

LAVACA-NAVIDAD RIVER AUTHORITY

ORDINANCE NO. 1



February 19, 2025

**Table of Contents
Ordinance No. 1**

Caption..... 3

Preamble 4

SECTION I: ADMINISTRATIVE..... 8

ARTICLE 1: Applicability of The Texas Water Safety Act and Rules and Regulations Made Pursuant Thereto 8

ARTICLE 2: Definitions..... 8

ARTICLE 3: Violations and Miscellaneous Provisions..... 11

ARTICLE 4: Employment of Law Enforcement Officers 12

ARTICLE 5: Violation Of Or Failure To Comply With Ordinance Deemed a Misdemeanor; Punishment on Conviction Prescribed; Publication of Rules and Regulations Providing Penalties..... 12

ARTICLE 6: Civil Penalties..... 13

ARTICLE 7: Administrative Matters 13

ARTICLE 8: Other Rules and Regulations Affecting The Project or Individual Facilities Thereof 14

ARTICLE 9: Severability Clause 14

SECTION II: PROTECTION OF PROJECT LAND AND WATERWAYS..... 14

ARTICLE 1: Regulation of Public Access and Usage of Authority Property 14

ARTICLE 2: Commercial Ventures and Operations 19

ARTICLE 3: Destruction and Defacement of Authority Property 20

ARTICLE 4: Littering, Dumping and Storage 21

SECTION III: REGULATION OF RECREATIONAL ACTIVITIES 22

ARTICLE 1: Camping 22

SECTION IV: REGULATION OF VEHICLES, VESSELS and AIRCRAFT..... 22

ARTICLE 1: Vehicle Traffic and Parking 22

ARTICLE 2: Abandoned Vehicles, Recreational Vehicles (RV), Trailers, Vessels and Personal Equipment 24

ARTICLE 3: Personal Motorized Equipment 25

ARTICLE 4: Operation of Aircraft 25

ARTICLE 5: Vessels/Watercraft..... 26

SECTION 5: ENCROACHMENT ON AUTHORITY PROPERTY 27

ARTICLE 1: Encroachment Prohibited 27

ORDINANCE

CAPTION

An ordinance of the Board of Directors of the Lavaca-Navidad River Authority pertaining to the Palmetto Bend Project in Jackson County, Texas: Preamble reciting legal authority for this Ordinance. Section I Administrative Matters, Article 1 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; Article 2 defining certain terms; Article 3 describing violations and penalties; Article 4 employing law enforcement officers; Article 5 deeming the violation of or failure to comply with this Ordinance to be a misdemeanor with punishment, specifying the maximum penalty for conviction hereunder from a fine of not less than Twenty-Five Dollars (\$25) nor more than One Thousand Dollars (\$1000.00) and/or up to 180 days jail time, and requiring the publication of rules and regulations providing penalties; Article 6 specifying fees and civil penalties; Article 7 specifying certain administrative matters; Article 8 reserving the Authority's right to promulgate other rules and regulations affecting the project and facilities thereof; and, Article 9 providing a severability clause. Section II, Protection of Project Lands and Waterways, Article 1 regulation of public access and usage of Authority Property including general provisions, use of controlled substances and smoking, interference with official duties, posting private notices and advertisements, erecting structures and enclosures, excessive amplified noise and sound, service of motorized vehicle, use of fireworks and explosives, possession and discharge of weapons, rifles, side arms, shotguns, archery equipment and other firearms, gambling, certain animals and wildlife and their activities, destruction of trees, plants and minerals, custody and recovery of found property, disturbance of archaeological and cultural artifacts, trespassing, and hunting and

trapping; Article 2 regulation of commercial ventures and operations including regulation of the placement and construction of floating piers, docks, boathouses, barges and other floating facilities and prohibiting business solicitation; Article 3 the destruction, damage, defacement or removal of Authority Property including prohibiting the removal, damage, alteration of fences, gates, or other barriers and the modification of natural conditions of topography and terrain on Project Lands; Article 4 regulating littering, dumping and storage including the throwing or depositing of glass bottles, cans or other substances in or on Lake Texana or certain Project Lands and the collection and removal of same by owners and operators of commercial ventures and operations, and the use of garbage receptacles. Section III Regulation of Recreational Activities, Article 1 designation area for camping and fees. Section IV Regulation of Vehicles, Vessels and Aircraft, Article 1 public travel and access to areas designated for public use and the restriction of speed and operation of all vehicles; Article 2 regulating abandonment of vehicles, recreational, vehicles, trailers, vessels and personal equipment; Article 3 regulating the operation of personalized motorized equipment; Article 4 regulating the operation of aircraft; Article 5 regulating operation of vessels and watercraft. Section 6 Encroachment on Authority Property, Article 1 prohibiting encroachment on Authority Property and Waterways.

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 owns, operates and maintains the Palmetto Bend Project and Lake Texana pursuant to Public Law 106-512 and the 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 permitted 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

WHEREAS, the lands comprising the Palmetto Bend Dam Project includes approximately 7,000 acres of project land above the water surface of Lake Texana at normal operating level with the perimeter of said lands being approximately 83 miles; and

WHEREAS, the Texas Water Safety Act (Chapter 31, Texas 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; and

WHEREAS, Section 51.127 of the Texas Water Code provides, in pertinent part, that a district may adopt and make known reasonable regulations to regulate residence, hunting, fishing, boating, and camping, and all recreational and business privileges on any body or stream of water, or any body of land, or any easement owned or controlled by the district; and

WHEREAS, Section 51.241 of the Texas Water Code provides that a person who violates a regulation adopted by a district under Chapter 51 of the Texas Water Code or other law commits an offense that is a Class C misdemeanor; and

WHEREAS, Section 13.304 of the Texas Parks and Wildlife provides, in pertinent part, that river authorities may provide for the operation, maintenance, and supervision of public recreation areas; and

WHEREAS, Section 25.004 of the Texas Parks and Wildlife Code provides, in pertinent part, that a district may:

- (1) adopt and enforce reasonable rules relating to the use, operation, management, administration and policing of its water-related park areas as it considers appropriate; and
- (2) fix impose, and collect reasonable fees, tolls, rents, rates and charges to and use of water-related park areas and their facilities as necessary or desirable.

WHEREAS, 25.006 of the Texas Parks and Wildlife Code provides:

- (a) Except as provided by Subsection (b) of this section, to accomplish the purposes of Chapter 25 Parks and Wildlife Code, each district has the same powers, authority, rights, and privileges and modes of procedure as are provided by applicable law to accomplish any other corporate purpose.
- (b) A district may exercise the powers granted by Chapter 25 Parks and Wildlife Code without regard to any provision, restriction, or limitation of any general or special law or specific act and may exercise the powers granted by Chapter 25 Parks and Wildlife Code as an alternative to the powers of all other laws relating to the same subject or combine those powers in whole or in part.

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

ORDINANCE NO. 1

SECTION I: ADMINISTRATIVE

ARTICLE 1: APPLICABILITY OF THE TEXAS WATER SAFETY ACT AND RULES AND REGULATIONS MADE PURSUANT THERETO

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.

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.

ARTICLE 2: DEFINITIONS

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

ADMINISTRATIVE OFFICE: Means Lavaca Navidad River Authority Office Complex, 4631 FM 3131, located approximately seven (7) miles east of Edna, Jackson County, Texas off FM 3131.

AIRCRAFT: Means and airplane, helicopter, Unmanned Aerial Vehicle (UAV) or any other Motor driven machine capable of sustained flight.

AIRGUN: Means an air rifle, air pistol, BB gun or any other weapon that discharges a projectile using compressed air as the propellant.

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.

AUTHORITY PROGRAM: Means an activity authorized by the Board, General Manager or their designate.

AUTHORITY PROPERTY: 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 “Lands Owned or Controlled by the Authority” or “Project Lands.”

AUTHORIZED PERSON: Means the Board, General Manager or the designate of the Board or General Manager.

BOARD: Means the Board of Directors of the Lavaca-Navidad River Authority.

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.

FACILITIES: Means all personal property, buildings, pavilions, docks, piers, fixtures, equipment, dam, spillway, public works pipelines, pumps, water wells, vehicles, fences, vessels, motorboats and Authority Property.

LAKE TEXANA: Means the Waterbody created by the Palmetto Bend Dam, said term sometimes being referred to as the “Reservoir” and includes those portions of the Navidad River, Sandys Creek and Mustang Creek encompassed by the Project as defined herein.

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”.

LAW ENFORCEMENT PERSONNEL: Means personnel employed or otherwise contracted by the Authority to perform law enforcement and/or security duties to administer the rules and Ordinance of the Authority and state and local laws on Lands Owned or Controlled by the Authority.

PALMETTO BEND DAM: Means that earthen-filled 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.

MARINA: Means a basin, pier, floating structure, boat dock, or any other permanent or floating structure providing for anchorage or storage for vessels.

MOTORBOAT: Means any vessel propelled or designed to be propelled by machinery, whether or not the machinery is permanently or temporarily affixed or is the principal source of propulsion.

OPERATE: (Operator) Means to drive, navigate or otherwise control the steering, path and speed of a Vehicle, UAV, Aircraft, Motorboat, Personal Watercraft or Vessel.

OWNER: Means a person, other than a lienholder, having the property or equitable interest in or title to a vehicle, Vessel, recreational vehicle or an item of value. The term includes a person entitled to the use or be in possession of a vehicle, Vessel, recreational vehicle or an item of value 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.

PERMIT: Means a written authorization issued by the Board or General Manager or their designate including a lease.

PERMITTEE: Means a person holding a valid Permit issued by the Board or General Manager or their designate authorizing an activity under Authority Regulations.

PERSON: The word person shall include individuals, firms, partnerships, corporations and governmental entities, and any combination thereof.

PERSONAL WATERCRAFT: 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.

PROJECT: Means the area comprising the Palmetto Bend Dam and Lake Texana and surrounding Project Lands in which the Authority is the owner and has a property interest for any purpose.

GENERAL MANAGER: Means that employee of the Authority who is charged with direct responsibility for all aspects of the Project.

REGULATION: Means this Ordinance and any rule, permit, authorization, or order issued by the Board or General Manager.

RESERVOIR: Means the body of water impounded by the Palmetto Bend Dam.

SEAPLANE OR AQUAPLANE: Means an aircraft that has been fitted with flotation devices that allow the aircraft to land on, take off from, or navigate on, over or across a water body.

TEXAS WATER SAFETY ACT: Chapter 31, Texas Parks and Wildlife Code.

UNMANNED AERIAL VEHICLE (UAV): Commonly referred to as a Drone, means an aircraft piloted remotely using an on-board sensing or computing system controlled by a remote user.

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, moped or scooter that is not required to be registered under the laws of this state.

VESSEL: Means any watercraft, other than a seaplane that has landed on the water, used or capable of being used for transportation on water.

VESSEL LIVERY: Means a business establishment (public or private) engaged in renting or hiring out vessels for profit.

WATERWAY: Means a navigable body of water. As applied herein, Waterway means Lake Texana and its tributaries that includes those portions of the Navidad River, Sandys Creek, Mustang Creek within the boundary of the Project.

ARTICLE 3: VIOLATIONS AND MISCELLANEOUS PROVISIONS

A. Violations and Penalties

- (1) A violation of these Regulations may result in administrative action by the Authority, including:
 - (a) a verbal or written warning; and/or
 - (b) revocation or suspension of a Permit; and/or
 - (c) suspension of future admission to, or participation in, Authority Property, Facilities, sponsored activities, or programs.
- (2) In addition to any administrative action taken, a violation of these Regulations may also result in any other action authorized by law or in equity, including:
 - (a) civil action for recovery of applicable penalties as provided below in Subsection (3) and Article 6;
 - (b) civil action for injunction, mandatory injunction or other appropriate remedy to enjoin the violating person and compel or prohibit the person's future conduct or activities in relation to the Authority Regulations;
 - (c) a civil action for damages to Authority Property, Facilities, and/ or personal injuries caused alone or in concert with others; and

- (d) citation and criminal prosecution, if applicable, as provided below in Article 5.

(3) Civil Penalties for Infractions see Schedule of Recommended Penalties

B. Employees Working

These Regulations do not apply to Authority employees working within the scope of their employment duties or responsibilities to the extent they are assigned by an Authorized Person.

C. Law Enforcement; First Responders

These Regulations do not apply to members of law enforcement agencies, first responders or medical personnel working reasonably within the scope of their employment duties or responsibilities on Authority Property.

D. Certain Exception for Authority Programs

A person who acts with good cause and reasonably at the direction of an Authorized Person working as part of an Authority Program shall be deemed to have not violated these Regulations for such acts.

ARTICLE 4: 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, shall employ such Law Enforcement Personnel as may be necessary to enforce the regulations provided by this Ordinance.

ARTICLE 5: 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 or Lake Texana , shall unless specified herein as a more serious offense, be deemed a Class C misdemeanor or a Class C Parks and Wildlife Code misdemeanor, which, in the case of a lawful conviction of the Class C misdemeanor or Class C Parks and Wildlife Code Class C misdemeanor, shall be punishable by a fine of not less than Twenty-Five Dollars (\$25) nor more than Five Hundred Dollars (\$500.00), excepting specific violations addressed herein of the Texas Parks & Wildlife Code, Texas Natural Resource Code, Texas Water Code, and the Texas Government Code. The punishment for more serious offenses is specified in connection with the specific activity relating to the offense in the provisions that follow. The fines for specific violations are described in the Schedule of Recommended Fines/Penalties, attached as Exhibit A. 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.

ARTICLE 6: 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). effective September 1, 2020 the maximum civil penalty shall increase to Twenty Thousand (\$20,000). In addition, unless otherwise specified herein, the offending party shall be liable to the Authority for reasonable fees for attorneys, expert witnesses and any other costs incurred by the Authority before the court in connection or necessitated by any such violation. The Board 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 as adopted in the Schedule of Recommended Fines/Penalties, attached as Exhibit A.

The foregoing shall be in addition to any other penalties, charges or fees provided by state law.

ARTICLE 7: 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 under Section 1, Article 3, Subsection A (1) 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 Board 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 the Authority, P.O. Box 429, Edna, Texas 77957. An appeal must be brought within ten days of the General Manager's decision or act.

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.

ARTICLE 8: OTHER RULES AND REGULATIONS AFFECTING THE PROJECT OR INDIVIDUAL FACILITIES THEREOF

Nothing herein shall preclude the Board 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 1, Article 5 have been met.

ARTICLE 9: 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 Board 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.

SECTION II: PROTECTION OF PROJECT LAND AND WATERWAYS

ARTICLE 1: REGULATION OF PUBLIC ACCESS AND USAGE OF AUTHORITY PROPERTY

A. General Provisions

- (1) It shall be unlawful for a person to enter or be present on Authority Property or in an Authority Facility when or where it is locked and/or closed to public access, except as authorized by Permit issued by the Authority.

- (2) No Permittee, or other person participating in a permitted use of, or event on, Authority Property shall violate any terms or conditions of an authorized Permit issued by the Authority, including the provisions of this Ordinance.
- (3) It shall be unlawful for a person to fail to promptly comply with a command or direction given by the Law Enforcement Personnel, or other Authorized Person to implement or enforce a provision of this Ordinance, an applicable Authority Rule, or the terms and conditions of an authorized Permit issued by the Authority.

B. Controlled Substances and Smoking

- (1) It shall be unlawful for a person to propagate, create, possess, use, or distribute illegal drugs or any controlled dangerous substance on Authority Property if possession thereof is subject to criminal or civil prohibition.
- (2) No person shall smoke inside a Facility owned or controlled by the Authority. Smoking outdoors is allowed, however, smoking outside a Facility owned or controlled by the Authority shall be limited to the rear of the facility, away from public access points.

C. Interference, Official Duties

- (1) It shall be unlawful for a person to obstruct, hinder, or unreasonably interfere with any Law Enforcement Personnel acting in the course of his or her official duties.
- (2) It shall be unlawful for a person to obstruct, hinder, or unreasonably interfere with a first responder in the performance of his or her official duties.

D. Posting Notices and Advertisements

It shall be unlawful for a person to attach or post any notice, sign, or any similar objects on any Authority Property, except as authorized by the General Manager, and then, only when necessary for the convenience and guidance of the public.

E. Erecting Structures, Enclosures

It shall be unlawful for a person to erect any structure, including a tent or shade canopy, or construct any enclosure on Authority Property, whether temporary or permanent in nature, except as authorized by Permit issued by the Authority. Unlawful Encroachment on Authority Property is further regulated in Section 5.

F. Amplified Sound and Noise

It shall be unlawful for a person to operate any device to amplify sound or otherwise create excessive noise that disturbs the peace and public enjoyment of Authority Property, except

as authorized by Permit issued by the Authority for a permitted event or location. The General Manager may designate “quiet times” during which all excessive noise must cease.

G. Motorized Vehicle Service

No person shall service, repair, or wash any vehicle on Authority Property, except in case of an emergency or by authorized Permit issued by the Authority.

H. Fireworks and Explosives

It shall be unlawful for a person to possess, discharge, fire or explode any fireworks or other explosive materials or devices of any nature on Authority Property, except as authorized by Permit issued by the Authority.

I. Weapons

(1) It shall be unlawful for a person to carry, possess, display or discharge a handgun, rifle, shotgun, air gun, bow, crossbow, or any other weapon on Authority Property except in the course of permitted hunting activity and/or only when and where authorized in designated areas and by authorized Permit issued by the Authority.

(2) Specifically, in regard to the possession and display of a handgun, this subsection shall not apply to the following persons and law enforcement personnel in the act of performing their duty;

- (a) a person with a valid License-To-Carry (LTC) permit;
- (b) Law enforcement and duly authorized agents or employees of the Authority;
- (c) Law enforcement officers of Jackson County and its municipalities;
- (d) Texas Department of Public Safety and the Texas Parks & Wildlife Department;
- (e) Any other duly authorized law enforcement officer of the State of Texas or the United States Government

J. Gambling

It shall be unlawful for a person to engage in gaming or gambling for money or any other thing of value on Authority Property, whereby the “house” profits from the gaming or gambling except as authorized by the General Manager for charitable purposes.

K. Animals & Wildlife:

- (1) No person shall bring a noisy, vicious or dangerous animal on Authority Property.
- (2) No person, except in designated areas, bring or possess an animal on Authority Property without keeping it at all times on a physical leash that is no more than 6-feet in length and attached to the animal by a collar or harness or contained in a suitable vehicle or cage.
- (3) No person shall permit an animal to remain outside privately owned camping equipment at night.
- (4) No person shall bring an animal onto Authority Property and fail to immediately clean up and remove the animal's feces or other waste from the Authority Property. If a receptacle designated for that purpose is available, the owner will dispose of the animal waste in the animal waste receptacle.
- (5) It shall be unlawful for a person to knowingly allow an animal, livestock or poultry, to graze or range on Authority Property, except as provided by Permit.
- (6) It shall be unlawful for a person to abandon or release any animal, domestic or wild, on or around Authority Property, except as authorized by Permit. The Authority is not responsible for the health and welfare of domestic or wild animals that are lost, escaped, or otherwise abandoned and found to exist on Authority Property. Animals, including domestic and wild, found to exist on Authority Property and not claimed 72-hours after discovery will be treated in an appropriate manner according to the circumstance at the time. Treatment of domestic animals may include placement of the animal in a local animal shelter, direct adoption or euthanasia in accordance with applicable local and state regulations.
- (7) No person shall bring or possess a domestic animal, except for a bona fide service animal, on Authority Property in any area where such animals are prohibited as indicated by a sign posted by the Authority.
- (8) It shall be unlawful for a person to catch, injure, destroy, or interfere in any way with wildlife on Authority Property.

L. Trees, Plants and Minerals

- (1) It shall be unlawful for a person to injure, deface, destroy, or interfere in any way with any trees, plants, or minerals on Authority Property, except as authorized by Permit issued by the Authority.
- (2) It shall be unlawful for a person to plant or harvest vegetation or cause the planting or harvesting of vegetation on Authority Property, except as authorized by Permit issued by the Authority.

M. Found Personal Property

- (1) The Authority shall maintain an inventory of the property found and reported in its custody. Illegal and/or dangerous items found shall be forfeited and held in custody by Authority Law Enforcement for proper disposition.
- (2) The Owner of an item found, reported and in the custody of the Authority may recover such property by providing proper identification and evidence of ownership to the Authority.
- (3) Any found items that are not claimed within three (3) months of receipt by the Authority shall be deemed abandoned and may be destroyed, donated to charity, or become the property of the Authority.

N. Archaeological and Cultural Artifacts

- (1) It shall be unlawful for a person to remove, deface, destroy or otherwise disturb an archaeological or historical/cultural resource site and/or collect, remove or destroy archeological or historical/cultural artifacts of any form, size or quantity from Authority Property, except as authorized by Permit issued by the Authority.
- (2) It shall be unlawful for a person to use a metal detector or dig into the surface of Authority Property, except as authorized by Permit issued by the Authority and in accordance with the Antiquities Code of Texas, Chapter 191 of the Texas Natural Resources Code.

O. Trespassing

- (1) The Board may designate areas as restricted which may be hazardous for visitors or otherwise unsafe or, are protected and considered vital to the operations of the Authority.
- (2) It shall be unlawful for any person, except authorized personnel or a person by Permit issued by the Authority, to enter an area marked as restricted, enter an area that is signed, warning against entry, enter a locked gate or door, enter an area that has been leased and/or contracted for a specified use, or to go upon any Authority Property which is not specifically designated and marked for public use.

P. Hunting/Trapping

- (1) It shall be unlawful for a person to hunt on Authority Property except,
 - (a) as authorized by Permit issued by the Authority; and
 - (b) in areas designated by the Authority as game management areas; and
 - (c) in compliance with Authority hunting program rules and in compliance with applicable local, state, and federal game laws.

- (2) It shall be unlawful for a person to trap or snare wildlife on Authority Property except as authorized by Permit issued by the Authority. Permits for trapping shall only be issued for a scientific or animal control purpose.

Q. Violation of this Article is punishable by:

- (1) immediate removal from Authority Property; and/or
- (2) revocation or cancellation of permitted privileges, and/or
- (3) civil penalties in the amounts specified in the Schedule of Recommended Penalties, and/or
- (4) issuance of citation and prosecution as a Class C Misdemeanor, except for violations of Subsection (N) "Archaeological and Cultural Artifacts," which is a misdemeanor punishable by a fine of not less than \$50 and not more than \$1,000, by confinement in jail for not more than 30 days, or both as provided in Section 191.171 of the Texas Natural Resources Code.

ARTICLE 2: COMMERCIAL VENTURES AND OPERATIONS

- A. It shall be unlawful for any person, without entering into a written contract approved by the Board and paying consideration specified in such contract, to:
 - (1) place floating piers, floating docks, boathouses, barges and other floating facilities on Lake Texana;
 - (2) Construct or maintain a boat livery, marina, pier, bulkhead, wharf, floating boathouse, or other installation of any kind;
 - (3) operate any vessel or vessels as part of a commercial venture; or
 - (4) engage, otherwise, in any commercial operations on the Project Lands owned or controlled by the Authority.
- B. Floating piers, docks, boathouses, barges and other floating facilities which are not supported by floating pontoons of Styrofoam, polyethylene, metal, wood or other materials approved by the Authority are hereby prohibited. Oil drums and any type of hollow metal drums no specifically manufactured for floating purposes are expressly prohibited from use and from introduction into Lake Texana or Project Lands for any purpose.
- C. The operation of any food or merchandise truck, trailer, cart, gaming, amusement vehicle, or any other similar concession, while on Authority Property is prohibited unless authorized by Permit issued by the Authority or Contract authorized by the Board.

- D. Any commercial venture or operation engaged in or operated under such a Permit or contract, and all installations thereof, shall be subject to periodic inspections by authorized representatives of the Authority.
- E. It shall be unlawful for any person, firm, corporation or the representatives thereof to engage in or solicit any business within or upon Authority Property unless such is authorized by contract with the Authority or as authorized by Permit issued by the Authority.
- F. Violation of this Article is punishable by:
 - (1) immediate removal from Authority Property; and/or
 - (2) revocation or cancellation of permitted privileges, and/or
 - (3) civil penalties in the amounts specified in the Schedule of Recommended Penalties, and/or
 - (4) issuance of citation and prosecution as a Class C Parks and Wildlife Code Misdemeanor for violations of Subsections A and B and as a Class C Misdemeanor Under Subsections C, D and E.

**ARTICLE 3: DESTRUCTION AND DEFACEMENT OF AUTHORITY
PROPERTY**

- A. It shall be unlawful for a person to destroy, deface, injure, misuse, or remove from Authority Property, including but not limited to trees, underbrush, timber, rocks or other minerals, or improvements of any nature existing on said lands without prior written authorization or valid permit issued by the Authority.
- B. It shall be unlawful for any person to remove, alter, damage, relocate, or attach anything to any fence, gate or other barrier or construct any crossing on a fence on or within or across Authority Property without prior written authorization or valid permit issued by the Authority.
- C. It shall be unlawful for a person to willfully destroy, deface, interfere with, alter, misuse, abuse, damage or otherwise vandalize Authority Property or to utilize it in any manner other than its intended design or use.
- D. 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.
- E. Violation of this Article is punishable by:
 - (1) immediate removal from Authority Property; and/or

- (2) revocation or cancellation of permitted privileges, and/or
- (3) civil penalties in the amounts specified in the Schedule of Recommended Penalties, and/or
- (4) issuance of citation and prosecution as a Class C Misdemeanor except a violation of Subsection C, which is a Class B misdemeanor under Section 49.228 of the Texas Water Code punishable by a fine of not more than \$2,000, by confinement in jail for not more than 180 days, or both.

ARTICLE 4: LITTERING, DUMPING AND STORAGE

- A. It shall be unlawful for any person to release, throw or deposit in or upon any land or waters of the Reservoir or Project Lands any of the following substances:
- (1) glass bottles, refuse, garbage, rubbish, junk as same is defined in Section 391.001(6) of the Texas Transportation Code, or any other substance likely to injure a person, animal or a vessel.
 - (2) the contents of marine or recreational vehicle toilets,
 - (3) animal carcasses or portions thereof.
 - (4) petroleum products
 - (5) a solid, liquid or gaseous material listed as being “hazardous”.
- B. It shall be unlawful for a person to litter on Authority Property. Trash, reuse and recyclable materials that originate during a person’s presence on Authority Property must be placed in designated trash or recycling receptacles.
- C. It shall be unlawful for a person to deposit any refuse or recyclable materials in a designated trash or recycling receptacle located on Authority Property, unless the trash or recyclable materials are generated as such during the person’s lawful presence on Authority Property.
- D. The owners and/or operators of commercial ventures and operations, including but not limited to restaurants, food or merchandise trucks, trailer, cart, gaming, amusement vehicle, or any other similar concession, boat liveries and marinas, shall:
- (1) provide for on-site facilities in a manner satisfactory to the Authority for the collection and treatment of waste and refuse generated by the operation of the commercial venture, and
 - (2) arrange for the timely removal of such collected substances and refuse from Authority Property.

- E. It shall be unlawful for the owner and/or operator of any commercial venture or operation to fail to provide for on-site collection facilities or to provide or arrange for the removal of waste/refuse generated as a result of the operations.
- F. Violation of this Article is punishable by:
 - (1) immediate removal from Authority Property; and/or
 - (2) revocation or cancellation of permitted privileges, and/or
 - (3) civil penalties in the amounts specified in the Schedule of Recommended Penalties, and/or
 - (4) issuance of citation and prosecution as a Class C Misdemeanor.

SECTION III: REGULATION OF RECREATIONAL ACTIVITIES

ARTICLE 1: CAMPING

- A. The Board or General Manager or their designate may designate certain areas for camping, swimming, fishing, water skiing and bathing and may establish usage and occupancy fees.
- B. It shall be unlawful for a person to camp on Authority Property except in a designated campground, or in other designated areas by Permit issued by the Authority.
- C. Violation of this Article is punishable by:
 - (1) immediate removal from Authority Property; and/or
 - (2) revocation or cancellation of permitted privileges, and/or
 - (3) civil penalties in the amounts specified in the Schedule of Recommended Penalties, and/or
 - (4) issuance of citation and prosecution as a Class C Misdemeanor.

SECTION IV: REGULATION OF VEHICLES, VESSELS and AIRCRAFT

ARTICLE 1: VEHICLE TRAFFIC AND PARKING

- A. An operator of a motorized vehicle shall comply with the applicable traffic and motorized vehicle laws and regulations of the Texas Department of Public Safety and the regulations of the Texas Department of Transportation.

- B. Notwithstanding a law, regulation, or posted traffic instruction, an operator of a motor vehicle on Authority Property shall comply with the direction or instruction given by the Authority.
- C. It shall be unlawful for a person to operate any motorized vehicle on Authority Property in an area that is not designated as a roadway or street for vehicular traffic.
- D. It shall be unlawful for a person to operate any motorized vehicle on Authority Property at a speed exceeding the lesser of
 - (1) twenty-five (25) miles per hour;
 - (2) the posted speed limit; or
 - (3) a speed that is (i) reasonable and prudent under existing conditions; or (ii) as directed by an Authorized Person.
- E. It shall be unlawful for a person to park a vehicle in an area that is not designated for parking.
- F. It shall be unlawful for a person to operate or park any vehicle (including a truck, bus or similar commercial vehicle) having a gross vehicle weight exceeding 10,600 pounds, or a combined total gross weight (vehicle weight plus any load being carried or transported including a trailering) that exceeds a roadways posted weight limit, on or over Authority Property -, except
 - (1) an emergency vehicle operated by any local, state or federal public safety agency;
 - (2) a licensed tow truck assisting a vehicle disabled on Authority Property;
 - (3) a licensed commercial bus or school bus collecting or discharging passengers for the purpose of use and enjoyment of Authority Property;
 - (4) as authorized by Permit issued by the Authority; or
 - (5) as authorized specially for a single occurrence or event by permit issued by the Texas Department of Transportation or permission granted by Law Enforcement Personnel or an Authorized Person.
- G. Violation of this Article is punishable by:
 - (1) immediate removal from Authority Property; and/or
 - (2) revocation or cancellation of permitted privileges, and/or

- (3) civil penalties in the amounts specified in the Schedule of Recommended Penalties, and/or
- (4) issuance of citation and prosecution as a Class C Misdemeanor.

ARTICLE 2: ABANDONED VEHICLES, RECREATIONAL VEHICLES (RV), TRAILERS, VESSELS AND PERSONAL EQUIPMENT

- A. The Authority is not responsible for any passenger or commercial vehicle, recreational vehicle (RV), trailer, vessel or other personal equipment, attended or unattended, left on Authority Property.
- B. It shall be unlawful for a person to abandon a passenger or commercial vehicle, recreational vehicle (RV), trailer, vessel or other moveable equipment on Authority Property. Vehicles, trailers, vessels and any other moveable equipment left unattended on Authority Property for a period in excess of forty-eight (48) hours will be deemed to have been abandoned and may be impounded by the Authority. Upon a finding of abandonment, the General Manager may:
 - (1) order the abandoned property be moved to a secure storage area. Such property may be reclaimed by the owner, if ascertained and verified, by payment of a fee determined by the Authority.
 - (2) if not claimed ninety (90) calendar days from the date of impoundment, order the abandoned property be sold, destroyed, converted for the Authority's use or otherwise disposed of by the Authority as it, in its sole discretion, deems appropriate, and in accordance with applicable local, state and federal law.
- C. Notwithstanding paragraph B of this Article, the owner of a vehicle, RV or trailer left in a rented space beyond the term or rental period of a recreation rental agreement is subject to a late check out fee of \$25 per hour for each hour the vehicle, RV or trailer is not removed from the rented space unless an extension of the recreation rental agreement has been granted by the Authority. The maximum daily fee for failing to vacate a rented space shall not exceed \$500 per day in addition to any civil penalties or criminal fines the Authority may impose.
- D. Violation of this Article is punishable by:
 - (1) immediate removal from Authority Property; and/or
 - (2) revocation or cancellation of permitted privileges, and/or
 - (3) civil penalties in the amounts specified in the Schedule of Recommended Penalties, and/or
 - (4) issuance of citation and prosecution as a Class C Misdemeanor.

ARTICLE 3: PERSONAL MOTORIZED EQUIPMENT

- A. It shall be unlawful for a person to operate an electric or gas-powered cart, all-terrain vehicle (ATV), utility vehicle (UTV), motorized scooter, Segway, hover-board or similar personal motorized device on Authority Property except,
 - (1) as authorized by Permit issued by the Authority; and/or
 - (2) in areas that are expressly designated by the Authority and posted accordingly.

- B. The prohibition in this Section shall not apply to motorized wheelchairs and other equipment or devices necessary to accommodate a disability or impairment of personal mobility.

- C. Violation of this Article is punishable by:
 - (1) immediate removal from Authority Property; and/or
 - (2) revocation or cancellation of permitted privileges, and/or
 - (3) civil penalties in the amounts specified in the Schedule of Recommended Penalties, and/or
 - (4) issuance of citation and prosecution as a Class C Misdemeanor.

ARTICLE 4: OPERATION OF AIRCRAFT

- A. Piloted Aircraft. It shall be unlawful for a person to operate, fly, launch or land any airplane, helicopter, helium or hot-air balloon, hang glider, parachute, ultra-light plane, or similar craft or aerial vehicle that requires an onboard pilot from or onto Authority Property, except
 - (1) as authorized by Permit; or
 - (2) as authorized by law.

- B. Remote Controlled and Similar Devices. No person shall possess, operate, fly, control, or launch a UAV, aircraft, rocket, powered projectile, or other airborne flying device remotely from or above Authority Property, except in a manner that is consistent with applicable State and Federal laws and regulations, and
 - (1) as authorized by Permit issued by the Authority, and only if conducted in a manner that is not hazardous to Authority Property, private property located on Authority Property or the general public; -
 - (2) as authorized expressly in designated areas, subject to Authority Rules; and

- (3) is not operated over critical infrastructure as prohibited under Texas Government Code section 423.0045.

C. Violation of this Article is punishable by:

- (1) immediate removal from Authority Property; and/or
- (2) revocation or cancellation of permitted privileges, and/or
- (3) civil penalties in the amounts specified in the Schedule of Recommended Penalties, and/or
- (4) issuance of citation and prosecution as a Class C Misdemeanor except operating an UAV over critical infrastructure in violation of Texas Government Code section 423.0045 is a Class B Misdemeanor punishable by a fine of not more than \$2,000, by confinement in jail for not more than 180 days, or both; or a Class A misdemeanor if the actor has previously been convicted under Texas Government Code section 423.0045.

ARTICLE 5: VESSELS/WATERCRAFT

A. Operators and occupants of permitted watercraft using Lake Texana must comply with all applicable local, state, and federal law governing the use and operation of watercraft.

- (1) All vessels on or in the Reservoir shall be subject to inspection by authorized representatives of the Authority at all times.

B. It shall be unlawful for any person to:

- (1) Launch or land any watercraft on Lake Texana except at designated boat ramps.
- (2) Leave any watercraft unattended except in designated areas for a period exceeding 24-hours, except in case of an emergency, unless such vessel is securely anchored, docked or moored and suitably flagged and lighted so as not to create a hazard. The term “unattended” as used herein does not include vessels properly anchored near a shoreline or moored in or at a boat livery, marina, pier, dock, barge or floating facility authorized by permit issued by the Authority.
- (3) Operate any watercraft inside the boundaries of a designated swimming area or other prohibited areas.
- (4) Anchor, moor or attach a watercraft in any manner to buoys or buoy lines installed by the Authority.

- (5) operate any vessel or manipulate water skis, an aquaplane, or a similar device in a 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.
 - (6) operate any motorboat or vessel or manipulate any water skis, aquaplane, or similar device in a willfully or wantonly reckless or negligent manner that endangers life, limb or property of any person.
 - (7) operate any watercraft in a manner that creates a hazardous wake or wash.
 - (8) refuel a vessel while in or on the water.
 - (9) fail to yield right of way to a vessel proceeding under sail or pass within 100 feet of vessel proceeding under sail while traveling at a speed that throws a wake.
- C. From time to time the Board may designate:
- (1) No wake areas in which vessels shall not exceed a maximum speed. All such areas shall be marked by buoys and signage stating the designation.
 - (2) It shall be unlawful to engage in an activity in violation of a specified designation.
- D. This Section shall not apply to vessels owned or operated by an agency or political subdivision of the State of Texas and engaged in the performance of a duty.
- E. Violation of this Article is punishable by:
- (1) immediate removal from Authority Property; and/or
 - (2) revocation or cancellation of permitted privileges, and/or
 - (3) civil penalties in the amounts specified in the Schedule of Recommended Penalties, and/or
 - (4) issuance of citation and prosecution as a Class C Parks and Wildlife Code Misdemeanor except a violation of Subsection B.(5) is a Class B Parks and Wildlife Code Misdemeanor punishable by a fine of not less than \$500 nor more than \$2,000, by confinement in jail for not more than 180 days, or both .

SECTION 5: ENCROACHMENT ON AUTHORITY PROPERTY

ARTICLE 1: ENCROACHMENT PROHIBITED

- A. It shall be unlawful for a person to encroach on Authority Property including any Waterway owned or controlled by Authority except as authorized by Permit issued by the Authority.

B. Examples of acts that Encroach include:

- (1) Erecting structures, fixtures, or structural elements (e.g., fences, decks, pools, sheds, and retaining walls), or altering the property's non-structural features (e.g., pits, ditches, grading, tunnels, and channels) such that these extend or drain onto or affect Authority Property in an adverse manner.
- (2) Taking, planting, or disturbing vegetation (e.g., mowing, harvesting, grooming, applying pesticides, landscaping, gardening, and pruning).
- (3) Disposing of, or otherwise discarding, any material or objects (e.g., grass clippings, brush, yard waste, trash, debris, and rubble materials).
- (4) Storing personal property, equipment, or materials (e.g., boats, recreational or other vehicles, firewood, supplies, and tools).

C. Violation of this Article is punishable by:

- (1) immediate removal from Authority Property; and/or
- (2) revocation or cancellation of permitted privileges, and/or
- (3) civil penalties in the amounts specified in the Schedule of Recommended Penalties, and/or
- (4) issuance of citation and prosecution as a Class C Misdemeanor.

ORDINANCE NO. 1
EXECUTORY PAGE

PASSED AND APPROVED by action of the Board of Directors on the 19th day of February 2025.

Jerry L. Adelman, President
Board of Directors
Lavaca-Navidad River Authority

ATTEST:

Jennifer Storz, Secretary/Treasurer
Board of Directors
Lavaca-Navidad River Authority