

ORDINANCE NO. 1
CAPTION

An ordinance of the Board of Directors of the Lavaca-Navidad River Authority pertaining to the Palmetto Bend Dam project in Jackson County, Texas: defining certain terms; making the Texas Water Safety Act and rules and regulations of the Texas Parks & Wildlife Department adopted pursuant thereto applicable to Lake Texana and lands adjacent thereto; establishing rules and regulations relative to the placement and construction of floating piers, docks, boathouses, barges and other floating facilities; commercial ventures and operations of project lands; vessels and aircraft; designating areas for camping, bathing, fishing, swimming, water skiing and/or aquaplaning and other recreational activities and restricting speed of vessels; the throwing or depositing of glass bottles, cans, or other substances in or on the reservoir or certain project lands and the collection and removal of same by the owners and operators of commercial ventures and operations; the use of garbage receptacles; abandonment of vehicles; private notices and advertisements; public travel and access to areas designated for public use and the restriction of the speed and operation of all vehicles; the use of explosives; the possession and discharge of rifles, side arms, shotguns, archery equipment or other firearms; hunting and trapping; the solicitation of business; the destruction, damage, defacement or removal of the authority's property; the removal, damage or alteration of fences, gates, or other barriers on project lands; prohibiting trespassing on project lands; the modification of natural conditions of topography and terrain of project lands and archeological and/or historical sites; the employment of law enforcement officers; pets and other animals; specifying fees and civil penalties; deeming the violation of or failure to comply with this ordinance to be a misdemeanor; specifying the maximum penalty for conviction hereunder, and requiring the publication of rules and regulations providing penalties; specifying certain administrative matters; reserving the Authority's right to promulgate other rules and regulations affecting the project and facilities thereof, and providing a severability clause.

PREAMBLE

WHEREAS, the Lavaca-Navidad River Authority of Texas is a conservation and reclamation district, governmental agency of the State of Texas, and a body politic and corporate created by the Texas Legislature under the authority of Article XVI, Section 59 of the Texas Constitution by statute being formerly codified as Article 8280-131, Revised Civil Statutes of Texas including all amendments thereto; and

WHEREAS, the Authority will operate and maintain the Palmetto Bend Project and Lake Texana pursuant to Certificate of Adjudication No. 16-2095 issued July 3, 1981 by the Texas Water Commission, and all subsequent amendments thereto; and

WHEREAS, Lake Texana has a total storage capacity of about 170,000 acre feet of water and a water surface area of about 10,000 acres being about 18 miles in length and its shoreline measuring about 125 miles and approximately 7,000 acres of project land at normal operating level with its perimeter being approximately 83 miles; and

WHEREAS, the Texas Water Safety Act (Chapter 31, V.T.C.A., Parks and Wildlife Code) provides:

1. In Section 31.092(c):

“The governing board of a political subdivision of the state created pursuant to Article XVI, Section 59, of the Texas Constitution, for the purpose of conserving and developing the public water of the state, with respect to public water impounded within lakes and reservoirs owned or operated by the political subdivision, may designate by resolution or other appropriate order certain areas as bathing, fishing, swimming, or otherwise restricted areas and may make rules and regulations relating to the operation and equipment of boats which it deems necessary for the public safety. The rules and regulations shall be consistent with the provisions of this chapter.”

2. In Section 31.127(a):

“A person who violates or fails to comply with any provision of this chapter, or who violates or fails to comply with a proclamation of the commission entered under this chapter or a city ordinance or order of a commissioners court or a political subdivision of the state made or entered under this chapter, commits an offense that is a Class C Parks and Wildlife Code misdemeanor.

and

WHEREAS, Section 2(j) of the Authority’s Enabling Act provides that the Authority shall have the power, right, and privilege:

“To make by-laws, rules, and regulations for the management and regulations of its affairs.

and

WHEREAS, Section 49.004 of the Texas Water Code provides:

- (a) The board may set reasonable civil penalties for the breach of any rule of the district that shall not exceed the jurisdiction of a justice court as provided by Section 27.031, Government Code.
- (b) A penalty under this section is in addition to any other penalty provided by the law of this state and may be enforced by complaints filed in the appropriate court of jurisdiction in the county in which the district's principal office or meeting place is located.
- (c) If the district prevails in any suit to enforce its rules, it may, in the same action, recover reasonable fees for attorneys, expert witnesses, and other costs incurred by the district before the court. The amount of the attorney's fees shall be fixed by the court.

and

WHEREAS, Section 49.216 of said Texas Water Code provides:

- (a) A district may contract for or employ its own peace officers with power to make arrests when necessary to prevent or abate the commission of:
 - (1) any offense against the rules of the district when the offense or threatened offense occurs on any land, water, or easement owned or controlled by the district;
 - (2) any offense involving injury or detriment to any property owned or controlled by the district; and
 - (3) any offense against the laws of the state.
- (b) A district may appoint reserve peace officers who may be called to serve as peace officers by the district during the actual discharge of their official duties.
- (c) A reserve peace officer serves at the discretion of the district and may be called into service if the district considers it necessary to have additional officers to preserve the peace in or enforce the law of the district.
- (d) A reserve peace officer on active duty and actively engaged in assigned duties has the same rights, privileges, and duties as any other peace officer of the district.

(e) Any peace officer, before beginning to perform any duties and at the time of appointment, must take an oath and execute a bond conditioned on faithful performance of such officer's duties in the amount of \$1,000 payable to the district. The oath and the bond shall be filed in the district office.

and

WHEREAS, the Lavaca Navidad River Authority of Texas employs peace officers and commissioned security officers ("Law Enforcement Personnel") to provide law enforcement services on Lavaca Navidad River Authority property; and

WHEREAS, all peace officers and commissioned security officers are subject to the Lavaca Navidad River Authority General Orders Manual for Law Enforcement Personnel; and

WHEREAS, Section 49.212 (a) of said Texas Water Code provides, in pertinent part, that a district may adopt and enforce all necessary charges, mandatory fees, or rentals for providing or making available any district facility or service.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE LAVACA-NAVIDAD RIVER AUTHORITY OF TEXAS:

ORDINANCE NO. 1

SECTION 1: DEFINITIONS.

When used in this Ordinance, the following words and terms shall have the following meaning unless expressly indicated otherwise:

- A. Authority: Means the Lavaca-Navidad River Authority of Texas, which is a conservation and reclamation district, governmental agency of the State of Texas and a body politic and corporate created by the Texas Legislature under the authority of Article XVI, Section 59 of the Texas Constitution, said creating statute being formerly codified as Article 8280-131, Revised Civil Statutes of Texas.
- B. Board: Means the Board of Directors of the Lavaca-Navidad River Authority.
- C. Boat Livery: Means a commercial establishment engaged in the renting or hiring out of boats for profit and/or the renting of space for the storage of boats.
- D. Lake Texana: Means the body of standing water created by the Palmetto Bend Dam, said term sometimes being referred to as the "Reservoir".

- E. Lands owned or controlled by the Authority: Means any land in which the Authority has a property interest or which is subject to the control of the Authority, such lands sometimes being referred to as “Project lands”.
- F. Law Enforcement Personnel: Means personnel employed or otherwise contracted by the Authority to perform security and other law enforcement duties to administer the rules of the Authority and state and local law on Authority property.
- G. Palmetto Bend Dam: Means that earthfill embankment, concrete spillway and gates, and outlet works owned, operated and maintained by the Authority on the Navidad River in Jackson County, Texas, as part of the Project.
- H. Marina: Means a basin, pier, floating structure, boat dock, or any other permanent or floating structure providing for anchorage or storage for vessels.
- I. Motorboat: Means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion.
- J. Operate: Means to navigate or otherwise use a motor boat or vessel.
- K. Owner: Means a person, other than a lienholder, having the property interest in or title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as a security.
- L. Person: The word person shall include individuals, firms, partnerships, corporations and governmental entities, and any combination thereof.
- M. Personal Water Craft: A personal watercraft (PWC) is defined as a type of motorized vessel which is specifically designed to be operated by a person(s) sitting, standing or kneeling ON the vessel rather than INSIDE the vessel. The term PWC includes jet skis and wet bikes.
- N. Project: Means the area commonly known as the Palmetto Bend Dam and Lake Texana and surrounding project lands in which the Authority has a property interest for any purpose.
- O. General Manager: Means that employee of the Authority who is charged with direct responsibility for all aspects of the Project.
- P. Reservoir: Means the body of water impounded by the Palmetto Bend Dam which will occupy lands up to Elevation 44’ Mean Sea Level, and the lands thereabove which will from time to time be inundated by floods.

- O. Texas Water Safety Act: Chapter 31, Vernon's Texas Codes Annotated, Parks and Wildlife Code.
- P. Vessel: Means any watercraft, other than a seaplane on water, used or capable of being used for transportation on water.
- Q. Vessel livery: Means a business establishment engaged in renting or hiring out vessels for profit.
- R. Vehicle: Means
 - (1) any motor driven or propelled vehicle required to be registered under the laws of this state;
 - (2) a trailer or semitrailer, other than manufactured housing, that has a gross vehicle weight that exceeds 4,000 pounds;
 - (3) a travel trailer;
 - (4) an all-terrain vehicle or a recreational off-highway vehicle, as those terms are defined by Section 502.001 of the Transportation Code, designed by the manufacturer for off-highway use that is not required to be registered under the laws of this state; or
 - (5) a motorcycle, motor-driven cycle, or moped that is not required to be registered under the laws of this state.

SECTION 2: APPLICABILITY OF THE TEXAS WATER SAFETY ACT AND RULES AND REGULATIONS MADE PURSUANT THERETO.

- A. All the terms and provision of the Texas Water Safety Act shall be applicable to the Reservoir and, where appropriate, to other adjacent Project lands.
- B. All rules and regulations promulgated by the Texas Parks & Wildlife Department pursuant to the Texas Water Safety Act shall likewise be applicable to the Reservoir and, where appropriate, to other adjacent Project lands.

SECTION 3: PLACEMENT AND CONSTRUCTION OF FLOATING PIERS, DOCKS, BOATHOUSES, BARGES AND OTHER FLOATING FACILITIES.

- (1) It shall be unlawful to place floating piers, docks, boathouses, barges and other floating facilities on Lake Texana, except as authorized by permit or contractual agreement by the Authority.
- (2) Floating piers, docks, boathouses, barges and other floating facilities which are not supported by floating pontoons of Styrofoam, polyethylene, wood or other material approved by the Authority are prohibited. Oil drums, chemical drums and any type of hollow metal drums not specifically manufactured for floating

purposes are expressly prohibited from use and from introduction into the Reservoir or Project lands for any purpose.

SECTION 4: COMMERCIAL VENTURES AND OPERATIONS ON PROJECT LANDS.

- A. It shall be unlawful for any person, without entering into a written contract approved by the Authority's Board of Directors and paying the consideration specified in such contract, to:
- (1) construct or maintain a boat livery, marina, pier, bulkhead, wharf, floating boathouse, dock or other installation of any kind;
 - (2) operate any vessel or vessels as a part of a commercial venture; or
 - (3) engage, otherwise, in any commercial operations; on the Project lands owned or controlled by the Authority.
- B. Any commercial venture or operation engaged in or operated under such a contract, and all installations thereof, shall be subject to periodic inspections by authorized representatives of the Authority during business hours.

SECTION 5: SPECIAL RULES AND REGULATIONS PERTAINING TO VESSELS AND AIRCRAFT.

- A. It shall be unlawful for any person to:
- (1) Leave any private vessel unattended on or in Lake Texana except in case of emergency unless such vessel is securely moored or anchored and suitably flagged and lighted so as not to create a hazard. The term "unattended", as used in the preceding sentence, does not include vessels properly moored in or at a boat livery, marina, pier, dock, boathouse, barge or floating facility authorized by the Authority.
 - (2) Anchor, moor, or dock any vessel for a period exceeding twenty-four (24) hours anywhere on or in the Reservoir except in an anchorage or mooring area or to a pier which has been approved by the Authority.
 - (3) Moor or attach in any manner a vessel to buoys or buoy lines installed by the Authority or other governmental agency.
 - (4) Operate any motorboat or vessel or manipulate any water skis, aquaplane or similar device in willful or wanton disregard of the rights or safety of others or without due caution or circumspection, and at a speed, or in a manner that endangers, or is likely to endanger a person or property, or negligent manner so as to endanger the life, limb, or property of another person.

- (5) Operate any motorboat or PWC or other watercraft so as to create a hazardous wake or wash.
- B. At any time a vessel is left unattended the owner or operator of such vessel shall notify, without delay, an officer or employee of the Authority or any Authority authorized Law Enforcement Personnel of such fact as soon as possible.
- C. The term “private vessel” as used in Subsection A, above, means all those vessels other than those owned or operated by an agency or political subdivision of the State of Texas or any agency of the United States Government and engaged in the performance of duty.
- D. All vessels on or in the Reservoir shall be subject to inspection by authorized representatives of the Authority at all times.
- E. The operation of aircraft on Project land or water areas is prohibited except for aircraft engaged on official business of the Authority or used in emergency rescue missions.
- F. All law and custom regarding waterborne traffic requires that vessels propelled by power shall at all times yield the right of way to vessels propelled by sail. It shall be unlawful for the operator of any power driven vessel or PWC to:
 - (1) Fail to yield the right of way to a vessel proceeding under sail.
 - (2) Pass within 100 feet of vessels proceeding under sail while traveling at a speed which throws a wake or wash.
 - (3) Fuel or refuel vessel or PWC while in or on the water.

SECTION 6: DESIGNATION OF CERTAIN AREAS FOR CAMPING, BATHING, FISHING, SWIMMING, WATER SKIING, AND/OR AQUAPLANING: ALL OTHER RECREATIONAL ACTIVITIES: RESTRICTION OF SPEED OF VESSELS.

- A. From time to time the Authority’s Board of Directors may designate:
 - (1) Certain areas for camping, bathing, fishing, water skiing, and/or aquaplaning, and other recreational activities.
 - (2) Areas in which vessels shall not exceed a maximum speed.
- B. All such areas shall be marked by buoys and sign stating the designation.
- C. It shall be unlawful to engage in any activity in violation of a specified designation.

- D. This section shall not apply to those vessels owned or operated by an agency or political subdivision of the State of Texas or any agency of the United States Government and engaged in the performance of duty.

SECTION 7: THROWING OR DEPOSITING OF GLASS BOTTLES, CANS OR OTHER SUBSTANCES IN OR ON THE RESERVOIR OR PROJECT LANDS: COLLECTION AND REMOVAL REQUIRED BY OWNERS AND OPERATORS OF COMMERCIAL VENTURES AND OPERATION.

- A. It shall be unlawful for any person to throw or deposit in or upon any waters of the Reservoir or any Project lands owned or controlled by the Authority any of these substances:
- (1) Glass bottles, refuse, garbage, rubbish or junk as same is defined in § 391.001(6) of the Texas Transportation Code, or any other substance likely to injure any person, animal or vessel.
 - (2) The contents of marine or recreational vehicle toilets,
 - (3) Animal carcasses or portions thereof.
- B. The owners and/or operators of all commercial ventures and operations, including but not limited to boat liveries and marinas, shall, as to the categories of substances mentioned in the preceding subsection:
- (1) provide on-site facilities satisfactory to the Authority for the collection thereof, and
 - (2) make arrangements satisfactory to the Authority for the timely removal of such collected substances from their premises.

It shall be unlawful for the owner and operator for any commercial venture or operation to fail to provide the aforesaid on-site collection facilities or to make the aforesaid removal arrangements.

SECTION 8: USE OF GARBAGE RECEPTACLES.

It shall be unlawful for any person other than authorized personnel and guests lawfully using the park facilities and public access areas to dispose of refuse, garbage, cans, bottles, animal carcasses or portions thereof or other similar materials in any receptacle or other disposal facility provided by the Authority for guests legally using and occupying the parks and other property owned or controlled by the Authority.

SECTION 9: ABANDONMENT OF VEHICLE.

- A. It shall be unlawful to abandon a vehicle on Project lands owned or controlled by the Authority.
- B. If a vehicle is left unattended for a period in excess of forty-eight (48) hours, it will be deemed to have been abandoned.
- C. An abandoned vehicle may be impounded by the Authority and held in custody by the General Manager. Such abandoned vehicle may be reclaimed by the payment of a reasonable charge to the Authority.
- D. Abandoned vehicle which has been impounded and which has not been reclaimed within ninety (90) days from the date of impoundment by the payment of the above specified charge, may be sold, destroyed, converted to the Authority's use or otherwise disposed of by the Authority as it, in its sole discretion, deems appropriate, without notice, in accordance with applicable federal, state and local laws.
- E. No responsibility will be assumed by the Authority for any vehicle left unattended on lands owned or controlled by the Authority.
- F. Notwithstanding subsection "B" above, a vehicle left in place beyond the term of a rental period will be subject to a late-checkout fee of Twenty-Five dollars (\$25.00) per hour for each hour the vehicle is not moved after the end of the rental period unless an extension of the rental period has been granted. The maximum daily fee shall not exceed Five-Hundred dollars (\$500) per day. This fee is in addition to civil penalties or fines that the Authority may impose.

SECTION 10: PRIVATE NOTICE AND ADVERTISEMENTS.

It shall be unlawful to place private notices and advertisements on Project lands owned or controlled by the Authority except when authorized by the General Manager and then only when necessary for the convenience and guidance of the public.

SECTION 11: PUBLIC TRAVEL AND ACCESS TO AREAS DESIGNATED FOR PUBLIC USE: RESTRICTION OF SPEED AND OPERATION OF ALL VEHICLES; RESTRICTION OF NOISE.

- A. Vehicle access to the Reservoir shall be over public access roads provided and controlled by the Authority, and no off-road vehicle use shall be permitted except by authorized personnel and vehicles owned by the Authority's lessees whose off-road use is required to fulfill the terms of their lease, and those vehicles approved by the Authority for specific purposes related to the operation and management of the Project lands.
- B. Public parking shall not be authorized or allowed in any area except those areas which have been provided and designated for public use.

- C. The General Manager may from time to time designate speed limits and establish regulations that will be posted by signs for vehicles on roads within Project lands, and it shall be unlawful for any vehicle to exceed posted speed limits or violate said posted regulations.
- D. Except as authorized by the General Manager, no person shall operate an unlicensed, unregistered motor vehicle or vessel on Project lands or Lake Texana., Additionally, no person shall operate an unlicensed, unregistered motor vehicle on Project lands without a proper and effective exhaust muffler as defined by state and local laws or with an open or cutout exhaust muffler or altered in any other manner which renders the exhaust muffler ineffective in muffling the sound of engine exhaust. Likewise, all vessels operating on or in Lake Texana shall be equipped with a legally proper exhaust water manifold baffles or a factory-type muffler installed on the engine.
- E. Commercial vehicles of over two (2) tons manufacturer's rated carrying capacity are prohibited from entering, traveling on, or parking on public access roads or parking lots on Project lands unless prior written authorization has been granted by the Authority.
- F. Annoying or offensive noise is prohibited in and/or around all public access areas that may or may not be occupied by persons. Quiet times will be established and enforced in all public recreation areas.

SECTION 12: EXPLOSIVES.

It shall be unlawful for any person to possess, discharge, fire or explode any explosive of any nature, including but not limited to firecrackers, all types of fireworks and dynamites, upon, across, into or onto Project lands owned or controlled by the Authority unless authorized in writing by the Authority and in compliance with state and local permit requirements.

SECTION 13: POSSESSION, DISCHARGE OF RIFLES, SIDEARMS, SHOTGUNS, ARCHERY EQUIPMENT OR OTHER FIREARMS.

- A. It shall be unlawful for any person to illegally possess, display or discharge a rifle, sidearm, shotgun, archery equipment, BB or pellet gun (except in the course of permitted hunting as authorized in Section 14) or any other firearm upon, across, into or upon the Reservoir or Project lands owned or controlled by the Authority.
- B. Subsection A, above, shall not apply to the following persons in the act of performing their duty:
 - (1) Duly authorized agents or employees of the Authority;
 - (2) Sheriffs, Deputy Sheriffs, constables and other peace officers of Jackson County, Texas, and its municipalities;

- (3) Duly authorized employees of the Texas Department of Public Safety and of the Texas Parks and Wildlife Department;
- (4) Any other duly authorized peace or law enforcement officers of the State of Texas or the United States Government; or
- (5) All Law Enforcement Personnel employed by the Authority.

SECTION 14: HUNTING AND TRAPPING.

- A. It shall be unlawful to hunt or trap animals or water fowl on the Reservoir or Project lands owned or controlled by the Authority except in those areas which may be designated for hunting small game and water fowl by the Authority, and then only by written permit issued by the Authority.
- B. The Authority may conduct managed hunts on Project lands owned by the Authority.

SECTION 15: SOLICITATION OF BUSINESS.

It shall be unlawful for any person, firm or corporation or the representatives thereof to engage in or solicit any business within or upon Project lands owned or controlled by the Authority unless such is authorized by contract in the manner prescribed by Section 4 of this Ordinance.

SECTION 16: DESTRUCTION, DAMAGE, DEFACEMENT OR REMOVAL OF THE AUTHORITY'S PROPERTY.

- A. It shall be unlawful for any person to destroy, damage, deface or remove from Project lands owned or controlled by the Authority any of the Authority's property, including but not limited to trees or other vegetation, timber, rock or other minerals, or improvements of any nature existing or placed on said lands.
- B. Violation of Subsection A, above is punishable by:
 - (1) Penalty of immediate removal from said Project lands;
 - (2) Revocation or cancellation of any permitted privileges; or
 - (3) The consequences of prosecution under Section 22 of this Ordinance.

SECTION 17: REMOVAL, DAMAGE OR ALTERATION OF FENCES, GATES, OR OTHER BARRIERS.

It shall be unlawful for any person to remove, alter, damage or relocate, or attach anything to any fence, gate, or other barrier or construct any crossing on a fence on or within Project lands owned or controlled by the Authority.

SECTION 18: TRESPASSING.

- A. The General Manager may designate as restricted areas certain areas, installations or facilities which could be hazardous for visitors or which are critical to the safety or operation of the dam, dikes, gates, spillway, outlet works, water systems, waste treatment plants, pump stations, pipelines or any other facilities vital to the operations of the Authority. Any unauthorized person entering such restricted areas shall be guilty of trespass.
- B. It shall be unlawful for any person except authorized personnel to enter or go upon any Project lands owned or controlled by the Authority which are not specifically designated and marked for public use. Any person violating the provisions hereof shall be guilty of trespass.

SECTION 19: MODIFICATION OF NATURAL CONDITIONS OF TOPOGRAPHY AND TERRAIN OF PROJECT LANDS AND ARCHEOLOGICAL AND/OR HISTORICAL SITES.

- A. It shall be unlawful to modify the natural conditions of topography and terrain of the Project lands owned or controlled by the Authority, including easements, unless such modification is authorized by the Authority.
- B. If such modification shall be made except as above provided, then the modifier shall return said Project lands to their natural conditions of topography and terrain as such conditions existed immediately prior to such modification.
- C. It shall be unlawful for any person to remove, damage, or destroy any trees, undergrowth or other vegetation on Project lands owned or controlled by the Authority unless authorized by written permit from the Authority or required by contractual agreement with the Authority.
- D. Archeological and/or historical sites or portions thereof of every character located in, on, or under the surface of Project lands owned or controlled by the Authority may not be taken, altered, damaged, destroyed, salvaged, or excavated without a permit from the Authority.

SECTION 20: EMPLOYMENT OF LAW ENFORCEMENT OFFICERS.

The Authority specifically adopts the provisions of Section 49.004 and 49.216 of the Texas Water Code. The General Manager, as authorized by the Board of Directors, shall employ such Law Enforcement Personnel as may be necessary to enforce the regulations provided by this Ordinance.

SECTION 21: PETS AND OTHER ANIMALS RESTRICTED OR PROHIBITED.

It shall be unlawful to:

- (1) bring a household pet or other animal into, permit to enter or remain, or possess such household pet on Project lands unless such animal is on a leash of no more than 6 feet in length or confined to a vehicle;
- (2) permit a pet or other animal to remain unattended within the Project lands;
- (3) bring any pet or other animal (except for seeing eye dogs in use by blind persons) into any public building or swimming areas on Project lands;
- (4) permit a pet or other animal to remain outside any privately owned camping equipment during the night;
- (5) bring into, or permit to range into Project lands any horse, cattle, poultry or other livestock unless specifically authorized by the Authority; or
- (6) keep a noisy, vicious or dangerous pet or animal or one which is disturbing to other persons on Project lands.

SECTION 22: VIOLATION OF OR FAILURE TO COMPLY WITH ORDINANCE DEEMED A MISDEMEANOR; PUNISHMENT ON CONVICTION PRESCRIBED; PUBLICATION OF RULES AND REGULATIONS PROVIDING PENALTIES.

The doing of any act forbidden to be done by this Ordinance or by regulation of the Authority or the failure to do any act required by the provisions of this Ordinance, or the aiding or abetting of either, so far as on Project lands owned or controlled by the Authority, shall be deemed a Class C Parks and Wildlife Code misdemeanor, which, in case of a lawful conviction therefore, shall be punishable by a fine of not less than Twenty-Five Dollars (\$25) nor more than Five Hundred Dollars (\$500.00). The penalty hereby authorized shall be in addition to any other penalties provided by the laws of Texas and may be enforced by complaint filed in the appropriate court of jurisdiction in Jackson County, provided, however, that no rule or regulation which provides a penalty for the violation thereof shall be in effect, as to enforcement of the penalty until five (5) days next after the Authority may have caused a substantive statement of the particular rule or regulation and the penalty for the violation thereof to be published, once a week for two (2) consecutive weeks in one or more newspapers with general circulation in Jackson County. The substantive statements so to be published shall be as condensed as is possible to intelligently explain the purpose to be accomplished or the act forbidden by the rule or regulation; any number of regulations may be included in one notice; the notice advises that breach of the particular regulation or regulations will subject the violator to a penalty, and that the full text of the regulation is on file in the principal office of the Authority, where the same may be read by any interested person. Five (5) days after the second publication of the notice hereby required,

the advertised regulation shall be in effect and ignorance of such regulation shall not constitute a defense to a prosecution for the enforcement of a penalty; and, the rules and regulations authorized hereby, after the required publication, shall judicially be known to the courts and shall be considered of a nature like unto that of valid penal ordinances of a city of the State.

SECTION 23: CIVIL PENALTIES.

The violation of this Ordinance or any regulation of the Authority may result in the offending party being subject to civil penalties up to Ten-Thousand dollars (\$10,000.00). In addition, unless otherwise specified herein, the offending party shall be liable to the Authority for any costs incurred by the Authority in connection or necessitated by any such violation. The Board of Directors or the General Manager has the discretion to assess the nature and/or amount of any civil penalties resulting from a violation of this Ordinance or any regulation of the Authority. The foregoing shall be in addition to any other penalties, charges or fees provided by state law.

SECTION 24: ADMINISTRATIVE MATTERS.

- A. The General Manager is responsible to the Board of Directors for the conduct of the business of the Authority, and nothing in this Ordinance shall be construed to alter such responsibility.
- B. The Authority's General Manager may authorize personnel subordinate and responsible to the General Manager for the purposes of accepting for filing all applications mentioned in the Ordinance, granting licenses and receiving monies in payment therefore; provided, however, that the designation of such deputies shall not relieve the General Manager of his responsibilities under this Ordinance, including the handling, custody, depositing and accounting for monies received in payment for licenses.
- C. Any person seeking to appeal any decision or act of the General Manager with regard to the enforcement of any provision contained in this Ordinance concerning any duty imposed by this Ordinance on him shall address his or her appeal in writing to the Authority's Board of Directors and shall deliver same either in person to the Administrative Office of the Authority or by forwarding same by United States Mail to the Board of Directors of the Authority, P.O. Box 429, Edna, Texas 77957.
- D. The Authority's General Manager shall:
 - (1) cause a certified copy of this Ordinance summarily to be filed with the Texas Highway Department, the Texas Department of Public Safety and the Texas Parks and Wildlife Department as required by the Texas Water Safety Act.
 - (2) cause a copy of this Ordinance to be published in a newspaper of general circulation in Jackson County once each week for two (2) consecutive weeks in order to comply with the provisions of Texas Water Code, § 51.129.

SECTION 25: OTHER RULES AND REGULATIONS AFFECTING THE PROJECT OR INDIVIDUAL FACILITIES THEREOF.

Nothing herein shall preclude the Authority's Board of Directors from promulgating rules and regulations governing the use of flowage easement areas, recreation areas and facilities, park facilities in general, and particular park facilities. Regulations will go into force and effect after the publication requirements in Section 22 have been met.

SECTION 26: SEVERABILITY CLAUSE.

If any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid (or for any reason unenforceable), the validity of the remaining portions of this Ordinance of their application to other persons or set of circumstances shall not be affected thereby, it being the intent of the Authority's Board of Directors in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, provision or regulation, and to this end all provisions of this Ordinance are declared to be severable.

ORDINANCE NO. 1

EXECUTORY PAGE

PASSED AND APPROVED by action of the Board of Directors on the 18th day of March 2015.

Ronald Kubecka, President
Board of Directors
Lavaca-Navidad River Authority

ATTEST:

Terri Parker, Secretary/Treasurer
Board of Directors
Lavaca-Navidad River Authority