

**CASSIE PROPERTY OWNER’S ASSOCIATION, INC
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**SAFETY STANDARDS FOR PIERS, DOCKS AND
BUOYS ON CASSIE WATERFRONT PROPERTIES**

PURPOSE AND PREFACE

These safety standards apply to all residential piers and docks located on Cassie Property Owner’s Association, Inc (POA) property and are adopted pursuant to its authority and intended to provide minimum requirements to protect property owner’s safety, access and water quality. These Standards supersede all previous editions of the Cassie POA Pier and Dock Rules and Standards.

These Standards are intended to be in compliance with the Lower Colorado River Authority’s published *Safety Standards for Residential Docks on the Highland Lakes*, dated, April 2004 and the Texas Parks and Wildlife published *A Digest of the Texas Water Safety Act*, dated August 31, 2001.

DEFINITIONS

Words used in these Standards and not defined in this section or in the POA's Rules shall have their ordinarily accepted meaning. For the purposes of these Standards, the following words and phrases are defined.

Abandoned Docks: A dock that (1) exceeds the maximum distance from the shore requirement set forth in these Standards (2) is adrift or (3) not maintained.

Buoys: Buoys are navigational markers that are for safety by restricting careless or reckless activity or to provide information. All buoys on POA Waterfront Property are by LCRA permit to the Cassie POA are classified as NO WAKE and are for the specific purpose to promote safety, reduce wake damage to private property and to aid in noise abatement from watercraft.

Design Elevation: The elevation, measured in feet above mean sea level, which is specific for Lake Buchanan, 1,020 feet.

Dilapidated Dock: A dock that (1) has any structural members, roofing, decking, flotation or walkways that are not securely attached and could pose an immediate safety or navigation hazard, (2) is submerged, (3) is not floating upright, (4) has decks or floors

below waterline, (5) is in a state of disrepair, or (6) is otherwise not in compliance with these Standards.

Effective Date: The Effective Date of these Standards shall be upon the date adopted by the Cassie POA Board of Directors, but these Standards shall apply to existing residential piers and docks.

Encased Flotation: Expanded polystyrene fully enclosed by one of these materials:

- (a) Treated dimensional wood, 1.5 inches thick (actual) or more
- (b) Nontreated dimensional wood 4 inches thick or more
- (c) Treated plywood 0.5 inch thick or more
- (d) Nontreated marine grade plywood 0.5 inch thick or more
- (e) Concrete 1 inch thick or more
- (f) Galvanized steel 0.065 inch or 16 gauge thick or more
- (g) Liquid coatings, 30 mils thick or more, chemically or securely bonded
- (h) Rigid (hard) plastics, 50 mils thick or more
- (i) Fiberglass and plastic resins 30 mils thick or more, chemically or securely bonded.

Or these materials that may or may not enclose expanded polystyrene:

- (j) Devices using air chambers as flotation designed specifically for marine use
- (k) Plastic barrels which contain no hazardous materials or residue
- (l) Other materials approve by the LCRA

Expansion: Any increase in the Water Surface Area of a residential Dock.

Existing Residential Dock: A Residential Dock that, on or before the Effective Date of April 2004, the Effective Date of the LCRA Standards, is constructed and located on or over the water surface of Lake Buchanan. **These updated rules apply to existing piers and docks which must come into compliance whenever repairs are performed.**

Fixed Dock: A rigid structure or portion of a rigid structure supported by pilings, retaining wall or other materials and associated with a permanent foundation that is either resting or embedded in the lake bottom and is designed to make relocation impracticable. **A Cassie POA permit is required.**

Floating Dock: A structure or portion of a structure supported by flotation or otherwise designed to make relocation possible. **A Cassie POA permit is required.**

Flotation: Material such as polystyrene, wood or other material used to support floating Structures on the water surface.

Gangway: A walkway or structure extending from the dock to the shore that, because of its short length, does not require supports by floats or outriggers and which occupies no more than 80 square feet of water surface area.

Highland Lakes: Includes Lake Buchanan and the upper reaches of the Colorado River above Lake Buchanan within its assigned region.

LCRA: Lower Colorado River Authority established in 1938, by the State of Texas Legislature to administer and manage the Highland Lakes and that part of the lower Colorado River under its authority.

Low Lake Levels: The elevation measured in feet above mean sea level for Buchanan that is 1,012 feet.

Marina Facility: Any structure or combination of structures, other than Residential Dock located on or over the water surface of Lake Buchanan and that is designed for the mooring of Watercraft or is a commercial facility, community marina or marine service station.

Modifications: Any change, addition or alteration of a Residential Dock or any change, addition or alteration in the location, configuration, structure or substructure of a resident Dock. A modification does not include routine maintenance and repairs or repairs required by the Cassie POA or LCRA to bring a Residential Dock that is Dilapidated or Abandoned into compliance with the applicable Safety Standards for Residential Docks on the Highland Lakes.

Navigable Passage: A dedicated space to allow the passage of Watercraft. It is defined as at least 75 feet wide with a minimum depth of eight feet and includes Cassie Boat Ramp and boat launch channel access to the lake.

New Residential Dock: A Residential Dock constructed after the Effective Date of April 2004.

Off Set: A distance of 20 feet Right of Way access area open to all Cassie Property Owners. All Residential Docks located on Cassie POA Property will be located at a minimum, 20 feet from the Property Owners Plated Property Line. Thus, providing free access across POA Property to all Cassie Property Owners between the Residential Dock and the Plated Property Line of the Residence. The Gangway to a pier or dock cannot be across this 20 foot Right of Way. A Gangway must start after the 20 foot Right of Way access zone, unless a variance is granted by the POA Board of Directors.

Push Dock: A Residential Dock that is affixed to large wheels that allow the dock to be pushed out into the water and relocated during both high and low water periods. A Push Dock is subject to the same restrictions and conditions as Fixed and Floating Docks. **A Cassie POA permit is required for Push Docks.**

Recessed Dock: A Residential Dock that is located within a Property Owner's Plated Line that requires cutting a channel across the POA Right of Way Off Set. These Docks are not allowed as they violated the Off Set Rule of free community access. **A Cassie POA permit is not obtainable.**

Residential Dock: A noncommercial dock associated with a single-family residence for which no compensation is/will be received by the owner(s) of the dock for its use. This definition also includes swim platforms and piers. A floating Dock located on Lake Buchanan that occupies more than 1,500 square feet of Water Surface Area, excluding the square footage occupied by the Gangway, shall be considered a Marina Facility. Any dock structure exceeding 1,500 square feet and not associated with a single family residence may be subject to the LCRA Highland Lakes Marina Ordinance.

Shoreline: The line at which the water surface of Lake Buchanan intersects the land at any given time. The Shoreline will move as the surface elevation of the lake changes.

Standards: These Safety Standards for Residential Docks on Lake Buchanan that are located on Cassie POA Property and/or established by the LCRA Residential Docks Standards of April 2004 and the Parks and Wildlife Digest of the Texas Water Safety Act after August 31, 2001.

Structure: Anything constructed or otherwise located on or over the water surface, extended over the water surface, or affixed to something that is/will be located on the ground and covered by water or is located on land and is an essential part of the Residential Dock, such as an electrical system.

Water Surface Area: The area including, but not limited to, the width times the length of the Residential Dock's floating and fixed structures located on or over the water, its open and covered slips and the maximum area covered by Watercraft, including that portion of the Water Surface Area that is used by Watercraft as a courtesy dock and all end tie areas. Gangways are not included in the Water Surface Area measurements.

Watercraft: Any craft, vessel or boat used or capable of being used as means of transportation on or under the water, including vessels such as houseboats and other vessels not used primarily for transportation.

Waterfront Property: Property that adjoins the Shoreline, at lake elevations measured in feet above or below the Lake Buchanan elevation of 1,020 feet. The Cassie Subdivision Plat as filed in the Burnet County Courthouse does not allow Waterfront Property. As filed by the developer, all lots were plated to **retain** the land at, **above** and below the 1,020 feet line to the developer. These Rights were later transferred by title to the Cassie Property Owner's Association, Inc.

SAFETY STANDARDS

ABANDONED DOCKS AND DILAPIDATED DOCKS

No person shall allow a pier or dock owned by him or her to become an Abandoned Dock or Dilapidated Dock. The Cassie POA permits all docks and should the owner be

found in violation of the permit **by** allowing the dock to become a safety hazard, the Cassie POA will require the offending structure to be removed by the owner and/or person(s) in control. Should the owner fail to comply with the Cassie POA letter of notice to the owner the structure will be removed and the owner and/or person(s) in control are liable to the POA for the removal expense.

FLOTATION

New Residential Docks using flotation must use Encased Flotation. If Flotation is being replaced in conjunction with the replacement of Structures of the Residential Dock in its entirety, Encase Flotation must be used.

An Existing Residential Dock using flotation after LCRA Standards date of April 2004 may continue to use Flotation that is not Encased Flotation until February 18, 2014. At that time, all Flotation must be Encased Flotation.

Residential piers, docks and flotation must be kept free of vegetation. Metal barrels or drums are prohibited for new or replacement flotation and must be replaced within three years of the LCRA Standards Effective Date of April 2004.

LIGHTING

A Residential Dock must be lighted continuously from sunset to sunrise and during periods of restricted visibility by low intensity lighting in compliance with the Cassie POA rules.

The minimum safety lighting allowed under these Standards shall be adequately define the presents of all Structures located on or over the water surface and be lighted so as to clearly identify the walkway and the entire structure. The maximum wattage will be the lesser of each light shall and shall not exceed the 15-Watts per light or all lights in the aggregate exceeding 60 Watts total. Lighting shall be so located and configured or shielded so as not to present a hazard to navigation or a nuisance to members enjoyment of the POA Properties. The goal is to maintain the darkness of the waterfront without lighting up the area or reflections that shine or sparkle as to become a nuisance to other members, adjoining properties or to navigation.

A swim platform must be continuously lighted from sunset to sunrise and during periods of restricted visibility.

ANCHORING

A Residential Dock must be securely attached to the shore, taking into consideration water depth, lake level fluctuation and exposure to wind, fast moving water, wave action and the Cassie POA Off Set Rule. Anchor cables for floating docks shall (1) not create a hazard to navigation or block ingress or egress for Watercraft, (2) be maintained in good condition and have a minimum working load of 1,000 pounds, (3) have thimbles or other chafing protection.

ELECTRICAL

Overhead wiring spans above the open water surface are prohibited. These include electrical conductors and communication cables such as television, telephone, etc.

LAKE ACCESS

A Residential Dock shall be located no closer to the Property Owners Plated Line as prescribed by the POA Rules, than the prescribed 20 feet allowing unimpeded excess to all Cassie POA property at and below the 1,020 feet elevation line. Per LCRA Residential Dock Standards of April 2004, the Maximum distance from the Shoreline shall be no more than 150 feet measured perpendicular from the Shoreline.

The POA Board prior to installation must approve a Residential Pier or Dock location.

A Residential Pier or Dock will not exceed a “design” elevation of 1022 feet. Piers and Docks are intended to be open structures without a roof for wind safety reasons and consideration of members whose lake view **should not be obstructed**.

LIABILITY

The neither Cassie Property Owners Association, Inc. nor the Board of Directors is liable for the structural condition, safe use or unsafe practices involved with any Pier or Dock permitted to a Member. The Member who owns or has control of any structure on Cassie POA properties assumes all liability and financial responsibility by placing a structure on Cassie POA properties.

ENFORCEMENT

INSPECTIONS

Upon receipt of a report, complaint or suspicion of possible violation of these Standards or at the request of a Residential Pier or Dock owner, the Cassie POA Board members may accompany the Director for Waterfront to inspect a Residential Pier or Dock. The Director for Waterfront is not required to provide advance notification for inspections since the structure resides on POA property by permit and the required 20 foot Offset from platted private property allows access.

RIGHT OF ENTRY

Since the Cassie POA owns and is responsible for the shoreline that is at, above and below the 1020-foot elevation the Cassie POA retains Right of Entry. In addition, the Member consents to allowing POA Board access upon accepting a Cassie Pier or Dock permit for a Residential Pier or Dock. However, were private property is involved, the POA will notify the owner at the time of the inspection of their presence wherever possible. The Cassie POA shall have the right to enter at all reasonable times in or upon

any property, whether public or private, for the purpose of inspecting and investigating conditions relating to the construction, Expansion, Modification or relocation of a Residential Pier or Dock.

NOTICE OF VIOLATION

Whenever any violation for the Residential Pier and Dock Safety Standards for either the Cassie POA, and LCRA Residential Pier or Dock Safety Standards or the Parks and Wildlife Standards occurs, the Cassie POA Director for Waterfront shall investigate and inform the Cassie POA Board of Directors that a Notice of Violation (NOV) should be issued stating the nature of the violation(s) and shall provide notice of such violations by sending a copy of the notice via certified mail to the dock owner.

OPPORTUNITY TO REMEDY VIOLAIONS

The Residential Dock owner shall have 30 working days from the date that the NOV is posted to comply with the Standards. A request for an exception to the time frame shall be in writing and shall explain in detail the need for additional time and what measures are being taken to ensure that the health and safety of the Members and their Guests is not compromised until the violation can be corrected. The Director of Waterfront has the discretion to grant a request for extension of time that shall be approved in writing.

EMERGENCY ORDER

Should the violation be of such a nature that causes imminent and substantial endangerment to human health and safety, including an imminent navigation hazard. The Director for Waterfront in consultation with the President and/or a Vice President, of the Cassie POA, shall notify the LCRA's Water Surface Management Department of the necessity to involve the LCRA for the purpose of issuing an EMERGENCY ORDER to the dock owner to immediately isolate the hazard from the Members and their Guests until such time as the hazardous condition can be corrected and order that the condition be corrected within a specified time period. This is in accordance with the LCRA published *Safety Standards for Residential Docks, April 2004, pages 11 and 12.*

NAVIGATION HAZARDS AND DOCKS ADRIFT

LCRA retains the authority to immediately relocate or remove from the waters of Lake Buchanan any Residential Dock that is adrift or, at the discretion of the LCRA agent or officer, otherwise presents a navigation hazard. If a dock owner is identified the LCRA shall according to its rules take reasonable steps to issue a NOV within three working days after removal or relocation of the Residential Dock has occurred. LCRA *Safety Standards for Residential Docks, April 2004, page 12.*

NO WAKE BUOYS

The Cassie Property Owner's Association, Inc. buys, maintain and retain the LCRA permit for the number and specific location of each NO WAKE Buoy. It is unlawful for any individual or group of individuals to remove, relocated or intentionally damage a

Navigational Marker. The buoys are water traffic signals and are to be obeyed by all operators of watercraft on Lake Buchanan. Should anyone violate or tamper with a buoy, the Texas Parks and Wildlife, Burnet County Sheriff's Department and/or LCRA Water Police who patrol Lake Buchanan and any Member of the Cassie POA Board who observes a violation can issue a citation. The Water Safety and County officers above give citations for disregard of a NO WAKE areas violation and/or an illegal act involving the removal or tampering with a buoy. The POA Board will prompt an investigate for the purpose of filing charges for endangerment of the public per the *Texas Water Safety Act* all Member reported illegal acts by other Members or their Guests.

AMENDMENT OR SUSPENSION OF THE STANDARDS

The Cassie POA Board of Directors may amend these Standards from time to time after notice and reasonable opportunity for comment by Cassie Property Owners. When the Cassie POA Board is notified that the Lower Colorado River Authority Board of Directors has approved a modification or change in the LCRA *Safety Standards for Residential Docks on the Highland Lakes* the Cassie Standards will be so amended.

The Board of directors may suspend these Standards ("grant a variance"), or any portion thereof, whenever the Board determines such suspension to be in the interest of Cassie Property Owners.