirs or other District Water or District Land for public waterfowl hunting. A map showing such areas shall be posted at each Reservoir office.

B.

**REGULATION OF ACTIVITIES IN, ON, UPON, OR
ADJACENT TO DISTRICT LAND OR WATER**

- A. No Person may possess or transport to or from any District Water any exotic aquatic plant or animal listed as harmful or potentially harmful by the Texas Parks and Wildlife Department, including, without limitation, plants such as hydrilla, water hyacinth, and giant salvinia; fishes such as tilapia and Asian carps (grass, silver, and bighead carp); and zebra mussels. All Persons leaving or approaching any District Water shall drain all water from his or her Watercraft and on-board receptacles, including, without limitation, live wells, bilges, motors and any other receptacles or water-intake systems coming into contact with the water. No Watercraft may be placed in or on any District Water unless the Watercraft and any trailer for such Watercraft have been cleaned, drained and rinsed and either dried completely for no less than five (5) days or thoroughly washed with hot (at least 140 degrees Fahrenheit), soapy water using a high-pressure washer. Notwithstanding the foregoing, a Watercraft and its associated trailer used in a particular District Reservoir may be used in that same body of water without being dried or washed as provided above.
- B. No Person owning, controlling or operating any property on the Shoreline of any District Water shall allow, permit or suffer any vegetation (including trees), soil, rocks, or improvements (including retaining walls) or other material or tangible personal property to fall, slough into or intrude on or within any District Water. Any such Person shall remove any such material from District Water immediately and in no event later than seven (7) days after the District requests such removal at such Person's sole cost, risk and expense. Upon such Person's failure to timely do so, the District may cause such removal and such Person shall be liable to the District for the cost thereof.
- C. No Person shall operate, or cause to be operated, a Drone over any District Land or District Water which houses or contains any of the following:
1. A water intake structure or other structure or Facility for the transfer or conveyance of water;
 2. A pump station and related Facilities;
 3. A water storage tank;
 4. A balancing or other reservoir-office;
 5. A pipeline;
 6. A dam, spillway, or emergency spillway;

7. A supervisory control and data acquisition (“SCADA”) facility;

8. Communications Facilities, including cellular or radio towers;

9. A District law enforcement Facility; or

10. Any Facilities now or hereafter defined to be a “critical infrastructure facility” under Chapter 423 of the Texas Government Code or any similar state or federal law.

D. The General Manager is authorized to adopt and amend rules and regulations authorizing, prohibiting and providing for the installation, operation, maintenance, and removal of buoys on District Waters.

ARTICLE III: BOATING

A. Watercraft on District ~~reservoirs~~Waters shall be equipped and operated in accordance with the provisions of the ~~U.S. Coast Guard~~-Inland Rules, ~~as amended,~~ which shall apply to all District Lakes, Reservoirs, and ~~reservoirs~~District Water.

B. Watercraft on District ~~reservoirs~~Water shall be equipped and operated in accordance with the provisions of the Texas Water Safety Act, Chapter 31, Texas Parks and Wildlife Code; Texas Water Code, Title 2, Chapter 26; and Texas Administrative Code, Title 30, Chapter 321, Subchapter A, as amended, and other applicable law which shall apply to all District ~~lakes and reservoirs~~Waters.

C. In addition to the ~~U.S. Coast Guard~~ Inland Rules and the Texas Water Safety Act, the following rules and regulations concern the operation of Watercraft in or upon District ~~lakes and reservoirs~~Waters:

1. No Watercraft which ~~is deemed~~the District or other governmental agency having jurisdiction deems to be unseaworthy shall be permitted to operate on any District ~~lakes~~Water. The District shall bear no responsibility for the safe condition, proper design, or safe operation of any ~~boat or other craft~~Watercraft placed in or upon ~~the water controlled by the~~any District Water. All ~~craft and boats~~Watercraft must be properly documented by the United States ~~Government~~government or licensed by the State of Texas ~~and the certificate,~~ as applicable, with all certificates displayed as required by law.

2. No person shall operate or cause to be operated any Watercraft equipped with a motor or internal combustion, engine, regardless of whether such a motor or engine is temporarily or permanently attached to said Watercraft, on any ~~of the waters of the reservoirs~~District Waters, unless such motor or engine is equipped with an efficient muffler, in good working order and in constant operation so as to prevent excessive noise and ~~annoying~~ smoke. No ~~outboard~~ motor or internal combustion engine shall be deemed equipped with an efficient muffler unless the exhaust gases are discharged underwater or are so muffled

- as to be not noisier ~~or more annoying~~ than an internal combustion engine of like power equipped with an underwater exhaust. No inboard motor or internal combustion engine shall be deemed equipped with an efficient muffler unless the exhaust gases are condensed and silenced by the continuous circulation of water through the exhaust manifold, or are so muffled as to be not noisier ~~or more annoying~~ than when so condensed and silenced by water circulation through the exhaust manifold of an internal combustion engine of like power.
3. All Watercraft with an enclosure capable of containing a Toilet Facility are required to affix to the windshield of such Watercraft an inspection decal issued by the District. Such inspection decal will be issued by the District after inspection of the Watercraft docked or operated on ~~each~~ District ~~reservoir~~Waters at such times and places as may be established by the District, for which inspection a reasonable fee will be charged in such amount as may be set from time to time by the General Manager of the District. Notice of the inspection times and places shall be given to the owners of all affected Watercraft, either in person, by certified mail or by publication in a newspaper with general circulation in the locality of the Reservoir where the Watercraft is docked. ~~After the fifth day following~~Following the expiration of the period designated for the inspection of the Watercraft, no Person shall have located on nor shall operate on the Reservoirs of the District any Watercraft unless a valid decal of inspection is displayed thereon as required in this section. Failure of the owners of Watercraft to present such Watercraft for inspection at the times and places designated by the General Manager of the District and failure to display such decal while locating or operating Watercraft on District Reservoirs shall constitute a violation of this Ordinance and be punishable as herein provided ~~in Article XVIII.~~ A Justice of the Peace, at his or her discretion, may dismiss the charge of operating a Watercraft with an expired inspection decal if the defendant remedies this defect before the hearing to adjudicate such violation. No person shall display or cause or permit to be displayed any inspection decal knowing the same to be fictitious or issued for another Watercraft or issued without the required inspection having been made. No person may transfer an inspection certificate from one Watercraft to another without the permission of the General Manager of the District.
 4. No Sewage from ~~boats~~any Watercraft or ~~watercraft~~Toilet Facility may be emptied into District Waters. In addition, any Toilet Facility located on or within any ~~boat or other watercraft~~Watercraft operated or maintained upon ~~the waters of the~~ District Waters shall ~~have a valid permit issued by the District and~~ be a marine Toilet Facility having securely affixed to the discharge outlet a holding tank located on the ~~boat~~Watercraft, provided so as to meet the following specifications:
 - a. The holding tank shall be constructed so as to allow the removal of the sewage only by pumping to onshore facilities approved by the District.

- b. The holding tank shall be constructed of material which will withstand the corrosive effects of the Sewage and the disinfecting chemical used. ~~#Such holding tank~~ shall be so located as to minimize the possibility of rupture.
- c. The holding tank shall be properly vented to the outside of the ~~boat~~Watercraft in such a manner as not to defile the interior of the ~~boat~~Watercraft structure.
5. No Airboat shall be allowed in or upon any District ~~lake or reservoir~~Waters except by special permit ~~issued by the General Manager of the District~~.
6. No Watercraft in or upon District Waters shall serve as ~~a place of abode~~an Abode without the written permission of the General Manager.
7. Use of sirens ~~by watercraft~~or flashing or strobe lights by Watercraft with the exception of ~~boats~~Watercraft operated by District Officers or other law enforcement agencies is prohibited.
8. No Boats and other Watercraft shall ~~not~~ tow or pull by any means ~~parasails or parachutes~~any Parasail on any District Lake, Reservoir or ~~reservoir~~District Water except by special permit issued by the General Manager.
9. No occupants of any ~~boat~~Watercraft may position themselves to be on or to be hanging or dangling over the bow, stern, or sides of the Boat while the ~~boat~~Watercraft is ~~under way~~underway.
- ~~10.~~—The operators of ~~watercraft~~all Watercraft shall observe and obey ~~all wake signs and other warning signs and buoys~~.
- ~~10.~~ No boat~~each~~ Warning Sign or ~~watercraft~~Buoy.
11. No Watercraft shall pass under a bridge or highway overpass at a greater speed than ~~headway speed~~Headway Speed.
12. No ~~boat or watercraft~~Watercraft shall approach closer than 100 feet to any area designated as a Forbidden Zone ~~by the District~~.
13. No ~~boat or watercraft~~Watercraft shall approach closer than 100 feet to any other ~~boat or watercraft~~Watercraft at greater than ~~headway speed~~Headway Speed.
14. No ~~boat or watercraft~~Watercraft shall approach closer than 100 feet at greater than ~~headway speed~~Headway Speed to any designated swimming areas, ~~beathouse~~boathouses, docks, fishermen, ~~shorelines~~shorelines or buoy-marked lines except for launching and loading of such Watercraft.

15. No Person shall anchor, moor or otherwise attach ~~or moor a~~ Watercraft to any ~~permitted~~ buoy that is closer than 100 feet to any Shoreline, dock or boathouse ~~or that is designated as "non-anchor."~~
16. No Person controlling a Watercraft shall leave ~~the vessel~~ such Watercraft in ~~the water~~ any District Water without fastening it to an anchorage, either in the ~~water~~ District Water or upon the land, or the Watercraft must be removed from the water at a sufficient distance to give assurance that it ~~may~~ will not ~~be caused to~~ float away from its station because of rising or moving water or wind action.
17. Any Watercraft found abandoned or adrift in ~~a~~ District lake or reservoir, or Waters, any uninspected ~~watercraft thereon~~ Watercraft found on District Water, or any Watercraft not in use found not anchored or grounded in compliance with ~~Section~~ Subsection 16 of this Article, shall be deemed to be a derelict, and shall be taken by the District and the District shall have a lien thereon for all unpaid license fees therefor, and the expenses of taking, towing and ~~keeping~~ storing the same, which shall be done at the ~~owner's~~ risk of the owner of such Watercraft and without any liability whatever on the part of the District. Watercraft left unattended on District Water for more than thirty-six (36) hours shall be deemed by the District to have been abandoned. This provision does not apply to Watercraft properly secured in or at a permitted boat livery, marina, pier, dock, Community Dock, boathouse, barge or floating facility if the permittee of such facilities has granted permission for said Watercraft to be moored there. ~~Such watercraft~~ Abandoned Watercraft taken by the District shall be disposed of under the terms and provisions provided in Chapter 683 of the Texas Transportation Code for the disposition of abandoned motor vehicles. The District shall have all the rights and duties therein provided for a "law enforcement agency," such Watercraft shall be treated the same as therein provided and the owners of such Watercraft and of liens thereon, shall have all the rights and duties therein provided.

ARTICLE IV: ABANDONMENT OF PERSONAL PROPERTY

OTHER THAN WATERCRAFT

- A. No Person shall abandon personal property on ~~the Reservoir or on lands owned or controlled by the~~ District Land or District Waters.
- ~~B.~~ If personal property, including any motor vehicle, is left unattended for a period of more than ~~thirty-six (36)~~ forty-eight (48) hours on any District Land or District Waters, it shall be deemed to ~~have been~~ be abandoned. ~~This rule does not apply to facilities properly permitted under Section X.~~
- B. personal property. Abandoned personal property may be impounded by the District and held in the District's custody, or, at the District's election, may be impounded

by and held in the custody of another governmental or private entity. Such abandoned personal property may be reclaimed by the payment of ~~one dollar per day~~ the greater of actual storage fees ~~or twenty dollars (\$20.00) per day~~ plus all additional cost to the District which was costs incurred by the District in recovering the property from ~~a reservoir~~District Waters or ~~land~~District Land and moving it to the site for storage or by the payment of any fee or charge imposed by the governmental or private entity impounding and/or holding in custody such abandoned personal property.

- C. Abandoned personal property which has been impounded under Subsection B. above and which has not been reclaimed within ninety (90) days from the date of impoundment by the payment of the above specified charges, may be sold, destroyed or otherwise disposed of by the District or another governmental or private entity, in compliance with applicable law, including Chapter 683 of the Texas Transportation Code, without liability to the owner thereof, as the District or another governmental or private entity, in its sole discretion, deems appropriate with or without notice by the District.

ARTICLE V: WATER SKIING AND SIMILAR ACTIVITIES

- A. Boats and other Watercraft towing water skiers or others, and the water skiers or others themselves, may not approach closer than 100 feet to docks, Improvements, swimming areas, other Watercraft, fishermen or Shoreline.
- B. Personal Watercraft and water skiing and other similar activities are not permitted on Marine Creek Lake except in designated areas by special permit or other written authorization from the General Manager of the District.
- C. All Persons riding personal watercraft or operating Personal Watercraft, participating in wind surfing, skiing, aquaplaning or other similar activities, are required to wear a wearable personal flotation device of the sort prescribed by the commandant of the Coast Guard and approved as a Type I, II, III or V personal flotation device.

ARTICLE VI: SWIMMING

- A. No Person is permitted to wade or swim in any portion of District Waters located within 100 feet of ~~boat~~Watercraft launching areas, except within buoyed swimming areas.
- B. No ~~person~~Person swimming or wading in District Waters shall be at a distance of more than 100 feet from the Shoreline or the Watercraft such Person occupied unless accompanied by a ~~boat~~Watercraft, except within buoyed swimming areas.

C. Any Person swimming or wading in any District Waters shall comply at all times with any Warning Sign or Buoy and any other District rules or regulations applicable to such District Water or to the District park or other District Land where the Person entered the District Water.

ARTICLE VII: FIREARMS, EXPLOSIVES AND FIREWORKS

A. Except as provided in this section as to shotguns and bow fishing using Texas Parks and Wildlife Department-approved bow fishing equipment, no person may shoot, fire or discharge a firearm, explosive device, fireworks, pellet gun, BB gun, compound bow, crossbow, longbow, slingshot, or any other impact device in, on, across, or along any District reservoirLand or landsDistrict Waters except by special permit issued by the General Manager of the District.

~~B. The use of shotguns with steel shot is allowed when used in the hunting of waterfowl during the season open to such hunting and upon District lands and waters located below spillway elevation at each respective reservoir and designated for such public hunting.~~

~~C. No firearms, fireworks or explosives of any type shall be permitted on Marine Creek Lake or surrounding lands.~~

~~D. B. _____ Commercial fireworks may be discharged only by special permit or other written authorization of the General Manager of the District and other fireworks may not be used ~~in a dangerous manner~~ over District landsLand or water.~~

~~This section does not apply to District peace officers or other representatives of the District or the Texas Parks and Wildlife Department in the discharge of their official dutiesWater.~~

ARTICLE VIII: HUNTING

~~All All federal and state laws and all rules and regulations established by the Texas Parks and Wildlife Department regarding hunting shall apply to District land, lakes and reservoirs, where firearms are permittedLands and District Waters.~~

The use of shotguns is only allowed when used in the hunting of waterfowl during the season open to such hunting and only upon District Lands and District Waters expressly designated for such public hunting by the District and located below Spillway

Elevation at each Reservoir. When the use of shotguns is allowed, only steel shot may be used. No Person may use lead shot at any time on any District Land or District Water.

ARTICLE IX: FISHING

All All federal and state laws and all rules and regulations established by the Texas Parks and Wildlife Department regarding fishing shall apply to District ~~lakes,~~ ~~reservoirs~~Waters and ~~watercourses~~District Land.

ARTICLE X: IMPROVEMENTS ON DISTRICT PROPERTY

- A. It is unlawful to construct, place or operate any Improvement or Facility of any type on ~~land~~District Land or ~~water~~District Waters, or to excavate or place fill materials therein, ~~below spillway elevation on Lake Bridgeport and Eagle Mountain Lake, and at or below the flood flowage boundary on Cedar Creek Reservoir and Richland-Chambers Reservoir, or on any land or water regulated or controlled by the District,~~ unless an application has been submitted to the District and a written permit or other written authorization has been granted therefor by the General Manager of the District. Permits or other written authorizations are also required for any additions and/or modifications to such Improvement or Facility permitted by the District. Application for and acceptance of a permit shall constitute the permittee's acceptance of and consent to the provisions of this General Ordinance. The District's Residential Improvement Permit Guidelines are incorporated herein, and made a part hereof, as the Guidelines now exist or are hereafter amended. The General Manager of the District is hereby authorized to promulgate, adopt and amend such Guidelines, provided that, notwithstanding the foregoing or any other provisions hereof or any separate guidelines, the issuance of all permits shall lie within the sole discretion of the District. By issuing any written permit or other written authorization allowing the construction or modification of any Improvement or Facility on District Land or District Waters, the District does not assume any responsibility or liability with respect to the issuance of any such permit or other authorization or with respect to the design of such Improvement or Facility. All Improvements constructed on District Land or District Waters shall be constructed and maintained at the sole risk and expense of the Person constructing such Improvements or such Person's successors and assigns and the District shall not be liable for any damages to, loss or replacement of such Improvements.
- B. Any wharf, dock, boat house or other such structure which is deemed dilapidated or abandoned by any District Officer or any other authorized District personnel shall be repaired by the owner thereof so as to meet District standards or the permit for same may be revoked and such structure shall be demolished or removed by the owner or the District at the owner's expense.

- C. Any raw water intake for a purpose other than the irrigation of a shorefront single-family residence requires a permit and water use contract with the District.
- D. Fuel pumping facilities are not allowed on any noncommercial Facility, or any Watercraft.
- E. District Officers have the right to inspect any Facility constructed on or over District Water or District Land at any reasonable time.
- F. All permits for the placing of structures ~~on land or water owned or~~ tangible personal property on District Land or controlled by the District Water shall be revocable by the General Manager of the District whenever the structure has become (1) dilapidated or unsightly, (2) in violation of this Ordinance, (3) a hindrance to the operation of ~~the District's lakes or reservoirs, or~~ District Waters, (4) a nuisance Nuisance or (5) a hazard to navigation. The District may remove all such structures at the owner's expense after revocation of the applicable permits.
- G. Failure of a permittee to proceed with the construction or repair of ~~the improvements~~ improvements or the placement of tangible personal property in accordance with the permit issued by the District or failure of the permittee to comply with any of the other terms and conditions of the permit constitutes a Breach of License Regulations and may result in the revocation of the permit and/or a penalty for violation of this Ordinance as provided herein ~~in Article XVIII. if.~~ If the District determines that the construction of the Improvements is not proceeding in accordance with the permit issued by the District, the District will give the permittee written notice of such determination and permittee will have at least five (5) days in which to comply with the permit before the permit is revoked. The District may charge the permittee any fees necessary to compensate the District for time expended by ~~the~~ District personnel in visiting the site to inspect the construction of the ~~improvements~~ improvements or other activities if the District determines that construction ~~is~~ or activities are not in accordance with the permit. The District reserves the right to remove the ~~improvement~~ improvement or property at the owner's expense.
- H. ~~H. Any improvement~~ The General Manager of the District may, from time to time, adopt or facility amend any rules, codes, policies, or other standards governing or otherwise pertaining to the construction or maintenance of any Improvement, tangible personal property or Facility located on, in, under or over District Land or District Water.
- H.I. Any Improvement or Facility existing on the effective date of this Ordinance or any amendment hereto, which was authorized or approved by the District that is designed and/or operating in a manner not permitted by this Ordinance shall be allowed to remain on District property Land or District Water, as the case may be, until further order of the District. ~~However, it, provided, however, such noncomplying or non-permitted Improvement or Facility~~ will be designated as a noncomplying facility. Noncomplying Facility. Noncomplying Facilities are subject to the following:

1. In the District's sole discretion, a Noncomplying Facility may not be enlarged or altered ~~if it is determined that same will not adversely affect public safety, health or navigation. Ordinary~~ without obtaining a permit from the District for such enlargement or alteration. However, ordinary maintenance and ~~repairs~~ repair of a Noncomplying Facility is permitted.
2. Should a Noncomplying Facility be removed or destroyed by any means to the extent that it would require Substantial Replacement (as defined below), it will not be reconstructed except by permit and in compliance with the provisions of this ~~ordinance.~~ Ordinance. Substantial Replacement shall mean the repair or replacement of more than forty percent (40%) of the components of such Noncomplying Facility, as determined by the District.
3. Should a Noncomplying Facility be permanently moved for any reason, it shall be done only by permit and such Noncomplying Facility must thereafter comply ~~to~~ with the provisions of this Ordinance.
4. If a Noncomplying Facility becomes a hindrance to the operation of ~~the District's reservoir, or a nuisance, or any Reservoir, District Water or District Land, a Nuisance, a~~ hazard to navigation, ~~or~~ becomes dilapidated, unsightly or becomes an environmental or safety hazard, ~~it shall in the sole discretion of the District, the owner of such Noncomplying Facility shall cause the Noncomplying Facility to~~ be removed at the owner's expense. If the owner fails to cause the removal of such Noncomplying Facility after notice from the District, the District may remove such Noncomplying Facility and recover from the owner the expenses incurred by the District associated with or related to such removal. The District shall have no liability to the owner for the removal by the District of any Noncomplying Facility.

Nothing herein shall be construed as authorizing the continuation of any unpermitted Improvement constructed on or other prohibited encroachment on or use of any District Land or District Water without written permit, license or other agreement from the District.

ARTICLE XI: COMMERCIAL ACTIVITIES

- A. All Commercial Activities on ~~the District's lakes, reservoirs and land~~ District Land or District Water are regulated by the District's Commercial Facilities Ordinance, ~~which is as it now exists and as it may hereafter be amended, such Commercial Facilities Ordinance being~~ incorporated herein by reference and made a part hereof as if quoted verbatim in this ~~section as it now exists and as it may hereafter be amended.~~ Article.
- B. Some Commercial Activities may require an additional or separate operating permit due to the nature of the operation. The issuance of ~~this~~ any additional or separate

permit, and the fee charged therefor, will be at the sole discretion of the General Manager of the District.

C. Community ~~boat docks~~Docks are considered ~~operations~~Commercial Activities subject to the District's Commercial Facilities Ordinance. Community ~~boat docks~~Dock owners will not be required to meet ~~the~~ insurance requirements or be ~~charged~~required to pay the annual square-foot fee specified in the Commercial Facilities Ordinance ~~if they meet~~ to the District if such Community Dock meets all of the following criteria:

1. The ~~community dock~~Community Dock is 1200 square feet or less in size;
2. ~~There is no~~The members of a development, property owners' association, homeowners' association or multi-family residence complex do not charge a fee ~~charged~~ for the use of the ~~slips~~Community Dock Facility, other than a minimal maintenance fee; and
3. The ~~slips are~~Community Dock is used only by current residents or property owners of the development, property owners' association, homeowners' association or multi-family residence complex.

D. Notwithstanding any provision in the District's Commercial Facilities Ordinance to the contrary, the District has the sole discretion to deny any commercial facility permit if:

1. The District determines that such a permit would cause or contribute to unsafe Boat traffic and/or Boat traffic congestion on ~~the lake~~District Waters; or
2. The District determines that the applicant and/or owner of the proposed commercial facility has not evidenced sufficient financial ability to complete or operate the commercial facility satisfactorily or in compliance with the District's Commercial Facilities Ordinance or other applicable law.

E. Any commercial water-based facility which is deemed by any District Officer to be dilapidated, unsightly or abandoned shall be repaired by the owner so as to ~~meet~~comply with all District Ordinances applicable thereto or such facility will be demolished or removed by the District at the owner's expense. The District shall have no liability to the owner for the removal by the District of any such dilapidated or abandoned facility.

ARTICLE XII: DESTRUCTION OF DISTRICT PROPERTY

It is unlawful to destroy, damage, deface, remove, render inefficient, relocate or remove any of the District's property, Facilities, Improvements, or permitted installations, including, but not limited to, buoys, bollards, signs, railings, lights, or warning devices upon District Land or District Water, without the prior written approval of the District.

ARTICLE XIII: MODIFICATION OF DISTRICT LANDS

Any modification of the natural conditions of topography or terrain or of surface vegetation of District ~~lands without the~~Lands or District Water, including by filling or excavation, is prohibited unless the plans and specifications therefor have been approved by the District and such modifications has been authorized by a written permit ~~necessary for such activities is prohibited or~~ other written authorization issued by the General Manager of the District. If modifications to any District Land or District Water are made contrary to the plans and specifications ~~agreed upon~~approved by the District, the modifier may be required to return said District ~~lands~~Lands or District Water to their prior natural conditions of topography or terrain at the modifier's sole cost, risk and expense. By reviewing or approving any plans or by otherwise issuing any written permit or other written authorization allowing the modification of any District Land or District Water, the District does not assume any responsibility or liability with respect to such plans or with respect to the design or modification of any District Land or District Water pursuant to such plans and specification or pursuant to any written permit or other written authorization issued by the District.

ARTICLE XIV: SANITATION

Sanitation activities are regulated by the District's On-Site Sewage Facilities Order in effect for District Reservoirs, as it now exists and as it may hereafter be amended, which is incorporated herein by reference as if quoted verbatim in this ~~section as it now exists and as it may hereafter be amended~~Article, and all other applicable laws, rules, regulations and orders of any federal, state, local governmental agency ~~or~~ other regulatory agency having jurisdiction. Violation of the District's On-Site Sewage Facilities Order, or any other applicable laws, rules, regulations and orders of any federal, state, local governmental agency or other regulatory agency having jurisdiction, subjects the violator to civil and criminal penalties as provided in 30 Texas Administrative Code, Ch. ~~285~~285, and as provided in this Ordinance.

- A. ~~A.~~—A permit is required for the construction or placement of any container or on-site Sewage Facility on lands subject to the District's On-Site Sewage Facilities Order. A non-refundable permit application fee is required prior to ~~on-site sewage facility~~the construction of an on-site Sewage Facility. The permit will remain in force for a period of one (1) year from the date of issuance. If final inspection has not been completed to the satisfaction of the District within this time, the permit shall terminate, and a new application must be submitted to the District with all appropriate ~~fees~~fees and documents.

- B. ~~B.~~—It is prohibited to allow to remain on or in District Land or ~~waters~~District Waters dead animals, vegetation, grass clippings, food, garbage, trash, beverage or food containers, cigarette butts, bodily waste, waste water, gray water or any other matter of any kind which, ~~by its decay,~~ could pollute ~~the land, air or water~~any District Land or District Water or any air over which the District exercises jurisdiction.
- ~~C. It is prohibited for any person to discharge or release any type of garbage, trash, beverage containers or bodily waste into District reservoirs.~~
- C. It is prohibited for any Person or any manufacturing, industrial or commercial enterprise to throw or release any type of refuse on or into areas over which the District exercises jurisdiction.
- D. It is prohibited for any Person to place or operate any slaughterhouse or Facility for the killing or processing of animals or to place or operate any feed lot or other enclosure in which the refuse and accumulation could pollute ~~the land, air or water~~any District Land or District Water or any air over which the District exercises jurisdiction.
- E. Refuse, including garbage, rubbish, and litter, shall be deposited onshore in approved ~~type~~ receptacles, which ~~are~~shall be maintained properly, with ultimate disposal in such a manner as to prevent the creation of a public health nuisance, as well as prevent possible ~~entrance~~introduction of such refuse into ~~the waters of the District~~ Waters or onto District Land.
- F. Non-commercial fish cleaning stations are allowed. They must be operated in a manner as to not create a ~~nuisance condition~~Nuisance and all refuse from such cleaning stations shall be disposed of in a manner that prevents the contamination of District Water or District Land.

ARTICLE XV: POLLUTION PROHIBITED

_____The District owns, operates and administers District Land and District Waters, including the ~~various reservoirs named in this Ordinance~~Reservoirs, and the District has a continuing public responsibility and duty to supply therefrom the highest possible quality fresh water to large sections of Tarrant, Wise, Navarro, Henderson Jack, Denton, Parker, Johnson, Ellis, Freestone, Kaufman and surrounding counties of Texas, for domestic, municipal, agricultural, mining, industrial and other authorized uses. This duty includes, among other things, the responsibility to prevent pollution in the Reservoirs, District Waters, and in the drainage areas of the Reservoirs and District Waters.

~~prevent pollution in the reservoirs of the District and in the drainage areas of these reservoirs.~~

_____The District shall continue to maintain surveillance programs on the watersheds ~~above its lakes and reservoirs~~draining into District Water and to pursue a concerted water

quality control program. Detection or reports of present or potential pollution from oil, gas or other hydrocarbons, from ~~raw sewage~~Sewage, from ~~hazardous waste~~Hazardous Waste, from garbage, sediment or from any other unpermitted discharge, shall be promptly and vigorously investigated by the District and reported to all governmental agencies having jurisdiction thereof, including the investigative and enforcement resources of the United States Environmental Protection Agency, the Texas Railroad Commission, the Texas ~~Natural Resource Conservation~~Commission on Environmental Quality, the United States Army ~~Corp~~Corps of Engineers and the Texas Department of State Health ~~Services, or any of their successor agencies or commissions,~~ as well as any other federal, state or local agency, having jurisdiction of such matter. The District has adopted the following rules in connection with the policies and interests of the District described above:

- A. Use of chemicals (including, but not limited to pesticides and herbicides) at or below the ~~spillway~~Spillway Elevation level of any Reservoir or along any lands that drain onto District Land or into District Waters is prohibited unless a written permit is granted by the General Manager of the District. This will require submittal of a report detailing the type of chemical, target vegetation, application method, dose, estimated dispersion of chemical and potential threat to ~~both human and humans or~~ wildlife.
- B. All application or removal of paint in the vicinity of District Land or District Water must be performed in a manner so as not to allow any paint or paint residue to enter into or onto ~~the water of the District~~ Water.
- C. No oil, gas or other hydrocarbons or any ~~raw sewage, hazardous waste~~Sewage, Hazardous Waste, garbage, sediment or other unpermitted discharge in any form or in combination with any other materials or constituents (including bilge water), from whatever source, shall be permitted to flow, drain into or be discharged into the District's Reservoirs, onto the adjacent marginal lands and drainage areas, onto District Land or into District Water, whether the cause of the flowage or discharge is an intentional act or caused by an accident.
- D. The District will immediately report the sighting of any form of water pollution to the operator or Person responsible for such pollution and such operator or other person shall immediately remove such oil, gas or other hydrocarbons, ~~raw sewage, hazardous waste~~Sewage, Hazardous Waste, garbage, sediment or other unpermitted discharge from the District Waters, District Land and the marginal lands and drainage areas where it is found. Such removal operations will be at the sole expense of the operator or other Person responsible for such pollution or in possession or control of the premises where such pollution occurs or where the act causing such pollution was committed.
- E. If the operator or other person responsible for such pollution or in possession or control of the premises where such pollution occurs or where the act causing such pollution was committed fails to take immediate and effective remedial action to correct such pollution, the District may do so. The District is under no legal or other

obligation to correct such pollution on behalf of the operator, or other person responsible for such pollution or in possession or control of the premises where such pollution occurs or where the act causing such pollution was committed, but if such action is taken by the District, such operator or other Person shall be liable to forthwith reimburse the District for all costs incurred by the District in taking such action. Failure of the operator or other responsible Person to promptly reimburse the District for such pollution clean-up costs may result in legal action by the District to enforce the liability for same.

F. The District has adopted the Water Quality Guidance Manual, Planning and Implementing Stormwater Quality Practices (“Water Quality Guidance Manual”), and such Water Quality Guidance Manual, as amended, is incorporated herein as if set forth at length. Development or use of lands draining into or that otherwise direct runoff into waters of the Floodway, any District Water, including the Reservoirs, District Land, or any watershed serving or draining into same shall be conducted in accordance with the applicable provisions of the Water Quality Guidance Manual, as may it be amended from time to time.

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

H. The General Manager of the District or his designee may recommend rules applicable to the District’s customers requesting such customers to adopt rules, codes, ordinances or orders implementing the District’s master drainage plan and other plans for the preservation of the sanitary conditions of all District Water, all of which, as may be adopted or amended from time to time, are incorporated herein as if set forth at length.

G.I. Any ~~intentional~~ violation ~~hereof of this Article~~ shall be punishable as provided in ~~Article XVIII of~~ this Ordinance.

ARTICLE XVI: WATER CONSERVATION AND DROUGHT MANAGEMENT PLAN

- A. In order to reduce the loss and waste of ~~water in~~ District ~~Reservoirs~~Water, to improve efficiency in the use of water, and to extend the life of current water supplies, especially during periods of drought ~~or other shortages in available water supply~~, the District adopted a Lake Resident Water Conservation and Drought Management Plan.
- B. All Shoreline residents of District Lakes and Reservoirs shall comply with the Lake Resident Water Conservation and Drought Management Plan, as in effect and amended from time to time.

- C. The General Manager of the District may adopt, publish, and enforce rules, codes, ordinances or orders for the prevention of waste or unauthorized use of District Water, all of which, as may be amended from time to time, are incorporated herein as if set forth at length. The General Manager of the District may recommend rules applicable to the District's customers requesting such customers to adopt, publish, and enforce rules, codes, ordinances or orders implementing the District's rules, codes, ordinances or orders for the prevention of waste or unauthorized use of District Water. The foregoing rules, codes, ordinances or orders for the prevention of waste or unauthorized use of District Water all of which, as may be adopted or amended from time to time, are incorporated herein as if set forth at length.
- D. In addition to any other penalty provided in this Ordinance, the District shall have the right to terminate any license, permit or other authorization issued to any Shoreline resident of any District Lake or Reservoir related to the use of District Waters for irrigation purposes if such Shoreline resident fail to comply with the terms of the Lake Resident Water Conservation and Drought Management Plan, as in effect and amended from time to time, including, without limitation, by failing to comply with any frequency, time of day, day of the week, or other restrictions imposed by the District.

ARTICLE XVII: REGULATION OF RECREATIONAL FACILITIES

The General Manager is authorized to adopt and amend rules and regulations for all District recreational facilities, including, without limitation, all trails and trailheads on any District Land, and those recreational facilities pertaining to (1) the District Land located on the east side of Eagle Mountain Lake west of Morris Dido Newark Road and south of Peden Road; (2) the District Land located at Twin Points at Eagle Mountain Lake; (3) the District Land at Marine Creek Lake; and (4) the District Land located at 200 Pumphrey Dr, Fort Worth, TX 76114, and known as Airfield Falls Trailhead and Conservation Park.

ARTICLE XVIII: EMERGENCY PROCEDURES

- A. In order to protect properties and provide for the general welfare of the public, all access to District Lakes, Reservoirs and other ~~waters~~District Lands or District Waters may be restricted when it is deemed necessary by the General Manager of the District, in his or her sole and absolute discretion.
- B. Watercraft or Persons found upon the waters of District Lakes, Reservoirs or other ~~waters~~District Lands or District Waters during times of restriction, without the prior consent of the General Manager of the District or by virtue of other lawful reason, shall be guilty of a ~~trespassing under Article I, Section 38 of this Ordinance~~Trespass.

- C. Every officer, agent or employee of the District, while responding to emergency calls or reacting to emergency situations, is hereby authorized to act in such a manner as to effectively deal with the emergency. ~~An action or inaction is "effective"~~An emergency situation includes, but is not limited to, any situation in which any portion of a Lake, Reservoir or other District Land or District Water is obstructed, contaminated or threatened to be obstructed or contaminated or otherwise poses a hazard to water quality, navigation or other use or quality of such Lake, Reservoir, or District Land or District Water. An action or inaction is "effective" if it in any way contributes or can reasonably be thought to contribute to preserving any lives or public or private property. This section of the Ordinance shall prevail over every other Ordinance of the District and, to the extent to which the District has authority to so authorize, over any other law establishing standards of care in conflict with this section. Neither the District nor the employee, agent or officer thereof, shall be liable for the failure to use ordinary care in such emergency. Subject to the above, the District's officers, agents or employees responding to an emergency or an emergency call shall use a reasonable rate of speed under the circumstances, using a vehicle or Boat marked as belonging to the District, if such is available within a reasonable time under the circumstances of the emergency then existing, and shall take reasonable measures to prevent the destruction of property or injury to Persons.

ARTICLE ~~XVIII~~XIX: 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.
- B. 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) for each violation or each day of a continuing violation. The penalty hereby authorized shall be in addition to any other penalties provided by the State of Texas, or applicable law. The District shall also be entitled to all available and applicable equitable relief, including but not limited to writs of injunction, and the requirement of a bond therefor is waived.
- C. Existing Facilities that complied with the District's ordinances at the time of Construction are permitted to remain in place without change as long as such Facilities are maintained in accordance with the District's ordinances, building, plumbing, and electric standards under which they were constructed. No amendment reflected in this Ordinance shall be construed as *ex post facto* law.

ARTICLE ~~XIXXX~~: ENFORCEMENT

_____The Board of Directors of the 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 or other law and shall have all additional powers authorized by the Texas Water Code, the Texas Penal Code or any other law. Failure to obey lawful instructions or warnings from District Officers shall be a violation of this Ordinance and punishable as provided herein ~~in Article XVIII.~~ 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 the 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.~~this Ordinance. A warrant for the arrest of the Person failing to appear may be issued.

ARTICLE ~~XXXXI~~: SEVERABILITY

In case _____ Should any particular provision of this Ordinance, or any portion of any Article, section or paragraph hereof be judicially declared to be invalid, nevertheless, those parts of this Ordinance and its several subdivisions, which after such declaration, remain to afford a workable plan for accomplishing a purpose or purposes of this Ordinance shall have full force and effect.

ARTICLE ~~XXIXXII~~: LEGAL NOTICES REQUIRED

_____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 (6th) day next after the appropriate officers of the District shall have caused substantive statements of all the penal provisions hereof to be published once a week for two (2) consecutive weeks in one (1) or more newspapers with general circulation in the area in which ~~the property of the~~ District is Land and District Water are 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, at its Regular Session, now appearing as Sections 51.129, et seq.,~~ 51 of the Texas Water Code, as amended.

ARTICLE ~~XXIII~~XXIII: PRESENT AND FUTURE LAKES

All provisions of this Ordinance shall be applicable to, any and all Lakes or ~~reservoirs~~ Reservoirs, or other bodies of District Water constructed, operated or maintained by the District, whether now in existence or hereafter constructed.

ARTICLE ~~XXIII~~XXIV: RELATIONSHIP TO OTHER LAWS

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, unless inconsistent with the terms hereof, in which case the provisions of this Ordinance shall control.

As evidence of the enactment hereof on the 19th day of March, 2002, and revision and amendment of same on ~~this~~the 15th day of November, 2011, and the further revision and amendment of same on this _____ day of _____, 2020.

WITNESS the signing hereof on this day by ~~Victor W. Henderson~~Jack R. Stevens, as President of the Board of Directors of the District, and the ~~attestation~~attestation hereof by ~~Jack R. Stevens~~Leah M. King, as Secretary of the Board of Directors of the District, ~~with the imprinting of the District's seal.~~

Victor W. Henderson, President

ATTEST: _____

Jack R. Stevens, President

ATTEST:

Leah M. King, Secretary



Commercial Facilities Ordinance

COMMERCIAL FACILITIES ORDINANCE

REGULATIONS FOR COMMERCIAL FACILITIES
LOCATED ON RESERVOIRS LANDS OR WATERS OWNED OR OPERATED BY, OR UNDER THE JURISDICTION OF, 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

AND

AS REVISED BY ITS BOARD OF DIRECTORS

, 20

AN ORDINANCE ESTABLISHING REGULATIONS GOVERNING COMMERCIAL FACILITIES ON RESERVOIRS LANDS OR WATERS OWNED OR OPERATED BY, OR UNDER THE JURISDICTION OF, 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 FACILITIES; 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

PURPOSE

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 located on District, a Water Control and Improvement Land or District. (Hereafter referred to as "the District.") For such Reservoirs, these Waters. These~~ minimum standards are intended to protect public use, access and safety and to maintain good water and environmental quality consistent with the standards of the Texas Natural Resource Conservation Commission standardson Environmental Quality and under applicable law.

ARTICLE TWO

DEFINITIONS

Section 2.01 Definitions

Words used in this Ordinance and not defined in this Article or otherwise defined in this Ordinance 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~~Annual Operating License 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~~may include a navigable passage through or around the structure.
4. Commercial Activity: Any operation, action, or activity for which a fee, or other valuable consideration, is received in exchange for goods or services, including any facility which contributes directly or indirectly to the existence of a commercial operation. A Commercial Activity includes the mooring, fueling, storing, leasing or servicing of Watercraft by property owners' associations and homeowners' associations, clubs and others and the rental or lease by multifamily residential complexes, property owners' associations and homeowners' associations and clubs of Watercraft slips, including community docks, or Watercraft storage facilities.
- 4.5. Commercial Facility: Any water based facility, structure, or improvement located on District Land or in District Water and used for any Commercial Activity and includes,

without limitation, each facility for the commercial mooring, fueling, storing, leasing or servicing of ~~watercraft, including but not limited to, all structures~~ Watercraft, docks, leasing facilities, restaurants, concession stands, bait and tackle shops, parking lots, 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 related to or used in conjunction with any Commercial Activity, and any other facility which contributes directly or indirectly to the existence of a commercial operation or the commencement, continuation or completion of a Commercial Activity.~~

5-6. Community Docks: Any dock or ~~boat~~ Watercraft slip facility which is used exclusively by members of a development, property owners' association, homeowners' associations or multi-family residential complex.

6-7. Configuration: The relative arrangement of the separate parts of a ~~commercial facility as herein defined~~ Commercial Facility.

7-8. Construction: To erect or install any structural, mechanical, electrical or plumbing portion of a Commercial Facility, including preliminary necessary demolition, dredging and lot clearing.

8-9. 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 authorizing a Person to commence Construction in accordance with the approved construction plans.

9-10. Cove: A sheltered recess in the Shoreline of a reservoir less than 600 feet in width between parallel or converging Shorelines.

10-11. District: Tarrant Regional Water District, a Water Control and Improvement District.

12. District General Ordinance: An ordinance enacted by the Board of Directors of the District establishing general administrative policy in ~~regards~~ regard to, inter alia, 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 such Ordinance and also establishing the judicial processes under which such 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 such Ordinance and fixing the time at which such 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.

- ~~11-13. District Inspector: A District employee or contractor with the duty of inspecting Commercial Facilities for compliance with this Ordinance, including any and all Lake Supervisors, Lake Superintendents (and their designees) and District peace officers.~~
- ~~12. 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. District Land: All land owned by, controlled by, or under the jurisdiction of the District, including lands which are so located as to cause them to drain to District Water.~~
- ~~15. District Officer: The General Manager, Deputy General Manager(s), Assistant General Manager(s), all Lake Supervisors, Lake Superintendents, Reservoir~~

Managers, Inspectors and District Peace Officers, or any of their authorized designees, employed or contracted by the District.

16. District Water or District Waters: All streams, Lakes, Reservoirs, canals, water courses, including the Floodway, and all other bodies or accumulations of water, natural or artificial, which are owned or controlled by, or subject to the jurisdiction of, the District.

17. Emergency Response Plan: A written plan to be submitted to the District for approval by the owners or operators of facilities as provided by Section 3.08.

12-18. Expansion: To increase the area of water surface occupied by a Commercial Facility.

13-19. Floodway: Those lands and waters owned or controlled by the District in association with the flood control project along and adjacent to the West Fork Trinity River and Clear Fork Trinity River and their tributaries, including, without limitation, all levees, bypass channels, valley storage areas, sump areas, storm water mitigation or detention areas, canals, ecosystem restoration areas, gates, drains and other areas and improvements relating thereto or connected or operated therewith. The portion of the Clear Fork Trinity River within the boundaries of the Floodway begins upstream at the point where State Highway 183 crosses the Clear Fork Trinity River and continues downstream to the confluence of the Clear Fork Trinity River with the West Fork Trinity River immediately north of downtown Fort Worth, Texas. The portion of the West Fork Trinity River within the boundaries of the floodway begins approximately 1000 feet upstream of the point where Meandering Road crosses the West Fork Trinity River in Fort Worth, Texas, and continues downstream to approximately 1500 feet east of the point where the West Fork Trinity River crosses under the Beach Street overpass in Fort Worth, Texas.

14-20. Flotation Material: Extruded (closed cell) or foam bead expanded polystyrene foam encapsulated in a high quality protective coating or other material or system as approved by the District.

15-21. Full Watercraft Storage Capacity: The maximum number of Watercraft that can be accommodated at a Commercial Facility.

16-22. 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.

23. Improvements General Manager: The person employed by the District as its General Manager pursuant to the authority of Section 49.056 of the Texas Water Code, as amended, or his or her designee.

17-24. Improvement: 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~~ District Land or District Water.

18-25. International Building Code (IBC): The ~~2000~~2018 International Building Code, as appended, amended or supplemented to the extent adopted in this ~~ordinance. It is~~ Ordinance, as published by the International Conference of Building Officials, ~~5360 South Workman Mill Road, Whittier, CA 90601-2298.~~

19-26. International Fire Code (IFC): The ~~2000~~2018 International Fire Code, as appended, amended or supplemented to the extent adopted in this ~~ordinance. This is~~ Ordinance, as published by the International Conference of Building Officials, ~~5360 South Workman Mill Road, Whittier, CA 90601-2298.~~

20-27. Lot: A parcel of land occupied or intended to be occupied, by a Commercial Facility and any accessory buildings, or utilized for the principal use and uses ~~accessory~~ ancillary thereto, together with such open spaces as may be present. A Lot may or may not be specifically designated as such on public records.

21-28. Main Body of the Reservoir: The portion of the reservoir formed along the original river channel and its major tributaries.

22-29. Marine Fuel Facility: A facility which provides fueling services for Watercraft.

23-30. Modification: Any change, addition or alteration in the construction, substructure, flotation, anchorage, plumbing, mechanical or electrical services of a structure other than routine maintenance.

24-31. National Electrical Code (NEC): The ~~1999 Edition~~2020 edition of the National Electrical Code, as appended, amended, or supplemented, to the extent adopted in this ~~ordinance. This is~~ Ordinance, as published by the National Fire Protection Association, ~~Batterymarch Park, Quincy MA 02269.~~

25-32. Navigable Passage: A space that is a minimum of 40 feet wide and 10 feet deep to afford passage of Watercraft.

26-33. Noncomplying Structure or Facility: Any structure licensed through this Ordinance which, following District inspection, is deemed by the District to be any of the following: dilapidated; in disrepair; generally a hazard to owners, Occupants or the general public; ~~impedes an~~ impediment to flood control, navigation or water quality and/or ~~fails to comply~~ noncompliant with ~~specifications mentioned through the~~ International Building Code, the International Fire Code, the National Electrical Code, any construction plans approved by the District or any other requirement or

prohibition provided in this Ordinance or by applicable law; or which is allowed to be used by any Person for any purpose prohibited or restricted by this Ordinance.

34. 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 or District Water.

27-35. Occupation of Water Surface: The location of any structure on the water surface of District Waters.

28-36. 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 as determined by the District, as same may be amended or revised.

29-37. Person: Shall include the singular, the plural, male and female, or otherwise self-identifying individuals, partnerships, corporations, associations, groups, organizations, or an entity, and pronouns appropriate for the masculine singular shall include feminine and the plural.

30-38. Pump-Out Facility: Any pump and hose combination used for the transfer of Sewage from boats Watercraft to an approved receptacle.

~~13. 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.~~

39. Reservoir, Reservoirs, Lake or Lakes: Lake Bridgeport, situated in Wise and Jack Counties, Texas; Eagle Mountain Lake, situated in Tarrant and Wise Counties, Texas; Marine Creek Lake and Cement 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. This also includes earthen embankments, structures, dams, levees, machinery, devices, and all other appurtenances which are provided by the District and associated with any such body of water.

40. Sewage: Water which contains, or which has been in contact with, organic and/or inorganic contaminants such as human or animal wastes, vegetable matter, cooking fats and greases, laundry, hand and dish washing wastes and/or other chemical compounds and waste products.

31-41. Shoreline or Shorelines: The extended point where the plane of the surface of the water stored in any of said reservoirs Reservoir or other body of District Water touches land, at whatever elevation this may occur at any given time.

32-42. 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.

~~33-43.~~ Spillway Elevation: The contour elevation measured in feet above mean sea level at which the reservoir is at optimum capacity known as elevation 649.1 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.

~~34-44.~~ 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~~Commercial Facility.

45. Sunrise: The rising of the sun above the horizon at the time determined and published by the National Weather Service for a given date and location.

46. Sunset: The descent of the sun below the horizon at the time determined and published by the National Weather Service for a given date and location.

~~35-47.~~ Temporary Operating License: ~~Commercial facilities~~A license issued by the District in existence prior~~consideration of a fee collected by the District allowing a Person to adoption of this ordinance, (March 19, 2002)~~own 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 a~~Noncomplying Facility for a term reasonably necessary to complete repairs~~cause the Commercial Facility to cease to be a Noncomplying Facility but not to exceed one (1) year. The fee for this Temporary Operating License is \$100.00.

48. Toilet Facility: A disposal apparatus used to receive body waste on or within any Watercraft.

49. 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 and absolute discretion in determining ~~how far a commercial facility~~the location or scope of a Commercial Facility, including, without limitation, the distance that a Commercial Facility may encroach upon or extend into the main body of a reservoirReservoir.

- B. No Commercial Facility shall extend into ~~the waters of any of the District's reservoirs~~District Water to such a distance that ~~such~~ would constitute, as the District may determine in its sole and absolute discretion, a navigational hazard, a safety hazard, or a flood control hindrance or ~~occupy more than~~violate the following ~~amount of surface~~:
1. No Commercial Facility shall extend such a distance so as to preclude the maintenance of Navigable Passage of a Cove. The Commercial Facility shall not be within twenty feet (20') 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 thirty-five feet (35') above the surface of the water (measured perpendicular to the surface of the water at Spillway Elevation).
- C. Commercial Facilities shall only be located ~~over~~on or adjacent to property which is owned or leased by the ~~commercial facility~~ owner or operator of such Commercial Facility.
- D. No Commercial Facility shall be nearer than twenty feet (20') to any property line of the Lot or parcel of land on which the Commercial Facility is located.
- E. Relocation or alteration of the Configuration of Commercial Facilities will not be permitted unless prior special permission is granted by the District.
- F. The assigned 9-1-1 address of the Commercial Facility must be posted in a location visible from the water. The address must be displayed on a weather resistant 1/16" or thicker aluminum sign with four inch (4") or larger reflective letters.

Section 3.02 Lighting

- A. All Structures extending more than fifty feet (50') 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. The light color shall be white and the light fixture shall be installed in a manner that illuminates the structure while minimizing light from being cast upon adjacent properties or structures and/or creating excessive brightness in the normal field of view of Watercraft operators.
- B. A minimum of one (1) light station is required along each exterior side of a Commercial Facility, except that side which faces the ~~shoreline~~shoreline where such Commercial Facility is affixed or anchored. Some circumstances may require additional lighting as determined by the District in its sole discretion. A Structure's light station shall include white light installed in a manner that illuminates the Structure while minimizing light from being cast upon adjacent properties or Structures and/or creating excessive brightness in the normal field of view of Watercraft operators.

- 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~~nearest Shoreline.
- D. ~~The wiring method, Wiring shall be one or more of as authorized by the following: General Manager..~~
- ~~1. Rigid conduit.~~
 - ~~2. Seal tight flexible conduit with appropriate fittings and boxes.~~
 - ~~3. Direct burial OF 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, installed and maintained in ~~accordance~~compliance with the National Electric Code.
- 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~~Each Marine Fuel Facility or other Commercial Facility equipped with marine motor fuel-dispensing equipment shall comply with the International FireBuilding 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 30A; and or Chapter 334, Title 30, of the Texas Administrative Code. The storage areas shall be clearly marked.~~
- D. ~~of Class I, II, IIIA liquids (as defined in NFPA 30A, Section 3.4.2) at a 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 Facility or Commercial Facility equipped 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.~~

~~In UST systems marine motor fuel-dispensing equipment shall be installed and maintained in compliance with a submersible pump located in the tank, there will be a leak detector located in the line at the tank before the dispenser Chapter 23 and Chapter 57 of the International Fire Code.~~

3. ~~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.~~

~~Tank B. All tank fill ports will be located above the 100-year Flood Elevation of the associated Lake. The dispenser for the tanks may be located below the 100-year Flood Elevation.~~

4. ~~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~~

~~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. C. In the event of a Spill on District Land or District Waters, the owner or operator of the Commercial Facility where such Spill emanated must immediately, and in no event later than one (1) hour after the Spill, notify the District of such Spill. Additionally, the owner or operator of such Commercial Facility must take all steps necessary or appropriate to contain the Spill in the water within one (1) hour of the incident. Absorbent boom or pads should be placed on the Spill immediately to remove the contaminant from the water as soon as possible.~~

1. ~~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~~the Reservoirs. Other applicable codes or ~~engineering standards may be substituted, with prior District staff~~written approval ~~of the District,~~ provided those standards are equal to or higher than ~~those~~the standards 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~~The Construction of flotation ~~for any Structure~~ 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~~and 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~~The use of existing non-encapsulated polystyrene or ~~styrofoam will be~~Styrofoam is authorized until it becomes severely deteriorated and no longer serviceable in which case it ~~will~~shall be replaced by ~~extruded polystyrene or foam bead expanded polystyrene and in either case shall be encapsulated in a high quality protective coating~~Flotation Material.
- ~~C.D.~~ Three inch (3") white reflectors are to be securely installed every twenty feet (20') on every Structure extending into any District Water.

Section 3.05 Sanitation and Pollution Control Regulations

- A. All Commercial Facilities consisting of fifty (50) or more slips for the docking or mooring of Watercraft 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 on Environmental Quality regulations (Section 30 Tex. Admin. Code Chapter 321.10 of the Texas Administrative Code). Certification shall be displayed peras required by Texas Natural Resource Conservation Commission on Environmental Quality regulation (Section 30 Tex. Admin. Code Chapter 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~~ Section 321.13 of the Texas Administrative Code Chapter 321 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 on Environmental Quality~~.
- D. ~~Commercial fuel facilities~~ Marine Fuel Facilities shall be designed, maintained and operated so as to prevent ~~spillage or leakage of fuel and/or petroleum products~~ Spills into ~~theor onto~~ District ~~Reservoirs~~ Land or District Water. All ~~activities for the~~ maintenance and repair of Watercraft shall be performed in such a manner as to prevent ~~Spills or any other~~ the discharge of fuel, oil, Sewage, or other pollutants into ~~the waters of or onto~~ District ~~Reservoirs~~ Land or District Water. 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~~ Land or District Water.
- E. ~~If~~ Each Person owning or operating a ~~spill occurs, the District~~ Commercial Facility 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.E. ~~On~~ maintain on-site facilities ~~shall be provided for~~ the collection of any and all garbage and trash that might be generated at the Commercial Facility, including any garbage or trash generated by any customer, licensee, or invitee using the Commercial Facility, and arrangements for the timely removal of such collections shall be made by the Commercial Facility owner or operator.
- G.F. ~~All~~ boats Watercraft accepted for storage at a Commercial Facility that have not been previously inspected and approved by the District in accordance with the District's General Ordinance and that 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~~ Watercraft, or when the ~~boat~~ Watercraft is first placed in any District ~~Reservoir~~ Water, whichever occurs first, (i) must notify the ~~boat~~ owner of the Watercraft that such ~~boat~~ Watercraft is subject to inspection and approval by the District; and (Hij) must notify the District that such an agreement has been made or such ~~a~~ boat Watercraft placed in ~~a~~ District Reservoir Water.

G. All Commercial Facilities operators or permits holders or licensees that allow or provide for the docking of Watercraft must adopt and strictly enforce rules preventing any person from using a dock or other Commercial Facility or Watercraft as an Abode.

Section 3.06 Electrical Requirements

- A. ~~The electrical services of~~Electrical Service for 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 National Electrical Code, including ground fault circuit interrupter protection; however, no open wire service shall be permitted.
- C. All overhead ~~primary~~ electric distribution lines for the distribution of 600V to 69,000V electricity ("Primary Electric Line") installed after ~~the effective date of this ordinance~~March 19, 2002 shall be installed such that the ground level of the support poles is located at an elevation at or above the ~~spillway elevation applicable~~ 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 National Electrical Code.
- D. Underground and overhead primary electric lines shall be installed in accordance with the National Electrical Code, and all surface-~~mounted~~ electric 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~~ electric facilities are subject to inundation.
- E. A properly executed easement over ~~the~~ properties traversed by any Primary Electric Line shall be obtained from the appropriate property owner(s) prior to the installation of any such Primary Electric Line.
- F. ~~The~~Any secondary service cable shall ~~have at least two (2) full-rated grounding conductors, one of which shall be a non-current carrying grounding conductor.~~comply with rules adopted by the General Manager.
- G. The attachment of any service cable to any floating Structure shall be ~~a design which allows~~designed to allow flexibility under changing ~~lake~~ levels of District Water. The ground conductors shall be electrically bonded to all metal parts of any floating ~~unit~~Structure.
- H. These District requirements shall in no way be construed as relieving the Persons utilizing such electrical service from employing sound and prudent judgment in the use, operation and maintenance of such facilities supplying electrical service or prevent the District from requiring stricter standards.

Section 3.07 Emergency Response Plan

A. Each Commercial Facility having fifty (50) or more slips for the docking or mooring of Watercraft or capable of accommodating Watercraft equipped with Toilet Facilities and

each Marine Fuel Facility must have an Emergency Response Plan submitted to and approved by the District annually. The owner or operator of the Commercial Facility required to have an Emergency Response Plan shall implement the Emergency Response Plan approved by the District at such owner's or operator's sole expense, including by purchasing and maintaining the response equipment and supplies identified in the approved Emergency Response Plan. The District may make inspections of any Commercial Facility during ordinary business hours to confirm the continuous implementation of the Emergency Response Plan.

- B. If an emergency occurs requiring the implementation or exercise of the approved Emergency Response Plan, the owner or operator of the Commercial Facility the subject of the emergency shall immediately, and in no event later than one (1) hour after discovering the emergency, notify the District of the existence of such emergency. If the emergency includes a Spill, the District and Texas Commission on Environmental Quality shall be notified by the designated Commercial Facility owner or operator as soon as possible and no later than twenty-four (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.

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 Person owning or operating the Commercial Facility or by the owner's such Person's agent, who shall be designated in writing to the District.

Section 4.02 Annual Operating License

- A. The An Annual Operating License shall be is required to operate a Commercial Facility on the water surface of any District Reservoirs Water or on any District Land.

- B. The Annual Operating License may be issued by the District after:

1. the required the Person seeking the Annual Operating License has submitted a completed application has been completed therefor and the District has reviewed and approved such application;
2. the Commercial Facility, after initial or subsequent inspections, is found to be in compliance comply with all applicable District regulations; and
3. the Person pays the required Annual Operating License fee is paid to the District.

- C. The District requires that ~~all commercial facilities be maintained~~ each Person owning or operating a Commercial Facility keep and maintain such Commercial Facility 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. A Commercial Facility failing to meet such standards will be classified by the District as ~~noncompliant with the terms of this ordinance~~ a Noncomplying Facility.

Section 4.03 Temporary Operating License

- A. ~~Commercial facilities which become noncompliant~~ A Person owning or operating a Noncomplying Facility 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~~ Noncomplying Facility to cease to be repaired so as to come into compliance a Noncomplying Facility by removal, maintenance, or repair. This period shall not exceed one (1) year. The District may consider renewal of ~~temporary operating licenses~~ a Temporary Operating License, provided ~~the District~~ the District is satisfied in its sole discretion that the ~~owner of a commercial facility~~ Person owning or operating the Noncomplying Facility is making ~~reasonable~~ diligent progress toward completing the necessary ~~repairs~~ removal, maintenance, or repair required for compliance.

Section 4.04 Construction Permits

- A. A ~~construction permit shall be~~ Construction Permit is required prior to the Construction of any new Commercial Facility or the demolition, expansion, modification, or reconstruction of any existing ~~commercial facilities on the water surface of District Reservoirs~~ Commercial Facility.
- B. A ~~construction permit shall be~~ Construction Permit is required prior to any modification that will increase or decrease the square footage of a Commercial Facility.
- C. A ~~construction permit shall~~ Construction Permit may be issued by the District after:
- ~~1. the required application has been completed and reviewed;~~
 1. the Person seeking the Construction Permit has submitted a completed application to the District for such permit and the District has completed its review of such application;
 2. the District finds the plans are found to be in compliance with all applicable laws, District regulations; and ordinances, including applicable stormwater quality regulations;
 3. all materials to be used in the construction have been approved by the District;

4. the required fees have been paid; ~~and~~ to the District;
 5. ~~5. the requirements of Section 5.02.B of this ordinance~~ Ordinance calling for Public Notice have been met; ~~and~~
~~The construction permit shall be~~
 6. the District has determined in its sole discretion that issuance of the permit is in the public interest.
- D. Once the Construction Permit has been issued, the Person applying for such permit must prominently ~~displayed~~ display the Construction Permit at the construction site.
- E. The Construction Permit is non-transferable.
- F. The requirement to obtain the issuance of a Construction Permit under this Section 4.04 may be waived by the ~~District's staff~~ General Manager, if, in ~~the~~ his or her sole discretion ~~of the staff~~, the proposed demolition, expansion, reconstruction, alternation alteration, modification, renovation or addition is not ~~significant~~ material.
- G. By reviewing or approving any plans or by otherwise issuing any Construction Permit, the District does not assume any responsibility or liability with respect to such plans or with respect to the design or construction of the Commercial Facility to be constructed pursuant to such plans or pursuant to any Construction Permit issued by the District.

Section 4.05 Suspension or Revocation of Permits and Licenses

- A. ~~A~~ The District may suspend or revoke an Annual Operating License or any other license or permit issued under the provisions of this ordinance may be suspended or revoked Ordinance whenever the District determines in its sole and absolute discretion that one or more of the following has occurred:
1. ~~the~~ the Annual Operating License or other license or permit has been issued on the basis of incorrect information;
 2. ~~the licensed or permitted facility~~ the Commercial Facility is in violation of any provision of this Ordinance, any provision of the Annual Operating License or other license or permit, or any other local, state or federal regulation or law;
 3. the licensee or permittee has failed to pay the required fees to the District;
 4. ~~construction~~ the licensee or permittee fails to implement any Construction recommendations or requirements resulting from inspections of the Commercial Facilities 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;~~ an order from the District requiring it to stop work on its Construction or the operation of the Commercial Facility;
7. the licensee or permittee has permitted the Commercial Facility or its adjacent property to be used for illegal operations ~~on the premises~~ or allowed for activities which are morally or sexually offensive to persons of ordinary taste and judgment.; or
8. Construction ~~work of the Commercial Facility~~ has not been ~~done~~ performed in accordance with construction plans reviewed and ~~specifications~~ or approved by the District in connection with the Construction Permit or the provisions of this Ordinance.

- B. No ~~license~~ Annual Operating License will be revoked without a hearing. The licensee whose ~~license~~ Annual Operating License is proposed to be revoked will be given no less than seven (7) days' written notice of a revocation hearing before ~~the~~ a District staff Officer. If, after such hearing, the ~~license~~ Annual Operating License of such licensee is suspended or revoked by the ~~staff~~ District Officer, the licensee may appeal any suspension or revocation of the ~~license~~ Annual Operating 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~~ District Officer's decision to suspend or revoke the license. The Board will address such appeal within ~~thirty (30)~~ sixty (60) days following receipt of the notice of appeal. The decision of the Board will be final. Upon final decision of the Board ~~of Directors adverse to the licensee~~, if the ~~license~~ Annual Operating License is revoked, the Commercial Facility shall be removed from District ~~property~~ Land or District Water by the ~~owner or licensee or permittee~~ within six (6) months from the District date of the final decision by the Board at owner's the licensee's or permittee's sole expense.

Section 4.06 Inspections

- A. An inspection by the District of the ~~commercial facility~~ shall Commercial Facility will be performed prior to the initial issuance of any Annual Operating License or other license or permit.
- B. An annual inspection of the Commercial Facility may be performed by the District prior to the collection of annual fees or issuance renewal of the Annual Operating License.
- C. Inspections of the ~~construction site~~ shall of Construction will 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 the owner or operator during the normal business hours of the Commercial Facility.

- E. The District, in its sole discretion, may waive certain requirements of this Ordinance if the inspection of the noncompliant item reveals that no hazard would result. However, such waiver shall not be binding on future determinations by or actions of the District.
- 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 provisions 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 Construction 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 within which to comply with the Construction plans and/or this Ordinance before any fee is charged or Construction Permit revoked.
 2. The fee charged, if any, will be a maximum of \$25150.00 per visit per inspector inspection or as set by the Board General Manager of Director the District periodically.

ARTICLE FIVE

APPLICATIONS

Section 5.01 General

Applications for a permit an Annual Operating License, Construction Permit or other license or permit relating to construct or operate a commercial facility the construction, modification, or operation of a Commercial Facility shall be submitted, in writing, to Tarrant Regional Water District, Manager, Real Property Department, at 800 East North Side Northside Dr., Fort Worth, TX 76102, or at such other address as may be designated by the District, prior to operation or construction of a new facilities Commercial Facility and/or expansion or modification of any facility Commercial Facility. All decisions whether to grant or deny any application for a permit or license submitted to the District under any provision of this Ordinance shall be made by the District in its sole and absolute discretion and the District is not obligated to grant, extend or renew any permit or license. As part of any application for an Annual Operating License or any renewal thereof, the District may require the applicant to perform studies and other investigations, including, without limitation, boat density impact studies, at the applicant's sole cost and expense and the

results of any such study or investigation shall be considered by the District in granting or denying the application.

Section 5.02 Applications

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

1. a full description of the proposed Commercial 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 on which the ~~facility is~~ Commercial Facility is or will be located; or, in the case of Commercial Facilities located in District Water, proof that the Commercial Facility owner/operator has ownership or control of the property immediately adjacent to the Shoreline where such Commercial Facility is to be located;
3. drawings, to approximate scale, indicating the location and configuration of the Commercial 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 Commercial 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 in the manner required in this Ordinance.

1. When the District has determined that the application is complete and in compliance with these regulations, the District ~~shall~~ will notify the applicant to publish public notice of the application at the applicant's expense.
2. Notice of the application shall be published by the ~~District~~ applicant once each week for two consecutive weeks in a newspaper of general circulation in the county where the facility will be located. The applicant shall file with the District a sworn publisher's affidavit or other proof of publication acceptable to the District 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;
and
 - 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 to a Commercial Facility, as stated above, will encompass, without limitation, 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 by the District if received 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~~ Commercial Facility Construction Permit application.
- 1. This hearing will be conducted by a District staff Officer.
 - 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 (2) consecutive weeks in a newspaper of general circulation for the county where the Commercial 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~~ General Manager of the District shall periodically establish fees for the use of the surface of ~~the water of District Reservoirs~~ Water and District Land 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~~ General Manager of the District in accordance with this Ordinance shall be in addition to any lease or license fees associated with the use of any District ~~property~~ Land or District Water on or over which the Commercial Facility is located.
- C. All required fees shall be paid prior to issuance of any Annual Operating License or other license or permit unless an alternative payment schedule has been agreed upon

in writing: between the applicant and the District. 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~~General Manager of ~~Director~~the District will become effective only as of March 1 of each year and licensees will be notified of such fee increases no later than August~~September~~ 1 of the preceding year, or as soon thereafter as practicable.

~~E. Fee structure:~~

E. The initial fee structure will be the following, subject to such increases or changes as the General Manager of the District may direct:

1. Annual Operating License - ~~\$50~~100.00, and
2. Annual fee per square foot of occupied water space - ~~\$.40~~20 per square foot per year; and
3. Temporary Operating License - ~~\$100~~300.00; and
4. Construction ~~permit~~ ~~\$100~~Permit - \$300.00

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 and automotive liability insurance in such amounts and on such terms as shall be required by the General Manager of 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 general liability insurance coverage ~~shall be \$100 is \$1,000 per person and \$300,000 per occurrence~~ and \$2,000,000 general aggregate.

B. The minimum level of acceptable automotive liability coverage is \$500,000 per occurrence and \$1,000,000 general aggregate.

~~B.C.~~ The minimum level of acceptable property insurance coverage shall be \$100,000.

~~C.D.~~ The maximum acceptable insurance deductible shall be \$25,000.

- E. The District must be listed as the certificate holder on all policies.
- F. Workers' compensation at statutory limits or \$1,000,000. If there are no employees, workers' compensation is not required.
- G. The District must be listed as an additional insured on all certificates for the required general liability and automotive liability insurance policies.
- H. The District must be provided a waiver of subrogation on all policies.
- I. If the Commercial Facility does not carry adequate limits in its specific liability policies, such as general liability and automotive liability, it is acceptable for the Commercial Facility to carry a follow form excess or umbrella liability policy to make up the difference, subject to final approval of the District.
- D.J. The insurance company providing the above ~~coverage~~coverages must be acceptable to the District and licensed by and in good standing with the Texas Department of Insurance.
- E.K. Certain Community Docks may not be required to ~~acquire~~maintain insurance. See District General Ordinance, ~~Article XI (C).~~

ARTICLE EIGHT

NONCOMPLYING FACILITIES

Section 8.01 Noncomplying Facilities

Any Commercial 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~~A Noncomplying Facility shall not be enlarged or altered except to redesign it in a manner permitted by this Ordinance. Ordinary maintenance and ~~repairs are~~repair of a Noncomplying Facility is permitted.
- B. Should such Noncomplying Facility be destroyed by any means to an extent of more than ~~fifty~~forty percent (~~50~~40%) 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~~a Noncomplying Facility be permanently moved for any reason, it shall thereafter be required to comply with the provisions of this Ordinance.
- D. Immediate hazards as determined by the District in its sole discretion, must be addressed and abated 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.E.~~ A non-compliant item of a Noncomplying Facility, if changed to conforming, may not thereafter return to a previous, or be altered to, a non-compliant state.

~~G.F.~~ Closed Commercial Facilities will be required to comply with the insurance requirements under Article Seven of this ~~ordinance. The facility~~Ordinance. Each Commercial Facility will be inspected annually. Should the ~~facility~~Commercial Facility be deemed dilapidated or non-compliant by the District, it shall be brought into compliance within thirty (30) days of notification by the District or immediately be removed from ~~the waters of the District~~ Water or District Land at the owner's or operator'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 Annual Operating License or other license or permit issued by the District.
- B. Names and addresses of all boat storage lessees or licensees 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, 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~~stop work order shall be grounds for immediate revocation of any Annual Operating License or other license or permit issued by the District.

Section 9.03 Amendments

- ~~A.~~The Board may amend any provision of this Ordinance, or the General Manager may waive any provision hereof, wherever it is necessary ~~in order~~or convenient 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.A. 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.~~

~~D.B. 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 (6th) 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 (2) consecutive weeks in one (1) or more newspapers with general circulation in the area in which the property of the District Land or District Water 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., 51 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~~Water or District Land 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 courts with jurisdiction 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~~ Violations of this Ordinance

~~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~~ herein this Ordinance 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.

~~CB.~~ In addition to penal fines and penalties, failure to abide by any of the rules and regulations contained ~~herein~~ herein this Ordinance shall be punishable by a Civil Penalty of not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00) for each violation or each day of a continuing violation. 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.

C. Subject to the District's rights to deny any application for the renewal of any license or permit, existing Commercial Facilities which were approved or authorized by the District are permitted to continue without change as long as such Commercial Facilities are maintained in accordance with the District's ordinances and all building, fire, and electric standards under which they were constructed. No amendment reflected in this Ordinance shall be construed as *ex post facto* law.

Section 9.07 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 lawful instructions or warnings from ~~all peace officers contracted for or employed by the 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 fifteen (15) days after the date of ~~this~~ such written 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 written notice, the arrested person may be released. Failure to appear before the Justice Court having jurisdiction constitutes a violation of ~~the District regulations.~~ this Ordinance. A warrant for the arrest of the person failing to appear may be issued.

Section 9.08 Amended References

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

Section 9.09 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-, and revision and amendment of same on this _____ day of _____, 20_____.

WITNESS:

WITNESS the signing hereof on this day by Jack R. Stevens, as President of the Board of Directors of the District, and the attestation hereof by Leah M. King, as Secretary of the Board of Directors of the District.

Jack R. Stevens, President

ATTEST:

Leah M. King, Secretary



Guidelines for Emergency Response Plans

Guidelines for Emergency Response Plans

The District encourages all Commercial Facilities operating on District Reservoirs to visit the Marinas Association of Texas (the “Association”) website at <https://marinaassociationoftexas.com/index.php>. The Association maintains The Clean Texas Marina Program which includes best management practices and other valuable resources including guidelines to help establish an Emergency Response Plan (as defined in the District’s Commercial Facilities Ordinance).

The Clean Texas Marina Program also enables marinas to be recognized for their efforts in environmental responsibility and lets boaters identify those marinas that promote clean activities and follow best management practices. Participation is voluntary and shows a facility’s commitment to keeping Texas boating areas safe and clean.

Each Commercial Facility having of fifty (50) or more slips for the docking or mooring of boats or capable of accommodating boats equipped with marine toilets and each Marine Fuel Facility (as defined in the Commercial Facilities Ordinance) must prepare and maintain an Emergency Response Plan. The Emergency Response Plan must be submitted to the District annually by each Commercial Facility for review and approval as part of the Operating License Application.

The following are minimum requirements of the Emergency Response Plan to insure that procedures and resources are in place to facilitate an effective and timely response to incidents that may threaten the waters of the District and/or its users.

- In addition to all local, state or federal notification requirements, each Commercial Facility shall be required to notify Tarrant Regional Water District (817-335-2491) of any spill of fuel or other hazardous material into or adjacent to District lands or waters in accordance with the terms of the District’s Commercial Facilities Ordinance, as amended.
- Each Commercial Facility must keep and maintain a current tenant roster, including slip number, boat registration number and tenant contact information.
- Each Commercial Facility must provide to the District the names, titles, and direct 24-hour telephone numbers for each Commercial Facility employee that is responsible for implementing the approved Emergency Response Plan and the names, titles, and direct 24-hour telephone numbers for each manager and officer in charge of operations of the Commercial Facility.

- The Emergency Response Plan must include specific procedures on how to recognize a hazardous spill or discharge, how to report it and how to respond to it. Commercial Facilities licensed by the District must have a spill containment kit on site containing at least 150 feet of absorbent boom, or enough to surround the largest boat residing at the facility (max length of watercraft in marina x 4). The kit must also contain a minimum of 200 absorbent pads. The spill containment kit must be stored in a location out of direct sunlight. The specific location of the kit must be identified in the Emergency Response Plan and the kit must be provided to the District's inspector during inspection of the Commercial Facility.
- Although many spills can be handled by the employees of a Commercial Facility with the minimum materials contained in the required spill response kit, large spills and/or hazardous material spills may require specially trained personnel and equipment to minimize or remediate environmental contamination that will mandate contracting with an outside company. Contact information for an environmental cleanup company needs to be included within the Emergency Response Plan and must provide the name of a contractor and 24-hour phone number to be used by Commercial Facility employees in case of an incident.

The District requires each Commercial Facility to develop a comprehensive Emergency Response Plan. The District reserves the right to require additional items be added to the plan based on the specifics of each facility when it believes additional information is required to protect the reservoir and or its users. These guidelines are for informational purposes only. Each Commercial Facility must comply with the terms of the District's Commercial Facilities Ordinance.



Bridgeport Reservoir Residential Improvement Permit Guidelines



**BRIDGEPORT EAGLE MOUNTAIN RICHLAND CHAMBERS CEDAR CREEK
RESERVOIR**

Residential Improvement Permit Guidelines

Subject to the terms of the District's General Ordinance and following proper application and permitting, the District frequently allows shoreline residents to construct and maintain certain improvements, including docks, seawalls and irrigation pumps, on some portions of District property or in District easement areas ("District Land" or "District Water").

The following guidelines are designed to provide uniformity and continuity among these improvements while protecting the rights of all reservoir users and helping to insure a safe, manageable and enjoyable reservoir for future generations. Where these guidelines conflict with the terms of the District's General Ordinance, the terms of the General Ordinance control.

A permit from the District is required for construction, placement or operation of any structure, improvement, or facility of any type, or to excavate, place fill materials or otherwise change the elevation or contour, at or below elevation 836.325.00 feet above mean sea level ("m.s.l.") or otherwise on any District Land or District Water, including any addition to or modification of any such existing structure or improvement.

Bridgeport Cedar Creek Reservoir is a water supply and water conservation project and the level of water in the reservoir will vary depending on the amount of water used from the reservoir, evaporation rates, amounts of rainfall and runoff in the reservoir watershed and other factors. The conservation or spillway elevation of Bridgeport Cedar Creek Reservoir is 836.322.00 feet above m.s.l. The current 100 year flood flowage boundary elevation is 842.60325.00 feet above m.s.l. Due to the potential of shoreline flooding, the District generally either purchased fee simple title to or a flood easement on the property located between the conservation level of 836.00322.00 feet above m.s.l. and the flood flowage boundary of 851.325.00 feet above m.s.l.

The following must be submitted before a permit will be considered or issued:

1. A non-refundable application fee as set forth in the Residential Improvement Permit Fee Schedule is required for the review of all Residential Improvement Permit Applications submitted to the District. Please make check or money order _____ payable to "Tarrant Regional Water District". A separate permit fee as set forth in the Residential Improvement Permit Fee Schedule will be assessed after the review based upon the type and scope of the proposed project. Cash will not be accepted!

2. A completed Residential Improvement Permit Application, including signatures of the Owner, general contractor and licensed electrical contractor (when applicable).
3. A recorded plat or survey of the property showing the shoreline dimensions and location of all existing improvements.
4. Proof of ownership of the property acceptable to the District (example: copy of deed or tax statement).
5. Plans, specifications, construction details and a list of materials to be used. The drawing must be to scale, one inch to thirty feet (1 inch = 30 feet) or larger and include views from all five sides when applicable.
6. Outside corners of the lot at roadside and at elevation 836325.00 feet m.s.l. must be clearly marked at the time of the pre-permit inspection for a permit to be issued and remain marked throughout the construction process.
7. A copy of policies of insurance, or certificates in lieu thereof in form and substance satisfactory to the District, evidencing the following coverages:
 - a) Commercial General Liability
 - i) Per Occurrence - \$1,000,000
 - ii) General Aggregate - \$2,000,000
 - b) Protection and Indemnity Coverage in the minimum amount of \$1,000,000 for contractors working from a barge or boat.
 - c) Environmental/Pollution Liability providing coverage for pollution of the District reservoir with a minimum limit of \$1,000,000 per occurrence for contractors working on or above water, or from the shoreline with equipment that could present an environmental hazard (not required for licensed electricians).
 - d) Auto liability limit \$500,000 for all vehicles accessing District Land.
 - e) General Requirements:
 - i) The District must be named as Additional Insured.
 - ii) The District must be provided a waiver of subrogation.

- iii) The District must be named as Certificate Holder at the following address:

**Tarrant Regional Water District
Attn: Risk Management
804 E. Northside Drive
Fort Worth, TX 76102**

Applicants should allow a minimum of ten (10) working days for the processing of all Residential Improvement Permit Applications. A construction permit is valid for a period to be determined by the District, with a minimum of thirty (30) days and a maximum of ninety (90) days. A construction extension may be granted at the sole discretion of the District. The extension fee is provided in the Residential Improvement Permit Fee Schedule and [any extension of a construction permit](#) is valid for a period to be determined by the District, but not to exceed ninety (90) days. No more than one extension will be granted.

Any construction on any District Land or Water without a District-issued permit or not in compliance with any District-issued permit is a violation of the District's General Ordinance. If at any time the condition or presence of the permitted improvement interferes with the operation of the reservoir or the safety of the persons or property using the surface thereof, all as determined by the District, the Owner agrees to immediately make any and all changes or corrections necessary to make the improvement comply with the General Ordinance or remove the improvement from District Land or Water at Owner's expense.

A person who violates the General Ordinance commits a Class C Misdemeanor. In addition to penal fines and penalties, violations shall be subject to a civil penalty of not less than \$10.00 and not more than \$1,000.00 for each violation or each day of continuing violation.

A permit issued by the District in no way releases the residential improvement owner from the responsibility of meeting the requirements of federal, state, county or municipal regulations or any deed restrictions or covenants that may apply.

The District's issuance of an improvement permit is to ensure that the improvement meets the guidelines set forth by the District. The District is not responsible for the proper design, engineering or construction of such improvements. Therefore, it is the Owner's responsibility to ensure that the improvement is properly designed, engineered and constructed in such a manner that meets all applicable engineering and building standards. All District requirements and inspections are solely for the benefit of the District and do not constitute the District's opinion or representation regarding the design, construction, or integrity of the improvement. Additionally, the permitting and inspection process creates no rights or benefits in third parties.

Based on construction methods, materials, water depths, overall size and height of the improvement, as well as other project-specific factors, the District may deem it necessary to require that the owner have the design of the improvement reviewed and approved by a licensed professional engineer.

Circumstances will arise in which some of the guidelines listed below may not be practicable or applicable. In these cases, the District reserves the right to use its own discretion.

All residential improvements permitted to be placed on District Land or Water are at the sole discretion of the District, and the permit, if granted, creates no vested rights. The application for and acceptance of the permit constitutes the permittee's consent to the terms and conditions set forth herein, and acknowledgement that any permit shall at all times be subject to the District's General Ordinance and Residential Improvement Permit Guidelines, as amended from time to time. In no event will any future action by the District give rise to any claim for damages for inverse condemnation or otherwise.

GUIDELINES FOR EXCAVATION AND SHORELINE STABILIZATION

1. Retaining walls shall be constructed in a manner that improves the shoreline alignment. The District will determine in its sole discretion to what extent eroded areas may be reclaimed.
2. Approved materials for seawalls include concrete, soil cement, minimum eight (8) gauge steel sheet piling, PVC sheet piling, pressure treated lumber, and rip rap. Other materials with a long life expectancy will be considered. Creosote materials will not be approved or allowed.
3. All construction activities disturbing the soil at or below the flood flowage boundary of the reservoir must employ best management practices to prevent sediment from entering the reservoir. Depending on the size and scope of the excavation a Storm Water Pollution Prevention Plan ("SWPPP") may be required.
4. All excavation activities must be performed in such a manner that will maintain a gently sloping reservoir bottom and prevent the formation of holes or sudden drop-offs. Depending on the reservoir level a survey may be required to determine contours before and after excavation.
5. All excavated material shall be placed above elevation ~~836325~~.00 m.s.l. and in such a manner as to prevent any sediment runoff from returning to the reservoir.
6. The District requires that all efforts be made to locate and prevent damage to underground utilities, including by contacting Texas811 by dialing 811 or via the internet www.Texas811.org, prior to any excavation.

7. A permit fee will be assessed based on the type and scope of the proposed project in accordance with the attached Residential Improvement Permit Fee Schedule. The permit fee must be received by the District prior to the issuance of the permit. Please make check or money order payable to Tarrant Regional Water District. Cash will not be accepted.

GUIDELINES FOR RAW WATER USAGE

1. The use of raw water from any District reservoir for irrigation purposes shall be limited to irrigation of residential shoreline property that is contiguous to the reservoir.
2. Water transmission lines will not be allowed to cross any public or private streets or thoroughfares.
3. Electrical service shall be installed by an electrical contractor licensed by the State of Texas in accordance with the National Electrical Code, as amended and revised. The electrical inspection performed by the District is for general compliance only. The owner and licensed electrical contractor are responsible for ensuring that the installation of all electrical components meets or exceeds all applicable requirements.
4. Submersible pumps **shall not** be placed in District Reservoirs.
5. The intake for irrigation pumps must be located, anchored and marked in a manner so as not to be a hazard to navigation or recreation.
6. The owner must record a notice in the Real Property Records of the county in which the property is located that any subsequent purchaser of the property must renew the permit and pay the permit transfer fee in accordance with the District's Residential Improvement Permit Fee Schedule. The form of the notice must be submitted to the District for approval prior to recordation, and a filemarked copy must be provided to the District after recordation.
7. A permit fee will be assessed based on the type and scope of the proposed project in accordance with the attached Residential Improvement Permit Fee Schedule. The permit fee must be received by the District prior to the issuance of the permit. Please make check or money order payable to the Tarrant Regional Water District. Cash will not be accepted.

GUIDELINES FOR STRUCTURE IMPROVEMENTS

1. If a residence cannot be built or placed on a lot, an improvement may not be permitted for that property.

2. Community boat structures built and/or owned by a homeowner's association, property owner's association, multifamily residential complex or similar will be considered commercial operations and therefore must comply with the District's Commercial Facilities Ordinance.
3. When determining area for the purposes of computations under the General Ordinance or any related guidelines, the measurement shall use the largest area, which may be either the outside corners of the structure or the roofline of such structure if it has more than a two-foot overhang.
4. The maximum size allowed for any structure is determined as follows:
 - a) Eight (8) square feet of structure is allowed for each linear foot of shoreline owned up to 150 linear feet (150 linear feet of shoreline would allow 1,200 square feet of structure area).
 - b) An additional four (4) square feet of structure is allowed for each linear foot of shoreline owned from 151-250 linear feet (1,204-1,600 square feet).
 - c) An additional two (2) square feet of structure is allowed for each linear foot of shoreline owned from 251-450 linear feet (1,602-2,000 square feet).
 - d) An additional one (1) square foot of structure is allowed for each linear foot of shoreline owned over 450 linear feet.
 - e) The area measurement shall exclude one walkway not to exceed eight (8) feet in width to one (1) structure only. If the District approves more than one structure for any property, the entire area of the second structure, as well as any additional structures, shall be included in the area measurement. The distance the structure extends into the reservoir shall be kept to as short of a distance as is practical so as not to impair navigation and to maintain continuity with the shoreline. The maximum square footage may not be allowed in all cases. TRWD reserves the right to reduce maximum structure size for purposes of reservoir operation and safety.
5. Where large undivided tracts or multiple lots are used to determine the maximum area of an improvement, the property owner shall sign, notarize and record with the county clerk's office in the county where such tracts or lots are located a covenant that clearly defines the linear footage of shoreline and includes a legal description of the tracts or lots that are being set aside. The covenant must also state that the area cannot be used for the future determination of other structures. The form of the covenant must be submitted to the District for approval, in the District's sole discretion, before filing, and a filemarked copy must be provided to the District after filing.

6. Building line setbacks for improvements (excluding fences, sidewalks and retaining walls) are as follows:
 - a) For waterfront property with 150' or less of shoreline - no part of an improvement may be closer than five (5') feet to any property line and/or the extended property line as determined by the District.
 - b) For waterfront property with over 150' of shoreline - no part of an improvement may be closer than twenty (20') feet to the property line and/or the extended property line as determined by the District.
 - c) Structures with side entry boat slips shall have the slip opening a minimum of one and a half times (1.5X) the slip length from the property line and/or the extended property line as determined by the District.
 - d) No structure may occupy more than one-third of any channel width and in no case shall any part of any structure come within ten feet of the centerline of the channel. Exceptions may be granted at the sole discretion of TRWD for structures located at the end of a channel.
7. No living quarters shall be built over any area below the spillway elevation of a reservoir whether it is spanned, cantilevered, or by other means.
8. Enclosed structures are not allowed on District reservoirs. To protect a raised boat within a dock from the elements, solid sides on the dock will only be permitted for a maximum of two (2) feet downward from the point where the ceiling joist meets the top plate. No additional materials (*i.e.* lattice, fencing, bars, screen fabric, doors, glass, etc.) may be installed below the two (2) foot sidewall.
9. One small storage area is allowed on the first floor (lower deck) of any permitted structure for storing tackle, life jackets, etc. Products considered hazardous or which have warning labels prohibiting their use near public water supplies shall not be stored in these areas. The overall size of the storage closet may not exceed five percent (5%) of the total approved square footage of the structure. An exception to this sizing guideline will be granted for structures containing less than 400 square feet by allowing the storage closet to contain a maximum of 20 square feet.
10. No toilet facilities of any type will be allowed on any structures.
11. Fuel pumping facilities are not allowed on any non-commercial structure or watercraft.
12. A three-story sun deck will not be approved.
13. All staircases and upper sundecks must have guardrails that conform to the guidelines specified under the rules of the International Residential Code, as amended.

14. Any structure that extends more than fifty feet from the shoreline shall be equipped with a photocell light on the end of the structure that operates continually from dusk until dawn. At the discretion of the District, additional lighting may be required on docks exceeding fifty (50) feet. Circumstances may require that lighting be placed on docks which are less than fifty (50) feet in length. The light shall be white and installed in a manner that illuminates the structure while minimizing light being cast upon adjacent properties or structures and/or creating excessive brightness in the normal field of view of watercraft operators.
15. It is the owner's responsibility to ensure that all permanent lighting required by the District is properly maintained and operational at all times. The homeowner or contractor may also be required to provide temporary safety lighting during the construction of any improvement extending into the reservoir. If required, lighting must be located on the end of the structure during construction and remain until permanent lighting is installed.
16. All structures built over the conservation elevation of the reservoir (elevation 836322.00 feet m.s.l.) must be equipped with reflectors to aid in night-time visibility. The reflectors must be weather resistant plastic, 3" or larger in diameter, white in color and mechanically fastened to the walkway support joists. The reflector spacing shall be no more than twenty (20) feet apart on each side of the walkway leading out to the structure and on all four corners of the end structure.
17. The first floor (lower deck) of a structure shall be no less than 18 inches above elevation 836322.00 feet m.s.l.
18. Electrical service shall be installed by an electrical contractor licensed by the State of Texas in accordance with the National Electrical Code, as amended and revised. A complete electrical plan must be provided to the District with the application. The electrical inspection performed by the District is for general compliance only. The Owner and licensed electrical contractor are responsible for ensuring that the installation of all electrical components meets all applicable legal requirements and standards. As required by the National Electric Code, the Owner must install and maintain all-weather warning signage visible from all approaches to any boat dock or marina and must state "WARNING – POTENTIAL SHOCK HAZARD – ELECTRICAL CURRENTS MAY BE PRESENT IN THE WATER."
19. All materials exposed to the elements shall be cedar, redwood, pressure treated wood, concrete or steel materials. Other materials with long life expectancy will be considered by the District and approved in its sole and absolute discretion. No metal barrels may be used for flotation. Only extruded (closed cell) polystyrene or foam bead expanded polystyrene that is encased in a high-quality protective cover and that has been approved by the District in its sole discretion may be used for flotation. Any replacement of flotation on existing structures must be made using approved encapsulated polystyrene. Creosote treated materials will not be permitted.

20. All structural or anchoring connections below the walkway shall be bolted with galvanized, zinc plated, cadmium plated or stainless-steel bolts. Bolts shall be a minimum of ½" diameter. Steel materials may be welded. Other connections may be nailed or attached by screws.
21. All construction activities disturbing the soil at or below the flood flowage boundary of the reservoir must employ best management practices to prevent sediment from entering the reservoir. Depending on the size and scope of the excavation a Storm Water Pollution Prevention Plan ("SWPPP") may be required.
22. Steel pilings shall have a minimum diameter of two and seven eighths inches (2-7/8") and a minimum wall thickness of 3/16" (.188). Wood pilings must be pressure treated and at least six inches in diameter. Creosote pilings will not be allowed.
23. The maximum height of a structure shall be as low as practical. The District reserves the right in its sole discretion to determine the maximum height allowed for any structure.
24. The roof of a structure shall have a maximum of a six (6) inches in twelve (12) inches pitch. The ridge height is based on the shortest measurement of the length or width of the pitched roof.
25. The attic space created by the roof design may be utilized as storage or as a temporary day-shelter from the elements provided it is built in accordance with the District's roof pitch requirements. This space **shall not** have sewage disposal, raw water, or potable water facilities plumbed into it. This space cannot be utilized as living quarters.
26. All structures built over the conservation elevation of the reservoir (elevation ~~836322.00~~ feet m.s.l.) must display the 911 address for the owner's adjacent property. The address must be displayed on a weather resistant 1/16" or thicker aluminum sign with four inch (4") or larger reflective letters. The sign must be mechanically fastened to and must be visible from the reservoir side of the structure.
- ~~27. Improvements such as storage buildings (120 square foot maximum), patios, awnings, fencing, swimming pools, etc. below the flood flowage boundary (elevation ~~836325.00~~ feet m.s.l.) cannot be installed without issuance of a permit from the District. The decision to allow or deny such improvements is at the District's sole discretion.~~
- ~~28-27.~~ All structures to be constructed on District Land or Water pursuant to a permit issued by the District must be constructed using finishes, ~~paint colors,~~ designs, and materials acceptable to the District in its sole discretion and such finishes, ~~colors,~~ designs and materials must be detailed on any plans submitted to the District as part of the permit application process.

[29-28](#). A permit fee will be assessed based on the type and scope of the proposed project in accordance with the attached Residential Improvement Permit Fee Schedule. The permit fee must be received prior to the issuance of any permit. Please make check or money order payable to Tarrant Regional Water District. Cash will not be accepted.

GUIDELINES FOR BUOYS

- ~~1. All buoys (slow, no wake, navigational, mooring, etc.) must be approved and installed pursuant to a permit issued by the District in its sole discretion.~~
- ~~2. A permit fee will be assessed based on the type and scope of the proposed project in accordance with the attached Residential Improvement Permit Fee Schedule. The permit fee must be received prior to the issuance of the permit. Please make check or money order payable to Tarrant Regional Water District. Cash will not be accepted.~~



Cedar Creek Reservoir Residential Improvement Permit Guidelines



CEDAR CREEK RESERVOIR

Residential Improvement Permit Guidelines

The Subject to the terms of the District's General Ordinance and following proper application and permitting, the District frequently allows construction shoreline residents to construct and maintenance of maintain certain improvements on District property, including docks, seawalls and irrigation pumps. The intent is to allow property owners to have access to the adjacent reservoir, protect their investment and maximize their quality, on some portions of life-District property or in District easement areas ("District Land" or "District Water").

The following guidelines are designed to provide uniformity and continuity among these improvements while protecting the rights of all reservoir users and helping to insure a safe, manageable and enjoyable reservoir for future generations. Where these guidelines conflict with the terms of the District's General Ordinance, the terms of the General Ordinance control.

A permit from the District is required for construction, placement or operation of any structure, improvement, or facility of any type, or to excavate, place fill materials or otherwise change the elevation or contour, at or below elevation 325.00' (expressed in 00 feet above mean sea level ("m.s.l.") or otherwise on any District Land or District Water, including any addition to or modification of any such existing structure or improvement.

Cedar Creek Reservoir is a water supply and water conservation project and the level of water in the reservoir will vary depending on the amount of water used from the reservoir, evaporation rates, amounts of rainfall and runoff in the reservoir watershed and other factors. The conservation or spillway elevation of Cedar Creek Reservoir is 322.00 feet above m.s.l. The flood flowage boundary is 325.00 feet above m.s.l. Due to the potential of shoreline flooding, the District generally either purchased fee simple title to or purchased a flood easement on the property located between the conservation level of 322.00 feet above m.s.l. and the flood flowage boundary of 325.00 feet above m.s.l. ~~Cedar Creek Reservoir is a water supply and water conservation project and the level of water in the reservoir will vary depending on the amount of water used from the reservoir, evaporation rates, amounts of rainfall and runoff in the reservoir watershed and other factors.~~

The following must be submitted before a permit will be considered or issued:

1. A ~~\$50.00~~ non-refundable application fee as set forth in the Residential Improvement Permit Fee Schedule is required for the review of all ~~permit~~

~~applications.~~ Residential Improvement Permit Applications submitted to the District. Please make check or money order payable to "Tarrant Regional Water District". A separate permit fee as set forth in the Residential Improvement Permit Fee Schedule will be assessed after the review based upon the type and scope of the proposed project ~~in accordance with the attached Residential Permit Fee Schedule).~~ ~~CASH WILL NOT BE ACCEPTED.~~ Cash will not be accepted!

2. A completed ~~application~~ Residential Improvement Permit Application, including signatures of the Owner, General Contractor ~~general contractor and Licensed Electrical Contractor~~ licensed electrical contractor (when applicable).
3. A recorded plat or survey of the property showing the ~~shore front~~ shoreline dimensions and location of all existing improvements.
4. Proof of ownership of the property acceptable to the District (example: copy of deed or tax statement).
5. Plans, specifications, construction details and a list of materials to be used. The drawing must be to scale, one inch to thirty feet (1 inch = 30 feet) or larger and include views from all five sides when applicable.
6. Outside corners of the lot at roadside and at elevation 325.00 feet m.s.l. must be clearly marked at the time of the pre-permit inspection for a permit to be issued and remain marked throughout the construction process.
7. A copy of ~~the contractors'~~ policies of insurance, or certificates in lieu thereof in form and substance satisfactory to the District, evidencing the following coverages:
 - a) Commercial General Liability
 - i) Per Occurrence - \$1,000,000
 - ii) General Aggregate - \$2,000,000
 - b) Protection and Indemnity Coverage in the minimum amount of \$1,000,000 for contractors working from a barge or boat.
 - c) Environmental/Pollution Liability providing coverage for pollution of the District reservoir with a minimum limit of \$1,000,000 per occurrence for contractors working on or above water, or from the shoreline with equipment that could present an environmental hazard (not required for licensed electricians).

d) Auto liability limit \$500,000 for all vehicles accessing District PropertyLand.

e) General Requirements:

i) The District must be named as Additional Insured.

ii) The District must be provided a waiver of subrogation.

iii) The District must be named as Certificate Holder at the following address:

**Tarrant Regional Water District
Attn: Risk Management
804 E. Northside Drive
Fort Worth, TX 76102**

Applicants should allow a minimum of ten (10) working days for the processing of all Residential Improvement Permit Applications. A construction permit is valid for a period to be determined by the District, with a minimum of thirty (30) days and a maximum of ninety (90) days. A construction extension may be granted at the sole discretion of the District. The extension fee is ~~\$150.00 and~~ provided in the Residential Improvement Permit Fee Schedule and any extension of a construction permit is valid for a period to be determined by the District ~~with a maximum of~~, but not to exceed ninety (90) days. No more than one extension will be granted.

Any construction on any District Land or Water without a District-issued permit or not in accordance compliance with ~~the any~~ District-issued permit is a violation of the District's General Ordinance.

If at any time the condition or presence of ~~an~~ the permitted improvement interferes with the operation of the reservoir or the safety of the persons or property using the surface thereof, all as determined by the District, the Owner agrees to immediately make any and all changes or corrections necessary to make the improvement comply with the General Ordinance or remove the improvement from District propertyLand or Water at Owner's expense.

A person who violates the General Ordinance commits a Class C Misdemeanor. In addition to penal fines and penalties, violations shall be subject to a civil penalty of not less than \$10.00 and not more than \$1,000.00 for each violation or each day of continuing violation.

A permit issued by the District in no way releases the residential improvement owner from the responsibility of meeting the requirements of federal, state, county or Citymunicipal regulations or any ~~development~~ deed restrictions or covenants that may apply.

The District's issuance of an improvement permit is to ensure that the improvement meets the guidelines set forth by the District. The District is not responsible for the proper design, engineering or construction of such improvements. Therefore, it is the Owner's responsibility to ensure that the improvement is properly designed, engineered and constructed in such a manner that meets all applicable engineering and building standards. All District requirements and inspections are solely for the benefit of the District and do not constitute the District's opinion or representation regarding the design, construction, or integrity of the improvement. Additionally, the permitting and inspection process creates no rights or benefits in third parties.

Based on construction methods, materials, water depths, overall size and height of the improvement, as well as other project-specific factors, the District may deem it necessary to require that the Owner have the design of the improvement reviewed and approved by a licensed professional engineer.

Circumstances will arise in which some of the guidelines listed below may not be practicable or suitable~~applicable~~. In these cases, the District~~management~~ reserves the right to use its own discretion.

All residential improvements permitted to be placed on District property~~Land or Water~~ are at the sole discretion of the District, and the permit, if granted, creates no vested rights. The application for and acceptance of the permit constitutes the permittee's consent to the terms and conditions set forth herein, and acknowledgement that any permit shall at all times be subject to the District's General Ordinance and Residential Improvement Permit Guidelines, as amended from time to time. In no event will any future action by the District ~~action~~ give rise to any claim for damages for inverse condemnation or otherwise.

GUIDELINES FOR EXCAVATION AND SHORELINE STABILIZATION

1. Retaining walls shall be constructed in a manner that improves the shoreline alignment. The District will determine in its sole discretion to what extent eroded areas may be reclaimed.
2. Approved materials for seawalls include concrete, soil cement, minimum eight (8) gauge steel sheet piling, PVC sheet piling, pressure treated lumber, and rip rap. Other materials with a long life expectancy will be considered. Creosote materials will not be approved or allowed.
3. All construction activities disturbing the soil at or below the flood flowage boundary of the reservoir must employ best management practices to prevent sediment from entering the reservoir. Depending on the size and scope of the excavation a Storm Water Pollution Prevention Plan ("SWPPP") may be required.
4. All excavation activities must be performed in such a manner that will maintain a gently sloping reservoir bottom and prevent the formation of holes or sudden drop-offs.

Depending on the reservoir level a survey may be required to determine contours before and after excavation.

5. All excavated material shall be placed above elevation 325.00 m.s.l. and in such a manner as to prevent any sediment runoff from returning to the reservoir.
6. The District ~~recommends~~requires that ~~prior to any excavation~~ all efforts be made to locate and prevent damage to underground utilities, including by contacting Texas811 by dialing 811 or via the internet www.Texas811.org; prior to any excavation.
7. A permit fee will be assessed based on the type and scope of the proposed project in accordance with the attached Residential Improvement Permit Fee Schedule. The permit fee must be received by the District prior to the issuance of the permit. Please make check or money order payable to Tarrant Regional Water District. Cash will not be accepted.

GUIDELINES FOR RAW WATER USAGE

1. The use of raw water from any District reservoir for irrigation purposes shall be limited to irrigation of residential shoreline property that is contiguous to the reservoir.
2. Water transmission lines will not be allowed to cross any public or private streets or thoroughfares.
3. Electrical service shall be installed by ~~a Licensed Electrical Contractor~~an electrical contractor licensed by the State of Texas in accordance with the National Electrical Code, as amended and revised. The electrical inspection performed by the District is for general compliance only. The owner and licensed electrical contractor are responsible for ensuring that the installation of all electrical components meets or exceeds all applicable requirements.
4. Submersible pumps ~~are~~shall not permitted for residential use on be placed in District Reservoirs.
5. The intake for irrigation pumps must be located, anchored and marked in a manner so as not to be a hazard to navigation or recreation.
6. The owner must record a notice in the Real Property Records of the county in which the property is located that any subsequent purchaser of the property must renew the permit and pay the permit transfer fee in accordance with the District's Residential Improvement Permit Fee Schedule. The form of the notice must be submitted to the District for approval prior to recordation, and a filemarked copy must be provided to the District after recordation.

6.7. _____ A permit fee will be assessed based on the type and scope of the proposed project in accordance with the attached Residential Improvement Permit Fee Schedule. The permit fee must be received by the District prior to the issuance of the permit. Please make check or money order payable to Tarrant Regional Water District. Cash will not be accepted.

GUIDELINES FOR STRUCTURE IMPROVEMENTS

1. If a residence cannot be built or placed on a lot, an improvement may not be permitted for that property.
2. Community ~~(HOA's, POA's)~~ boat structures built and/or owned by a homeowner's association, property owner's association, multifamily residential complex or similar will be considered commercial operations and therefore ~~fall under~~must comply with the District's Commercial Facilities Ordinance.
3. ~~The~~When determining area ~~measured is to be for~~ the purposes of computations under the General Ordinance or any related guidelines, the measurement shall use the largest area ~~at the end of a walkway. The largest area, which~~ may be either the outside corners of the structure or the roofline of such structure if it has more than a two-foot overhang.
4. The maximum size allowed for any structure is determined as follows:
 - a) Eight (8) square feet of structure is allowed per for each linear foot of shoreline owned up to 150 linear feet ~~((150 linear feet of shoreline would allow 1,200 square feet of structure area).~~
 - b) An additional four (4) square feet of structure is allowed for each linear foot of shoreline owned from 151-250 linear feet (1,204-1,600 square feet).
 - c) An additional two (2) square feet of structure is allowed for each linear foot of shoreline owned from 251-450 linear feet (1,602-2,000 square feet).
 - d) An additional one (1) square foot of structure is allowed for each linear foot of shoreline owned over 450 linear feet.
 - e) The area measurement shall exclude one walkway not to exceed eight (8) feet wide in width to one (1) structure only. If ~~there is~~ the District approves more than one structure ~~approved for the any~~ property ~~then,~~ the entire area of the second structure, as well as any additional structures, shall be included in the area measurement. The distance the structure extends into the reservoir shall be kept to as short of a distance as is practical so as not to impair navigation and to maintain continuity with the shoreline. The maximum square footage may not be

allowed in all cases. TRWD reserves the right to reduce maximum structure size for purposes of reservoir operation and safety.

5. Where large undivided tracts or multiple lots are used to determine the maximum area of an improvement; ~~a covenant, the property owner shall be signed, notarized sign, notarize and recorded at record with~~ the county clerk's office ~~by~~ in the ~~property owner.~~ ~~The county where such tracts or lots are located a~~ covenant ~~must that~~ clearly ~~define defines~~ the linear footage of shoreline and ~~include includes~~ a legal description of the ~~tract tracts~~ or lots that are being set aside. ~~#The covenant~~ must also state that the area cannot be used for the future determination of other structures. The form of the covenant must be submitted to the District for approval ~~before, in the District's sole discretion, before filing, and a file marked copy must be provided to the District after~~ filing.
6. Building line setbacks for improvements (excluding fences, sidewalks and retaining walls) are as follows:
 - a) For waterfront property with 150' or less of shoreline - no part of an improvement may be closer than five (5') feet to any property line and/or the extended property line as determined by the District.
 - b) For waterfront property with over 150' of shoreline - no part of an improvement may be closer than twenty (20') feet to the property line and/or the extended property line as determined by the District.
 - c) Structures with side entry boat slips shall have the slip opening a minimum of one and a half times (1.5X) the slip length from the property line and/or the extended property line as determined by the District.
 - d) No structure may occupy more than one-third of any channel width and in no case shall any part of any structure come within ten feet of the centerline of the channel. Exceptions may be granted at the sole discretion of TRWD for structures located at the end of a channel.
7. ~~There will be no~~ No living quarters shall be built over any area below the spillway elevation of a reservoir whether it is spanned, cantilevered, or by other means.
8. Enclosed structures are not allowed on District reservoirs. ~~In order to~~ To protect a raised boat within a dock from the elements, solid sides on the dock will only be permitted for a maximum of two (2) feet downward from the point where the ceiling joist meets the top plate. No additional materials (*i.e.* lattice, fencing, bars, screen fabric, doors, glass, etc.) may be installed below the two (2) foot sidewall.
9. One small storage area is allowed on the first floor (lower deck) of ~~the~~ any permitted structure for storing tackle, life jackets, etc. Products considered hazardous or which have warning labels prohibiting their use near public water supplies shall not be stored

in these areas. The overall size of the storage closet may not exceed five percent (5%) of the total approved square footage of the structure. An exception to this sizing guideline will be granted for structures containing less than 400 square feet by allowing the storage closet to contain a maximum of 20 square feet.

10. No toilet facilities of any type will be allowed on any structures.
11. Fuel pumping facilities are not allowed on any non-commercial structure or watercraft.
12. A three-story sun deck will not be approved.
13. All staircases and upper sundecks must have guardrails that conform to the guidelines specified under the rules of the International Residential Code (~~IRC~~), as amended.
14. Any structure that extends more than fifty feet from the shoreline shall be equipped with a photocell light on the end of the structure that operates continually from dusk until dawn. At the discretion of the District, additional lighting may be required on docks exceeding fifty (50) feet. Circumstances may require that lighting be placed on docks which are less than fifty (50) feet in length. The light shall be white and installed in a manner that illuminates the structure while minimizing light ~~from~~ being cast upon adjacent properties or structures and/or creating excessive brightness in the normal field of view of watercraft operators.
15. It is the Owner's responsibility to ensure that all permanent lighting required by the District is properly maintained and operational at all times. The homeowner or contractor may also be required to provide temporary safety lighting during the construction of any improvement extending into the reservoir. If required, lighting must be located on the end of the structure during construction and remain until permanent lighting is installed.
16. All structures built over the conservation elevation of the reservoir (elevation 322.00 feet m.s.l.) must be equipped with reflectors to aid in night-time visibility. The reflectors must be weather resistant plastic, 3" or larger in diameter, white in color and mechanically fastened to the walkway support joists. The reflector spacing shall be no more than twenty (20) feet apart on each side of the walkway leading out to the structure and on all four corners of the end structure.
17. The first floor (lower deck) of a structure shall be no less than 18 inches above elevation 322.00 feet m.s.l.
18. Electrical service shall be installed by ~~a Licensed Electrical Contractor~~ an electrical contractor licensed by the State of Texas in accordance with the National Electrical Code, as amended and revised. A complete electrical plan must be provided to the District with the application. The electrical inspection performed by the District is for general compliance only. The Owner and licensed electrical contractor are responsible for ensuring that the installation of all electrical components meets all

~~applicable requirements.~~ legal requirements and standards. As required by the National Electric Code, the Owner must install and maintain all-weather warning signage visible from all approaches to any boat dock or marina and must state “WARNING – POTENTIAL SHOCK HAZARD – ELECTRICAL CURRENTS MAY BE PRESENT IN THE WATER.”

19. All materials exposed to the elements shall be cedar, redwood, pressure treated wood, concrete or steel materials. Other materials with long life expectancy will be considered ~~by the District and approved in its sole and absolute discretion.~~ No metal barrels may be used for flotation. Only extruded (closed cell) polystyrene or foam bead expanded polystyrene that is encased in a high-quality protective cover and that has been approved by the District in its sole discretion may be used for flotation. Any replacement of flotation on existing structures must be made using approved encapsulated polystyrene. Creosote treated materials will not be permitted ~~below conservation level.~~
20. ~~All~~ All structural or anchoring connections below the walkway shall be bolted with galvanized, zinc plated, cadmium plated or stainless-steel bolts. Bolts shall be a minimum of ½” diameter. Steel materials may be welded. Other connections may be nailed or attached by screws.
21. All construction activities disturbing the soil at or below the flood flowage boundary of the reservoir must employ best management practices to prevent sediment from entering the reservoir. Depending on the size and scope of the excavation a Storm Water Pollution Prevention Plan (“SWPPP”) may ~~require approval by the District~~ be required.
22. Steel pilings shall have a minimum diameter of two and seven eighths inches (2-7/8”) and a minimum wall thickness of 3/16” (.188). Wood pilings must be pressure treated and at least six inches in diameter. Creosote pilings will not be allowed.
23. The maximum height of a structure shall be as low as practical. The District reserves the right in its sole discretion to determine the maximum height allowed for any structure.
24. The roof of a structure shall have a maximum of a six (6) inches in twelve (12) inches pitch. The ridge height is based on the shortest measurement of the length or width of the pitched roof.
25. The attic space created by the roof design may be utilized as storage or as a temporary day-shelter from the elements provided it is built in accordance with the District’s roof pitch requirements. This space **shall not** have sewage disposal, raw water, or potable water, ~~or sewage disposal~~ facilities plumbed into it. This space cannot be utilized as living quarters.

26. All structures built over the conservation elevation of the reservoir (elevation 322.00 feet m.s.l.) must display the ~~property owner's~~ 911 address for the owner's adjacent property. The address must be displayed on a weather resistant 1/16" or thicker aluminum sign with four inch (4") or larger reflective letters. The sign must be mechanically fastened to and must be visible from the reservoir side of the structure.
27. ~~The construction of improvements~~Improvements such as storage buildings (120 square foot maximum), patios, awnings, fencing, swimming pools, etc. below the flood flowage boundary (elevation 325.00 feet m.s.l.) cannot be ~~permitted by~~installed without issuance of a permit from the District. The decision to allow or deny such improvements is at the District's sole discretion.
28. All structures to be constructed on District Land or Water pursuant to a permit issued by the District must be constructed using finishes, designs, and materials acceptable to the District in its sole discretion and such finishes, designs and materials must be detailed on any plans submitted to the District as part of the permit application process.
- ~~28-29.~~ A permit fee will be assessed based on the type and scope of the proposed project in accordance with the attached Residential Improvement Permit Fee Schedule. The permit fee must be received prior to the issuance of any permit. Please make check or money order payable to Tarrant Regional Water District. Cash will not be accepted.

GUIDELINES FOR BUOYS

1. All buoys (slow, no wake, navigational, mooring, etc.) must be approved and ~~permitted~~installed pursuant to a permit issued by the District in its sole discretion.
2. A permit fee will be assessed based on the type and scope of the proposed project in accordance with the attached Residential Improvement Permit Fee Schedule. The permit fee must be received prior to the issuance of the permit. Please make check or money order payable to Tarrant Regional Water District. Cash will not be accepted.



Eagle Mountain Reservoir Residential Improvement Permit Guidelines



EAGLE MOUNTAINRICHLAND CHAMBERSCEDAR CREEK RESERVOIR

Residential Improvement Permit Guidelines

Subject to the terms of the District’s General Ordinance and following proper application and permitting, the District frequently allows shoreline residents to construct and maintain certain improvements, including docks, seawalls and irrigation pumps, on some portions of District property or in District easement areas (“District Land” or “District Water”).

The following guidelines are designed to provide uniformity and continuity among these improvements while protecting the rights of all reservoir users and helping to insure a safe, manageable and enjoyable reservoir for future generations. Where these guidelines conflict with the terms of the District’s General Ordinance, the terms of the General Ordinance control.

A permit from the District is required for construction, placement or operation of any structure, improvement, or facility of any type, or to excavate, place fill materials or otherwise change the elevation or contour, at or below elevation ~~649.00325.00~~ feet above mean sea level (“m.s.l.”) or otherwise on any District Land or District Water, including any addition to or modification of any such existing structure or improvement.

Eagle MountainCedar Creek Reservoir is a water supply and water conservation project and the level of water in the reservoir will vary depending on the amount of water used from the reservoir, evaporation rates, amounts of rainfall and runoff in the reservoir watershed and other factors. The conservation or spillway elevation of Eagle MountainCedar Creek Reservoir is ~~649.00322.00~~ feet above m.s.l. The flood flowage boundary is ~~668.00649.00325.00~~ feet above m.s.l. Due to the potential of shoreline flooding, the District generally either purchased fee simple title to or a flood easement on the property located between the conservation level of ~~649.00322.00~~ feet above m.s.l. and the flood flowage boundary of ~~66849.00325.00~~ feet above m.s.l.

The following must be submitted before a permit will be considered or issued:

1. A non-refundable application fee as set forth in the Residential Improvement Permit Fee Schedule is required for the review of all Residential Improvement Permit Applications submitted to the District. Please make check or money order payable to “Tarrant Regional Water District”. A separate permit fee as set forth in the Residential Improvement Permit Fee Schedule will be assessed after the review based upon the type and scope of the proposed project. Cash will not be accepted!

2. A completed Residential Improvement Permit Application, including signatures of the Owner, general contractor and licensed electrical contractor (when applicable).
3. A recorded plat or survey of the property showing the shoreline dimensions and location of all existing improvements.
4. Proof of ownership of the property acceptable to the District (example: copy of deed or tax statement).
5. Plans, specifications, construction details and a list of materials to be used. The drawing must be to scale, one inch to thirty feet (1 inch = 30 feet) or larger and include views from all five sides when applicable.
6. Outside corners of the lot at roadside and at elevation ~~649.00~~325.00 feet m.s.l. must be clearly marked at the time of the pre-permit inspection for a permit to be issued and remain marked throughout the construction process.
7. A copy of policies of insurance, or certificates in lieu thereof in form and substance satisfactory to the District, evidencing the following coverages:
 - a) Commercial General Liability
 - i) Per Occurrence - \$1,000,000
 - ii) General Aggregate - \$2,000,000
 - b) Protection and Indemnity Coverage in the minimum amount of \$1,000,000 for contractors working from a barge or boat.
 - c) Environmental/Pollution Liability providing coverage for pollution of the District reservoir with a minimum limit of \$1,000,000 per occurrence for contractors working on or above water, or from the shoreline with equipment that could present an environmental hazard (not required for licensed electricians).
 - d) Auto liability limit \$500,000 for all vehicles accessing District Land.
 - e) General Requirements:
 - i) The District must be named as Additional Insured.
 - ii) The District must be provided a waiver of subrogation.
 - iii) The District must be named as Certificate Holder at the following address:

**Tarrant Regional Water District
Attn: Risk Management
804 E. Northside Drive
Fort Worth, TX 76102**

Applicants should allow a minimum of ten (10) working days for the processing of all Residential Improvement Permit Applications. A construction permit is valid for a period to be determined by the District, with a minimum of thirty (30) days and a maximum of ninety (90) days. A construction extension may be granted at the sole discretion of the District. The extension fee is provided in the Residential Improvement Permit Fee Schedule and [any extension of a construction permit](#) is valid for a period to be determined by the District, but not to exceed ninety (90) days. No more than one extension will be granted.

Any construction on any District Land or Water without a District-issued permit or not in compliance with any District-issued permit is a violation of the District's General Ordinance. If at any time the condition or presence of the permitted improvement interferes with the operation of the reservoir or the safety of the persons or property using the surface thereof, all as determined by the District, the Owner agrees to immediately make any and all changes or corrections necessary to make the improvement comply with the General Ordinance or remove the improvement from District Land or Water at Owner's expense.

A person who violates the General Ordinance commits a Class C Misdemeanor. In addition to penal fines and penalties, violations shall be subject to a civil penalty of not less than \$10.00 and not more than \$1,000.00 for each violation or each day of continuing violation.

A permit issued by the District in no way releases the residential improvement owner from the responsibility of meeting the requirements of federal, state, county or municipal regulations or any deed restrictions or covenants that may apply.

The District's issuance of an improvement permit is to ensure that the improvement meets the guidelines set forth by the District. The District is not responsible for the proper design, engineering or construction of such improvements. Therefore, it is the Owner's responsibility to ensure that the improvement is properly designed, engineered and constructed in such a manner that meets all applicable engineering and building standards. All District requirements and inspections are solely for the benefit of the District and do not constitute the District's opinion or representation regarding the design, construction, or integrity of the improvement. Additionally, the permitting and inspection process creates no rights or benefits in third parties.

Based on construction methods, materials, water depths, overall size and height of the improvement, as well as other project-specific factors, the District may deem it necessary

to require that the owner have the design of the improvement reviewed and approved by a licensed professional engineer.

Circumstances will arise in which some of the guidelines listed below may not be practicable or applicable. In these cases, the District reserves the right to use its own discretion.

All residential improvements permitted to be placed on District Land or Water are at the sole discretion of the District, and the permit, if granted, creates no vested rights. The application for and acceptance of the permit constitutes the permittee's consent to the terms and conditions set forth herein, and acknowledgement that any permit shall at all times be subject to the District's General Ordinance and Residential Improvement Permit Guidelines, as amended from time to time. In no event will any future action by the District give rise to any claim for damages for inverse condemnation or otherwise.

GUIDELINES FOR EXCAVATION AND SHORELINE STABILIZATION

1. Retaining walls shall be constructed in a manner that improves the shoreline alignment. The District will determine in its sole discretion to what extent eroded areas may be reclaimed.
2. Approved materials for seawalls include concrete, soil cement, minimum eight (8) gauge steel sheet piling, PVC sheet piling, pressure treated lumber, and rip rap. Other materials with a long life expectancy will be considered. Creosote materials will not be approved or allowed.
3. All construction activities disturbing the soil at or below the flood flowage boundary of the reservoir must employ best management practices to prevent sediment from entering the reservoir. Depending on the size and scope of the excavation a Storm Water Pollution Prevention Plan ("SWPPP") may be required.
4. All excavation activities must be performed in such a manner that will maintain a gently sloping reservoir bottom and prevent the formation of holes or sudden drop-offs. Depending on the reservoir level a survey may be required to determine contours before and after excavation.
5. All excavated material shall be placed above elevation 649.00325.00 m.s.l. and in such a manner as to prevent any sediment runoff from returning to the reservoir.
6. The District requires that all efforts be made to locate and prevent damage to underground utilities, including by contacting Texas811 by dialing 811 or via the internet www.Texas811.org, prior to any excavation.
7. A permit fee will be assessed based on the type and scope of the proposed project in accordance with the attached Residential Improvement Permit Fee Schedule. The

permit fee must be received by the District prior to the issuance of the permit. Please make check or money order payable to Tarrant Regional Water District. Cash will not be accepted.

GUIDELINES FOR RAW WATER USAGE

1. The use of raw water from any District reservoir for irrigation purposes shall be limited to irrigation of residential shoreline property that is contiguous to the reservoir.
2. Water transmission lines will not be allowed to cross any public or private streets or thoroughfares.
3. Electrical service shall be installed by an electrical contractor licensed by the State of Texas in accordance with the National Electrical Code, as amended and revised. The electrical inspection performed by the District is for general compliance only. The owner and licensed electrical contractor are responsible for ensuring that the installation of all electrical components meets or exceeds all applicable requirements.
4. Submersible pumps **shall not** be placed in District Reservoirs.
5. The intake for irrigation pumps must be located, anchored and marked in a manner so as not to be a hazard to navigation or recreation.
6. The owner must record a notice in the Real Property Records of the county in which the property is located that any subsequent purchaser of the property must renew the permit and pay the permit transfer fee in accordance with the District's Residential Improvement Permit Fee Schedule. The form of the notice must be submitted to the District for approval prior to recordation, and a filemarked copy must be provided to the District after recordation.
7. A permit fee will be assessed based on the type and scope of the proposed project in accordance with the attached Residential Improvement Permit Fee Schedule. The permit fee must be received by the District prior to the issuance of the permit. Please make check or money order payable to the Tarrant Regional Water District. Cash will not be accepted.

GUIDELINES FOR STRUCTURE IMPROVEMENTS

1. If a residence cannot be built or placed on a lot, an improvement may not be permitted for that property.

2. Community boat structures built and/or owned by a homeowner's association, property owner's association, multifamily residential complex or similar will be considered commercial operations and therefore must comply with the District's Commercial Facilities Ordinance.
3. When determining area for the purposes of computations under the General Ordinance or any related guidelines, the measurement shall use the largest area, which may be either the outside corners of the structure or the roofline of such structure if it has more than a two-foot overhang.
4. The maximum size allowed for any structure is determined as follows:
 - a) Eight (8) square feet of structure is allowed for each linear foot of shoreline owned up to 150 linear feet (150 linear feet of shoreline would allow 1,200 square feet of structure area).
 - b) An additional four (4) square feet of structure is allowed for each linear foot of shoreline owned from 151-250 linear feet (1,204-1,600 square feet).
 - c) An additional two (2) square feet of structure is allowed for each linear foot of shoreline owned from 251-450 linear feet (1,602-2,000 square feet).
 - d) An additional one (1) square foot of structure is allowed for each linear foot of shoreline owned over 450 linear feet.
 - e) The area measurement shall exclude one walkway not to exceed eight (8) feet in width to one (1) structure only. If the District approves more than one structure for any property, the entire area of the second structure, as well as any additional structures, shall be included in the area measurement. The distance the structure extends into the reservoir shall be kept to as short of a distance as is practical so as not to impair navigation and to maintain continuity with the shoreline. The maximum square footage may not be allowed in all cases. TRWD reserves the right to reduce maximum structure size for purposes of reservoir operation and safety.
5. Where large undivided tracts or multiple lots are used to determine the maximum area of an improvement, the property owner shall sign, notarize and record with the county clerk's office in the county where such tracts or lots are located a covenant that clearly defines the linear footage of shoreline and includes a legal description of the tracts or lots that are being set aside. The covenant must also state that the area cannot be used for the future determination of other structures. The form of the covenant must be submitted to the District for approval, in the District's sole discretion, before filing, and a file_{marked} copy must be provided to the District after filing.
6. Building line setbacks for improvements (excluding fences, sidewalks and retaining walls) are as follows:

- a) For waterfront property with 150' or less of shoreline - no part of an improvement may be closer than five (5') feet to any property line and/or the extended property line as determined by the District.
 - b) For waterfront property with over 150' of shoreline - no part of an improvement may be closer than twenty (20') feet to the property line and/or the extended property line as determined by the District.
 - c) Structures with side entry boat slips shall have the slip opening a minimum of one and a half times (1.5X) the slip length from the property line and/or the extended property line as determined by the District.
 - d) No structure may occupy more than one-third of any channel width and in no case shall any part of any structure come within ten feet of the centerline of the channel. Exceptions may be granted at the sole discretion of TRWD for structures located at the end of a channel.
7. No living quarters shall be built over any area below the spillway elevation of a reservoir whether it is spanned, cantilevered, or by other means.
 8. Enclosed structures are not allowed on District reservoirs. To protect a raised boat within a dock from the elements, solid sides on the dock will only be permitted for a maximum of two (2) feet downward from the point where the ceiling joist meets the top plate. No additional materials (*i.e.* lattice, fencing, bars, screen fabric, doors, glass, etc.) may be installed below the two (2) foot sidewall.
 9. One small storage area is allowed on the first floor (lower deck) of any permitted structure for storing tackle, life jackets, etc. Products considered hazardous or which have warning labels prohibiting their use near public water supplies shall not be stored in these areas. The overall size of the storage closet may not exceed five percent (5%) of the total approved square footage of the structure. An exception to this sizing guideline will be granted for structures containing less than 400 square feet by allowing the storage closet to contain a maximum of 20 square feet.
 10. No toilet facilities of any type will be allowed on any structures.
 11. Fuel pumping facilities are not allowed on any non-commercial structure or watercraft.
 12. A three-story sun deck will not be approved.
 13. All staircases and upper sundecks must have guardrails that conform to the guidelines specified under the rules of the International Residential Code, as amended.
 14. Any structure that extends more than fifty feet from the shoreline shall be equipped with a photocell light on the end of the structure that operates continually from dusk

until dawn. At the discretion of the District, additional lighting may be required on docks exceeding fifty (50) feet. Circumstances may require that lighting be placed on docks which are less than fifty (50) feet in length. The light shall be white and installed in a manner that illuminates the structure while minimizing light being cast upon adjacent properties or structures and/or creating excessive brightness in the normal field of view of watercraft operators.

15. It is the owner's responsibility to ensure that all permanent lighting required by the District is properly maintained and operational at all times. The homeowner or contractor may also be required to provide temporary safety lighting during the construction of any improvement extending into the reservoir. If required, lighting must be located on the end of the structure during construction and remain until permanent lighting is installed.
16. All structures built over the conservation elevation of the reservoir (elevation 649322.00 feet m.s.l.) must be equipped with reflectors to aid in night-time visibility. The reflectors must be weather resistant plastic, 3" or larger in diameter, white in color and mechanically fastened to the walkway support joists. The reflector spacing shall be no more than twenty (20) feet apart on each side of the walkway leading out to the structure and on all four corners of the end structure.
17. The first floor (lower deck) of a structure shall be no less than 18 inches above elevation 649322.00 feet m.s.l.
18. Electrical service shall be installed by an electrical contractor licensed by the State of Texas in accordance with the National Electrical Code, as amended and revised. A complete electrical plan must be provided to the District with the application. The electrical inspection performed by the District is for general compliance only. The Owner and licensed electrical contractor are responsible for ensuring that the installation of all electrical components meets all applicable legal requirements and standards. As required by the National Electric Code, the Owner must install and maintain all-weather warning signage visible from all approaches to any boat dock or marina and must state "WARNING – POTENTIAL SHOCK HAZARD – ELECTRICAL CURRENTS MAY BE PRESENT IN THE WATER."
19. All materials exposed to the elements shall be cedar, redwood, pressure treated wood, concrete or steel materials. Other materials with long life expectancy will be considered by the District and approved in its sole and absolute discretion. No metal barrels may be used for flotation. Only extruded (closed cell) polystyrene or foam bead expanded polystyrene that is encased in a high-quality protective cover and that has been approved by the District in its sole discretion may be used for flotation. Any replacement of flotation on existing structures must be made using approved encapsulated polystyrene. Creosote treated materials will not be permitted.
20. All structural or anchoring connections below the walkway shall be bolted with galvanized, zinc plated, cadmium plated or stainless-steel bolts. Bolts shall be a

minimum of 1/2" diameter. Steel materials may be welded. Other connections may be nailed or attached by screws.

21. All construction activities disturbing the soil at or below the flood flowage boundary of the reservoir must employ best management practices to prevent sediment from entering the reservoir. Depending on the size and scope of the excavation a Storm Water Pollution Prevention Plan ("SWPPP") may be required.
22. Steel pilings shall have a minimum diameter of two and seven eighths inches (2-7/8") and a minimum wall thickness of 3/16" (.188). Wood pilings must be pressure treated and at least six inches in diameter. Creosote pilings will not be allowed.
23. The maximum height of a structure shall be as low as practical. The District reserves the right in its sole discretion to determine the maximum height allowed for any structure.
24. The roof of a structure shall have a maximum of a six (6) inches in twelve (12) inches pitch. The ridge height is based on the shortest measurement of the length or width of the pitched roof.
25. The attic space created by the roof design may be utilized as storage or as a temporary day-shelter from the elements provided it is built in accordance with the District's roof pitch requirements. This space **shall not** have sewage disposal, raw water, or potable water facilities plumbed into it. This space cannot be utilized as living quarters.
26. All structures built over the conservation elevation of the reservoir (elevation 649322.00 feet m.s.l.) must display the 911 address for the owner's adjacent property. The address must be displayed on a weather resistant 1/16" or thicker aluminum sign with four inch (4") or larger reflective letters. The sign must be mechanically fastened to and must be visible from the reservoir side of the structure.
- ~~27. Improvements such as storage buildings (120 square foot maximum), patios, awnings, fencing, swimming pools, etc. below the flood flowage boundary (elevation 649325.00 feet m.s.l.) cannot be installed without issuance of a permit from the District. The decision to allow or deny such improvements is at the District's sole discretion.~~
- ~~28-27.~~ All structures to be constructed on District Land or Water pursuant to a permit issued by the District must be constructed using finishes, ~~paint colors,~~ designs, and materials acceptable to the District in its sole discretion and such finishes, ~~colors,~~ designs and materials must be detailed on any plans submitted to the District as part of the permit application process.
- ~~29-28.~~ A permit fee will be assessed based on the type and scope of the proposed project in accordance with the attached Residential Improvement Permit Fee Schedule. The

permit fee must be received prior to the issuance of any permit. Please make check or money order payable to Tarrant Regional Water District. Cash will not be accepted.

GUIDELINES FOR BUOYS

1. ~~All buoys (slow, no wake, navigational, mooring, etc.) must be approved and installed pursuant to a permit issued by the District in its sole discretion.~~
2. ~~A permit fee will be assessed based on the type and scope of the proposed project in accordance with the attached Residential Improvement Permit Fee Schedule. The permit fee must be received prior to the issuance of the permit. Please make check or money order payable to Tarrant Regional Water District. Cash will not be accepted.~~



Richland-Chambers Reservoir Residential Improvement Permit Guidelines



RICHLAND CHAMBERS CEDAR CREEK RESERVOIR

Residential Improvement Permit Guidelines

Subject to the terms of the District's General Ordinance and following proper application and permitting, the District frequently allows shoreline residents to construct and maintain certain improvements, including docks, seawalls and irrigation pumps, on some portions of District property or in District easement areas ("District Land" or "District Water").

The following guidelines are designed to provide uniformity and continuity among these improvements while protecting the rights of all reservoir users and helping to insure a safe, manageable and enjoyable reservoir for future generations. Where these guidelines conflict with the terms of the District's General Ordinance, the terms of the General Ordinance control.

A permit from the District is required for construction, placement or operation of any structure, improvement, or facility of any type, or to excavate, place fill materials or otherwise change the elevation or contour, at or below elevation 31525.00 feet above mean sea level ("m.s.l.") or otherwise on any District Land or District Water, including any addition to or modification of any such existing structure or improvement.

Richland Chambers Cedar Creek Reservoir is a water supply and water conservation project and the level of water in the reservoir will vary depending on the amount of water used from the reservoir, evaporation rates, amounts of rainfall and runoff in the reservoir watershed and other factors. The conservation or spillway elevation of Richland Chambers Cedar Creek Reservoir is 31522.00 feet above m.s.l. The flood flowage boundary is 3205.00 feet above m.s.l. Due to the potential of shoreline flooding, the District generally either purchased fee simple title to or a flood easement on the property located between the conservation level of 31522.00 feet above m.s.l. and the flood flowage boundary of 3205.00 feet above m.s.l.

The following must be submitted before a permit will be considered or issued:

1. A non-refundable application fee as set forth in the Residential Improvement Permit Fee Schedule is required for the review of all Residential Improvement Permit Applications submitted to the District. Please make check or money order payable to "Tarrant Regional Water District". A separate permit fee as set forth in the Residential Improvement Permit Fee Schedule will be assessed after the review based upon the type and scope of the proposed project. Cash will not be accepted!

2. A completed Residential Improvement Permit Application, including signatures of the Owner, general contractor and licensed electrical contractor (when applicable).
3. A recorded plat or survey of the property showing the shoreline dimensions and location of all existing improvements.
4. Proof of ownership of the property acceptable to the District (example: copy of deed or tax statement).
5. Plans, specifications, construction details and a list of materials to be used. The drawing must be to scale, one inch to thirty feet (1 inch = 30 feet) or larger and include views from all five sides when applicable.
6. Outside corners of the lot at roadside and at elevation 31525.00 feet m.s.l. must be clearly marked at the time of the pre-permit inspection for a permit to be issued and remain marked throughout the construction process.
7. A copy of policies of insurance, or certificates in lieu thereof in form and substance satisfactory to the District, evidencing the following coverages:
 - a) Commercial General Liability
 - i) Per Occurrence - \$1,000,000
 - ii) General Aggregate - \$2,000,000
 - b) Protection and Indemnity Coverage in the minimum amount of \$1,000,000 for contractors working from a barge or boat.
 - c) Environmental/Pollution Liability providing coverage for pollution of the District reservoir with a minimum limit of \$1,000,000 per occurrence for contractors working on or above water, or from the shoreline with equipment that could present an environmental hazard (not required for licensed electricians).
 - d) Auto liability limit \$500,000 for all vehicles accessing District Land.
 - e) General Requirements:
 - i) The District must be named as Additional Insured.
 - ii) The District must be provided a waiver of subrogation.
 - iii) The District must be named as Certificate Holder at the following address:

**Tarrant Regional Water District
Attn: Risk Management
804 E. Northside Drive
Fort Worth, TX 76102**

Applicants should allow a minimum of ten (10) working days for the processing of all Residential Improvement Permit Applications. A construction permit is valid for a period to be determined by the District, with a minimum of thirty (30) days and a maximum of ninety (90) days. A construction extension may be granted at the sole discretion of the District. The extension fee is provided in the Residential Improvement Permit Fee Schedule and [any extension of a construction permit](#) is valid for a period to be determined by the District, but not to exceed ninety (90) days. No more than one extension will be granted.

Any construction on any District Land or Water without a District-issued permit or not in compliance with any District-issued permit is a violation of the District's General Ordinance. If at any time the condition or presence of the permitted improvement interferes with the operation of the reservoir or the safety of the persons or property using the surface thereof, all as determined by the District, the Owner agrees to immediately make any and all changes or corrections necessary to make the improvement comply with the General Ordinance or remove the improvement from District Land or Water at Owner's expense.

A person who violates the General Ordinance commits a Class C Misdemeanor. In addition to penal fines and penalties, violations shall be subject to a civil penalty of not less than \$10.00 and not more than \$1,000.00 for each violation or each day of continuing violation.

A permit issued by the District in no way releases the residential improvement owner from the responsibility of meeting the requirements of federal, state, county or municipal regulations or any deed restrictions or covenants that may apply.

The District's issuance of an improvement permit is to ensure that the improvement meets the guidelines set forth by the District. The District is not responsible for the proper design, engineering or construction of such improvements. Therefore, it is the Owner's responsibility to ensure that the improvement is properly designed, engineered and constructed in such a manner that meets all applicable engineering and building standards. All District requirements and inspections are solely for the benefit of the District and do not constitute the District's opinion or representation regarding the design, construction, or integrity of the improvement. Additionally, the permitting and inspection process creates no rights or benefits in third parties.

Based on construction methods, materials, water depths, overall size and height of the improvement, as well as other project-specific factors, the District may deem it necessary

to require that the owner have the design of the improvement reviewed and approved by a licensed professional engineer.

Circumstances will arise in which some of the guidelines listed below may not be practicable or applicable. In these cases, the District reserves the right to use its own discretion.

All residential improvements permitted to be placed on District Land or Water are at the sole discretion of the District, and the permit, if granted, creates no vested rights. The application for and acceptance of the permit constitutes the permittee's consent to the terms and conditions set forth herein, and acknowledgement that any permit shall at all times be subject to the District's General Ordinance and Residential Improvement Permit Guidelines, as amended from time to time. In no event will any future action by the District give rise to any claim for damages for inverse condemnation or otherwise.

GUIDELINES FOR EXCAVATION AND SHORELINE STABILIZATION

1. Retaining walls shall be constructed in a manner that improves the shoreline alignment. The District will determine in its sole discretion to what extent eroded areas may be reclaimed.
2. Approved materials for seawalls include concrete, soil cement, minimum eight (8) gauge steel sheet piling, PVC sheet piling, pressure treated lumber, and rip rap. Other materials with a long life expectancy will be considered. Creosote materials will not be approved or allowed.
3. All construction activities disturbing the soil at or below the flood flowage boundary of the reservoir must employ best management practices to prevent sediment from entering the reservoir. Depending on the size and scope of the excavation a Storm Water Pollution Prevention Plan ("SWPPP") may be required.
4. All excavation activities must be performed in such a manner that will maintain a gently sloping reservoir bottom and prevent the formation of holes or sudden drop-offs. Depending on the reservoir level a survey may be required to determine contours before and after excavation.
5. All excavated material shall be placed above elevation 31525.00 m.s.l. and in such a manner as to prevent any sediment runoff from returning to the reservoir.
6. The District requires that all efforts be made to locate and prevent damage to underground utilities, including by contacting Texas811 by dialing 811 or via the internet www.Texas811.org, prior to any excavation.
7. A permit fee will be assessed based on the type and scope of the proposed project in accordance with the attached Residential Improvement Permit Fee Schedule. The

permit fee must be received by the District prior to the issuance of the permit. Please make check or money order payable to Tarrant Regional Water District. Cash will not be accepted.

GUIDELINES FOR RAW WATER USAGE

1. The use of raw water from any District reservoir for irrigation purposes shall be limited to irrigation of residential shoreline property that is contiguous to the reservoir.
2. Water transmission lines will not be allowed to cross any public or private streets or thoroughfares.
3. Electrical service shall be installed by an electrical contractor licensed by the State of Texas in accordance with the National Electrical Code, as amended and revised. The electrical inspection performed by the District is for general compliance only. The owner and licensed electrical contractor are responsible for ensuring that the installation of all electrical components meets or exceeds all applicable requirements.
4. Submersible pumps **shall not** be placed in District Reservoirs.
5. The intake for irrigation pumps must be located, anchored and marked in a manner so as not to be a hazard to navigation or recreation.
6. The owner must record a notice in the Real Property Records of the county in which the property is located that any subsequent purchaser of the property must renew the permit and pay the permit transfer fee in accordance with the District's Residential Improvement Permit Fee Schedule. The form of the notice must be submitted to the District for approval prior to recordation, and a filemarked copy must be provided to the District after recordation.
7. A permit fee will be assessed based on the type and scope of the proposed project in accordance with the attached Residential Improvement Permit Fee Schedule. The permit fee must be received by the District prior to the issuance of the permit. Please make check or money order payable to the Tarrant Regional Water District. Cash will not be accepted.

GUIDELINES FOR STRUCTURE IMPROVEMENTS

1. If a residence cannot be built or placed on a lot, an improvement may not be permitted for that property.

2. Community boat structures built and/or owned by a homeowner's association, property owner's association, multifamily residential complex or similar will be considered commercial operations and therefore must comply with the District's Commercial Facilities Ordinance.
3. When determining area for the purposes of computations under the General Ordinance or any related guidelines, the measurement shall use the largest area, which may be either the outside corners of the structure or the roofline of such structure if it has more than a two-foot overhang.
4. The maximum size allowed for any structure is determined as follows:
 - a) Eight (8) square feet of structure is allowed for each linear foot of shoreline owned up to 150 linear feet (150 linear feet of shoreline would allow 1,200 square feet of structure area).
 - b) An additional four (4) square feet of structure is allowed for each linear foot of shoreline owned from 151-250 linear feet (1,204-1,600 square feet).
 - c) An additional two (2) square feet of structure is allowed for each linear foot of shoreline owned from 251-450 linear feet (1,602-2,000 square feet).
 - d) An additional one (1) square foot of structure is allowed for each linear foot of shoreline owned over 450 linear feet.
 - e) The area measurement shall exclude one walkway not to exceed eight (8) feet in width to one (1) structure only. If the District approves more than one structure for any property, the entire area of the second structure, as well as any additional structures, shall be included in the area measurement. The distance the structure extends into the reservoir shall be kept to as short of a distance as is practical so as not to impair navigation and to maintain continuity with the shoreline. The maximum square footage may not be allowed in all cases. TRWD reserves the right to reduce maximum structure size for purposes of reservoir operation and safety.
5. Where large undivided tracts or multiple lots are used to determine the maximum area of an improvement, the property owner shall sign, notarize and record with the county clerk's office in the county where such tracts or lots are located a covenant that clearly defines the linear footage of shoreline and includes a legal description of the tracts or lots that are being set aside. The covenant must also state that the area cannot be used for the future determination of other structures. The form of the covenant must be submitted to the District for approval, in the District's sole discretion, before filing, and a filemarked copy must be provided to the District after filing.
6. Building line setbacks for improvements (excluding fences, sidewalks and retaining walls) are as follows:

- a) For waterfront property with 150' or less of shoreline - no part of an improvement may be closer than five (5') feet to any property line and/or the extended property line as determined by the District.
 - b) For waterfront property with over 150' of shoreline - no part of an improvement may be closer than twenty (20') feet to the property line and/or the extended property line as determined by the District.
 - c) Structures with side entry boat slips shall have the slip opening a minimum of one and a half times (1.5X) the slip length from the property line and/or the extended property line as determined by the District.
 - d) No structure may occupy more than one-third of any channel width and in no case shall any part of any structure come within ten feet of the centerline of the channel. Exceptions may be granted at the sole discretion of TRWD for structures located at the end of a channel.
7. No living quarters shall be built over any area below the spillway elevation of a reservoir whether it is spanned, cantilevered, or by other means.
 8. Enclosed structures are not allowed on District reservoirs. To protect a raised boat within a dock from the elements, solid sides on the dock will only be permitted for a maximum of two (2) feet downward from the point where the ceiling joist meets the top plate. No additional materials (*i.e.* lattice, fencing, bars, screen fabric, doors, glass, etc.) may be installed below the two (2) foot sidewall.
 9. One small storage area is allowed on the first floor (lower deck) of any permitted structure for storing tackle, life jackets, etc. Products considered hazardous or which have warning labels prohibiting their use near public water supplies shall not be stored in these areas. The overall size of the storage closet may not exceed five percent (5%) of the total approved square footage of the structure. An exception to this sizing guideline will be granted for structures containing less than 400 square feet by allowing the storage closet to contain a maximum of 20 square feet.
 10. No toilet facilities of any type will be allowed on any structures.
 11. Fuel pumping facilities are not allowed on any non-commercial structure or watercraft.
 12. A three-story sun deck will not be approved.
 13. All staircases and upper sundecks must have guardrails that conform to the guidelines specified under the rules of the International Residential Code, as amended.
 14. Any structure that extends more than fifty feet from the shoreline shall be equipped with a photocell light on the end of the structure that operates continually from dusk

until dawn. At the discretion of the District, additional lighting may be required on docks exceeding fifty (50) feet. Circumstances may require that lighting be placed on docks which are less than fifty (50) feet in length. The light shall be white and installed in a manner that illuminates the structure while minimizing light being cast upon adjacent properties or structures and/or creating excessive brightness in the normal field of view of watercraft operators.

15. It is the owner's responsibility to ensure that all permanent lighting required by the District is properly maintained and operational at all times. The homeowner or contractor may also be required to provide temporary safety lighting during the construction of any improvement extending into the reservoir. If required, lighting must be located on the end of the structure during construction and remain until permanent lighting is installed.
16. All structures built over the conservation elevation of the reservoir (elevation 31522.00 feet m.s.l.) must be equipped with reflectors to aid in night-time visibility. The reflectors must be weather resistant plastic, 3" or larger in diameter, white in color and mechanically fastened to the walkway support joists. The reflector spacing shall be no more than twenty (20) feet apart on each side of the walkway leading out to the structure and on all four corners of the end structure.
17. The first floor (lower deck) of a structure shall be no less than 18 inches above elevation 31522.00 feet m.s.l.
18. Electrical service shall be installed by an electrical contractor licensed by the State of Texas in accordance with the National Electrical Code, as amended and revised. A complete electrical plan must be provided to the District with the application. The electrical inspection performed by the District is for general compliance only. The Owner and licensed electrical contractor are responsible for ensuring that the installation of all electrical components meets all applicable legal requirements and standards. As required by the National Electric Code, the Owner must install and maintain all-weather warning signage visible from all approaches to any boat dock or marina and must state "WARNING – POTENTIAL SHOCK HAZARD – ELECTRICAL CURRENTS MAY BE PRESENT IN THE WATER."
19. All materials exposed to the elements shall be cedar, redwood, pressure treated wood, concrete or steel materials. Other materials with long life expectancy will be considered by the District and approved in its sole and absolute discretion. No metal barrels may be used for flotation. Only extruded (closed cell) polystyrene or foam bead expanded polystyrene that is encased in a high-quality protective cover and that has been approved by the District in its sole discretion may be used for flotation. Any replacement of flotation on existing structures must be made using approved encapsulated polystyrene. Creosote treated materials will not be permitted.
20. All structural or anchoring connections below the walkway shall be bolted with galvanized, zinc plated, cadmium plated or stainless-steel bolts. Bolts shall be a

minimum of ½” diameter. Steel materials may be welded. Other connections may be nailed or attached by screws.

21. All construction activities disturbing the soil at or below the flood flowage boundary of the reservoir must employ best management practices to prevent sediment from entering the reservoir. Depending on the size and scope of the excavation a Storm Water Pollution Prevention Plan (“SWPPP”) may be required.
22. Steel pilings shall have a minimum diameter of two and seven eighths inches (2-7/8”) and a minimum wall thickness of 3/16” (.188). Wood pilings must be pressure treated and at least six inches in diameter. Creosote pilings will not be allowed.
23. The maximum height of a structure shall be as low as practical. The District reserves the right in its sole discretion to determine the maximum height allowed for any structure.
24. The roof of a structure shall have a maximum of a six (6) inches in twelve (12) inches pitch. The ridge height is based on the shortest measurement of the length or width of the pitched roof.
25. The attic space created by the roof design may be utilized as storage or as a temporary day-shelter from the elements provided it is built in accordance with the District’s roof pitch requirements. This space **shall not** have sewage disposal, raw water, or potable water facilities plumbed into it. This space cannot be utilized as living quarters.
26. All structures built over the conservation elevation of the reservoir (elevation 31522.00 feet m.s.l.) must display the 911 address for the owner’s adjacent property. The address must be displayed on a weather resistant 1/16” or thicker aluminum sign with four inch (4”) or larger reflective letters. The sign must be mechanically fastened to and must be visible from the reservoir side of the structure.
27. Improvements such as storage buildings (120 square foot maximum), patios, awnings, fencing, swimming pools, etc. below the flood flowage boundary (elevation 325.00 feet m.s.l.) cannot be installed without issuance of a permit from the District. The decision to allow or deny such improvements is at the District’s sole discretion.
28. All structures to be constructed on District Land or Water pursuant to a permit issued by the District must be constructed using finishes, ~~paint colors,~~ designs, and materials acceptable to the District in its sole discretion and such finishes, ~~colors,~~ designs and materials must be detailed on any plans submitted to the District as part of the permit application process.
29. A permit fee will be assessed based on the type and scope of the proposed project in accordance with the attached Residential Improvement Permit Fee Schedule. The

permit fee must be received prior to the issuance of any permit. Please make check or money order payable to Tarrant Regional Water District. Cash will not be accepted.

GUIDELINES FOR BUOYS

1. All buoys (slow, no wake, navigational, mooring, etc.) must be approved and installed pursuant to a permit issued by the District in its sole discretion.
2. A permit fee will be assessed based on the type and scope of the proposed project in accordance with the attached Residential Improvement Permit Fee Schedule. The permit fee must be received prior to the issuance of the permit. Please make check or money order payable to Tarrant Regional Water District. Cash will not be accepted.



Residential Improvement Permit Fee Schedule



Residential Improvement Permit Fee Schedule

- 1. Application Fee (non-refundable): \$50.00**
- 2. Dock, Pier, Boathouse (new construction): \$300.00**
- 3. Dock, Pier, Boathouse (addition or repair): \$300.00**
- 4. Retaining Wall (new construction): \$300.00**
- 5. Retaining Wall (addition or repair): \$300.00**
- 6. Dredging (each lot): \$300.00**
- 7. Improvement Between Elevation 322' msl and 325' msl (examples are fencing, storage building, patio, sidewalk, deck, and swimming pool): \$300.00**
- 8. Irrigation Pump**
 - a. Less than 1 acre: \$1,000.00**
 - b. Over 1 acre – less than 2 acres: \$1,500.00**
 - c. Over 2 acres – less than 3 acres: \$2,000.00**
 - d. Over 3 acres: \$2,500.00**
 - e. Irrigation Pump Permit Transfer Fee:**
 - i. Less than 1 acre: \$1,000.00**
 - ii. Over 1 acre – less than 2 acres: \$1,500.00**
 - iii. Over 2 acres – less than 3 acres: \$2,000.00**
 - iv. Over 3 acres: \$2,500.00**
- 9. Permit Extension Fee: \$150.00**
- 10. Permit Re-Inspection Fee: \$150.00**



Application for Residential Improvement Permit



Application for Residential Improvement Permit

Application #: _____

Date Received: _____

Application Requirements	Y	N	Comment	Y	Date
Application Fee					
Certificate of Insurance					
Proof of Ownership					
Required Signatures					
Plans and Specifications					

Date Accepted: _____

Receipt Number: _____

Accepted by: _____

FOR DISTRICT USE ONLY. DO NOT WRITE ABOVE THIS LINE.

Lake: _____ Application Date: _____

Owner: _____ Phone #: _____

Mailing Address: _____

Address of Permit: _____

Lot: _____ Block: _____ Addition: _____

Description of Improvement: _____

Owner and Contractor agree to accomplish the construction in strict compliance with the plans and specifications [submitted to the Tarrant Regional Water District \(the "District"\)](#) and construction must be completed prior to the expiration of the permit. Owner or contractor must notify the District to arrange for a general inspection upon completion. [Owner acknowledges that the District may impose reinspection and permit extension fees for construction not performed in compliance with the plans and specifications or completed prior to the expiration of the permit.](#)

Owner represents that Owner owns the above-referenced property and that Owner will comply with all applicable laws, ordinances, rules and regulations of governmental agencies concerning this construction, specifically including but not limited to the General Ordinance of the District and the ordinances, rules and regulations of the United States Army Corps of Engineers, the United States Environmental Protection Agency, and the Texas Commission on Environmental Quality. ~~The, to the extent applicable.~~ Owner further represents that Owner will not be in violation of any regulations or restrictions imposed by any [county](#) or [municipal agency](#) or by any deed restrictions [or covenants](#) which may be ~~attached to the~~ [imposed upon or encumber the above-referenced](#) property and/or that any required variance has been secured. The District assumes no responsibility for, and the Owner will hold the District harmless from, disputes of title, rights, or liability for damages to persons or property arising from the construction, maintenance, existence, [modification or removal](#) of such improvements, [including any claims arising from the alleged violation of any applicable restrictive covenants or rights of adjoining or adjacent property owners.](#) If at any time, [in the sole discretion of the District,](#) the condition or presence of this improvement interferes with the operation of the reservoir or the safety of the persons or property using the surface thereof, Owner agrees to immediately make any and all changes or corrections necessary ~~to make the improvement comply with the General Ordinance~~ or remove the improvement from District property at Owner's expense ~~as determined by the District.~~ **By acceptance of the requested permit, each of you hereby ~~releases~~ [acknowledge that the rights represented by the permit are subject to the terms and discharges conditions set forth in the District's General Ordinance and Residential Improvement Guidelines, as same may be amended from time to time, and release and discharge](#) Tarrant Regional Water District and its agents, contractors, employees, and directors, and [agrees](#) **agree** that Tarrant Regional Water District and the related parties described above shall not be held liable or responsible for, and shall be indemnified and held harmless by you, your successors, assigns, and [legal](#) representatives, from and against any and all claims and damages of every kind for bodily injury, property damage or death arising directly or indirectly from the construction, operation, use, existence, [modification or removal](#) of the improvement which you are requesting permission to construct on the District's Reservoir, or from**

any act of the District, its agents, contractors, employees and directors INCLUDING ANY CLAIM BASED IN WHOLE OR IN PART ON THE ALLEGED NEGLIGENCE OR OTHER TORT OF TARRANT REGIONAL WATER DISTRICT OR ITS AGENTS, CONTRACTORS, EMPLOYEES OR DIRECTORS, THE PARTIES HERETO INTENDING HEREBY TO SATISFY THE EXPRESS NEGLIGENCE DOCTRINE. This release and indemnification shall survive termination or expiration of the permit.

~~This release~~ Owner and ~~indemnification shall survive termination~~ /or expiration of the permit.

Contractor ~~deeseach~~ hereby further represent, warrant and certify that the certificate or policy of insurance attached hereto or submitted herewith is genuine and valid, that all premiums have been paid with respect to the coverages reflected thereon, and that Owner and/or Contractor has not received a notice of cancellation, non-renewal, or intent to cancel or non-renew. Owner and Contractor, for ~~itself, its~~ themselves, their agents, contractors, subcontractors ~~and~~, employees ~~dees~~ and legal representatives do further hereby waive all rights of subrogation any insurer or third party may have by, through or under Owner or Contractor against the District or its agents, contractors, employees or directors. Contractor ~~deesdo~~ further waive any right to file or claim any lien on any District property or upon any improvements placed thereon.

Agreed to by the undersigned this _____ day of _____, 20____.

Property Owner

Contractor



Regulation of Recreational Facilities

REGULATION OF RECREATIONAL FACILITIES

On this the ____ day of _____, 2020, James M. Oliver, General Manager of the Tarrant Regional Water District (the "District"), hereby adopts the following regulations and instructs staff to post such regulations on the District's website (www.trwd.com), which are in addition to the District's General Ordinance (the "General Ordinance") and all other applicable rules and regulations:

A. Eagle Mountain Park Rules

The following regulations shall apply to the approximately 400 acres of recreation land owned by the District and located in Tarrant County, Texas, bordering the east side of Eagle Mountain Lake south of Peden Road and west of Morris Dido Newark Road, such land being known as Eagle Mountain Park (hereinafter, the "EM Park"):

1. **Hours of Operation:** EM Park is only open to the general public from thirty (30) minutes before Sunrise (as defined in the General Ordinance) until thirty (30) minutes after Sunset (as defined in the General Ordinance). No persons (other than authorized District representatives) may enter into or remain in EM Park outside of such authorized times.
2. **General**
 - a. No person under sixteen (16) years of age is allowed in EM Park unless accompanied by a competent adult over eighteen (18) years of age.
 - b. No camping (whether overnight or otherwise) is allowed in EM Park. No person shall establish or maintain any camp or other temporary lodging or sleeping place within EM Park.
 - c. No soliciting is allowed within EM Park. No person shall sell, or offer for sale, any good or service in EM Park unless such sale is pursuant to a written license or contract approved by the District.
 - d. Any activity which creates a public nuisance in EM Park is prohibited. No person shall engage in disruptive, destructive, or violent behavior which endangers (i) property, (ii) the natural habitat of EM Park, or (iii) the health or safety of any person or animal.
 - e. Visitors shall not create excessive noise. For the purpose of this section, the term "excessive" means a level which disturbs (i) the natural habitat, (ii) other visitors or (iii) adjacent residents.
 - f. Indecent or abusive language of any nature is prohibited.
 - g. Adults are responsible for any actions committed by the minor children in the custody or control of such adults.

- h. The District shall have the right to exclude from EM Park any person deemed to be a risk to (i) the natural habitat or (ii) the health or safety of any person or animal at EM Park.

3. **Habitat Preservation**

- a. The District is committed to preserving the ecology and natural habitat of EM Park and intends to permit only low-impact recreational and educational uses. As such, EM Park is a “no trace” and “low-impact” area and all Persons shall take appropriate precautions to (i) respect the natural ecology of EM Park and (ii) preserve the natural habitat of EM Park.
- b. Other than paved streets and designated parking areas, motorized vehicles are prohibited in all areas (except for emergency or maintenance use by designated District representatives, EM Park employees, peace officers, or emergency personnel). Wheelchairs, mobility scooters, and similar mobility aids are permitted for persons with disabilities.
- c. No person shall remove from EM Park any property, natural feature or part thereof including, but not limited to, all buildings, equipment, signs, rocks, stones, fossils, mineral formations, earthen materials, wood, trees, shrubs, flowers, plants, nuts, or seeds. Plants may not be brought into EM Park. The cutting or gathering of firewood is prohibited. Metal detectors are prohibited.
- d. No person shall injure, destroy, mark, or otherwise damage any property or natural feature located in EM Park, including, but not limited to, all buildings, equipment, signs, rocks, fossils, asphalt, concrete, mineral formations, earthen materials, wood, trees, shrubs, flowers, plants, nuts, or seeds. No person shall disturb any archaeological, paleontological, or historical features.

B. Twin Points at Eagle Mountain Lake Rules

The following regulations have been established to further restrict certain activities at the District’s land located at 10200 Ten Mile Bridge Road, known as Twin Points Park, consisting of a boat ramp, swim beach and parking areas:

- 1. **Hours of Operation:** Except for periodic closures determined by District staff, the boat ramp is open year-round, twenty-four (24) hours a day. The swim beach is open daily from the Saturday of Memorial Day weekend through Labor Day, from 10:00 a.m. to 8:00 p.m.
- 2. **General:**
 - a. Children twelve (12) years of age and under must be accompanied by an adult.

- b. No consumption of alcohol is permitted at any time.
- c. No pets or animals (including dogs and horses) are allowed. Service animals are permitted only for persons with disabilities.
- d. No glass containers may be used.
- e. Smoking and vaping is prohibited.
- f. Bicycles, other than bicycles operated by law enforcement, are not allowed in areas other than access roads and parking lots.
- g. Skateboards and hoverboards are not permitted.
- h. Twin Points Park may be accessed only from the entrance located at 10000 Ten Mile Bridge Road.
- i. All commercial photography is prohibited unless prior written permission has been obtained from the District.
- j. Soliciting, begging or panhandling is prohibited.
- k. Removing trash and debris from waste receptacles is prohibited without written permission from the District.
- l. Drying clothes by hanging them on trees, bushes, tables or in or around rest rooms is prohibited.
- m. Attaching hammocks to trees, or structures is prohibited.
- n. Fishing is restricted to designated areas only.
- o. No canopies allowed on the swim beach.
- p. Open fires are prohibited.
- q. Charcoal grills are prohibited, but gas grills are allowed.
- r. Vulgar or offensive acts or language are prohibited.
- s. Dogs and other animals are prohibited.

C. Marine Creek Lake Rules

The following regulations shall apply to further restrict certain activities at or on Marine Creek Lake, including the dam, water surface, trails, trail heads, event venues and all other appurtenances or facilities associated with the Marine Creek Lake:

1. Hours of Operation:

- a. The bike trail and trailhead are open daily from 5:00 a.m. to 10:00 p.m. Persons found on the property outside of these hours are subject to arrest for trespassing.
- b. The boat ramp gate opens daily at 5:00 a.m. and closes at 10:00 p.m. However, vehicles are allowed to remain outside of the hours of the boat ramp gate.
- c. Unless closed by special order of the District, waters of Marine Creek Lake are open twenty-four (24) hours each day.

2. General:

- a. Motorized vehicles (other than Watercraft (as defined in the General Ordinance) operated on the lake) are prohibited. Exceptions: (1) Wheelchairs, scooters, and similar mobility aids are permitted for persons with disabilities, (2) emergency or maintenance use by designated District representatives, employees, peace officers, or emergency personnel, (3) Class 1 & 2 electric bikes as defined by the Bicycle Products Suppliers Association Class System, and (4) designated parking, boat ramp, and roadways.
- b. No camping (whether overnight or otherwise) is allowed. No person shall establish or maintain any camp or other temporary lodging or sleeping place.
- c. Marine Creek Lake is a SLOW NO WAKE lake. No Watercraft (as defined in the General Ordinance) may operate at greater than Headway Speed (as defined in the General Ordinance).

D. Fort Worth Floodway Rules

The following regulations shall apply to further restrict certain activities at or on the Fort Worth Floodway (as defined in the General Ordinance), including all levees, retention areas, waterways, trails, trailheads, event venues and all other appurtenances associated with the Fort Worth Floodway:

- 1. **Hours of Operation:** The recreation facilities of the Fort Worth Floodway are open daily from 5:00 a.m. to 10:00 p.m. Persons found on the property after hours are subject to arrest for trespassing.
- 2. **General:**
 - a. Motorized vehicles are prohibited. Exceptions: (1) Wheelchairs, scooters, and similar mobility aids are permitted for Persons with disabilities, (2) emergency

or maintenance use by designated District representatives, employees, peace officers, or emergency personnel, (3) Class 1 & 2 electric bikes as defined by the Bicycle Products Suppliers Association Class System, and (4) designated parking and roadways.

- b. No camping (whether overnight or otherwise) is allowed. No person shall establish or maintain any camp or other temporary lodging or sleeping place.



Mooring Buoy Permits Eagle Mountain Lake

- The Board suspended issuance of permits, existing permits were allowed to remain.
- In June of 2019 the Law Enforcement Division (LED) received information regarding an un-identified person who allegedly removed an unknown number of permit tags.
- In August of 2019 LED conducts survey revealing 17 mooring buoys on EM Lake each tagged with a Notice of Violation, instructed to contact LED or remove the buoy by September 2019.



- In September of 2019, approximately eight individuals attended the BOD meeting. None of the attendees have active permits for mooring buoys. Attendees cited safety concerns in regards to being required to use traditional anchors vs. the permanent mooring buoys and submitted a plan that would result in numerous buoys being installed in Old Ranch Slough. LED has no knowledge of any incidents in which traditional anchoring was a contributing factor. However, the only major incident in 2020 to date did involve an individual attempting to tie to a mooring buoy. The individual slipped and was struck by the propeller of his watercraft causing serious injury. The proposed plan to install buoys included a chain and cable array that would interfere or prohibit traditional anchorage in the area.
- As of June 2020 only 15 Mooring Buoys remain on the lake.
- Of the 15 buoys remaining on the lake: (6) are legal, (5) are illegal and (4) unknown.

Suggested action moving forward:

- Continue to honor active permits.
- Honor spouses right to permit.
- Remove illegal buoys.

Other agency rules pertaining to Mooring Buoys:

Corps of Engineers - Not allowed.

Brazos River Authority - Not allowed

Lower Colorado River Authority - Individuals may apply for a permit to place a mooring buoy under the following restrictions:

- Must own shorefront property.
- Must be placed directly in front of shoreline property.
- Must be made available to the general public for use.