

Rules and Regulations

Lake Conroe Reservoir



San Jacinto River Authority
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RESOLUTION APPROVING AND ADOPTING RULES FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF WATERFRONT INSTALLATIONS ON LAKE CONROE AND ESTABLISHING RULES PERTAINING TO VESSELS AND WATER RELATED ACTIVITIES ON LAKE CONROE

WHEREAS, the San Jacinto River Authority, in the discharge of the obligations imposed upon it by the laws of the State of Texas and in the exercise of its governmental functions, is hereby authorized by law and deems it necessary and proper to adopt and enact rules and regulations in connection with the operation and maintenance of the Lake Conroe Reservoir regarding the construction, placement, operation and maintenance of piers, wharfs, floating boathouses, docks, barges, buildings and other facilities on the Reservoir or lands owned and controlled by the Authority, and regarding the operation of vessels and other related activities on the Reservoir and providing for penalties for violation of such rules; Now, therefore,

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN JACINTO RIVER AUTHORITY THAT:

Section I. AUTHORIZATION

These rules and regulations are adopted and promulgated under the authority vested in the Board of Directors of the San Jacinto River Authority by the laws of the State of Texas, including Article 8280-121 V.A.C.S., as amended by House Bill 1683, 72nd Texas Legislature, Regular Session, 1991; the Texas Water Safety Act, Chapter 31, and Texas Parks and Wildlife Code; Texas Water Code, Sections 51.127-51.131.

Section II. DEFINITIONS

When used in this Resolution and rules adopted herein, the following words and terms shall have the following meaning unless expressly indicated otherwise:

- A. **Authority.** Means the San Jacinto River Authority, which is a conservation and reclamation district, a governmental agency and a political subdivision of the State of Texas created by the Texas Legislature under authority of Article XVI, Section 59, of the Texas Constitution.
- B. **Boat Livery.** Means a commercial establishment engaged in renting or hiring out boats for profit and/or renting of space for the storage of boats
- C. **Lands Owned or Controlled by the Authority.** Means any Authority property interest, as such term is defined in Section 8C. Of Article 8280-121, V.T.C.S., as amended.
- D. **Marina.** Means a basin, pier, floating structure, boat dock, or any other permanent or floating structure providing for anchorage or storage of vessels.
- E. **Person.** Means individuals, firms, partnerships, corporations and governmental entities, or any combination thereof.
- F. **Refuse.** Means gasoline and other motor fuels, cleaning solvents, oils or greases, glass, aluminum plastic or metal cans, bottles, packaging materials or containers, natural fiber, monofilament, nylon or similar lines, ropes, or nets, ashes, cinders, sand, gravel, tar, asphalt, plastic and plastic products, nails, wire or building materials; metal or metal products; paper or paper products; glass or glass products; wood or wood products; grass clippings, sawdust, trash, garbage, pesticides, insecticides, fungicides or other household or lawn or garden chemicals or agents; human, animal, domestic or industrial wastes or wastewater; contents of marina or domestic toilet facilities; or any other refuse matter of any kind or description whatever.
- G. **Reservoir.** Lake Conroe Reservoir which is the body of water impounded by the Lake Conroe dam and which covers lands within the Reservoir up to elevation 201 mean sea level, and also includes the lands above such elevation which will from time to time be inundated by floods. The Reservoir is located in Montgomery and Walker Counties, Texas, and the waters thereof cover approximately 20,985 acres of land.
- H. **Texas Water Safety Act.** Means Chapter 31, Parks and Wildlife Code, Vernon's Texas Codes Annotated.
- I. **Vessel.** Means every description of watercraft including all types of boats, personal watercraft and similar floating crafts, regardless of how powered or propelled, which is used or capable of being used as a means of transportation on water.
- J. **Personal Watercraft.** Means a vessel up to 10 feet in length which is designed to be operated by a person or persons *sitting, standing or kneeling* in the vessel (rather than the vessel) and includes jet skis, wet bikes, and aqua planes.

Section III. APPLICABILITY OF TEXAS WATER SAFETY ACT

- A. All terms and provisions of the Texas Water Safety Act shall be applicable to the Reservoir and, where appropriate, to the lands owned or controlled by the Authority.
- B. All rules and regulations promulgated by the Texas Parks and Wildlife Department pursuant to the Texas Water Safety Act shall likewise be applicable to the Reservoir and, where appropriate, to land owned or controlled by the Authority.

Section IV. CONSTRUCTION, PLACEMENT, OPERATION AND MAINTENANCE OF PIERS, WHARFS, FLOATING BOATHOUSES, DOCKS, BARGES, BUILDINGS, OR OTHER FACILITIES ON THE RESERVOIR.

- A. No person shall construct, operate or maintain any pier, wharf, floating boathouse, dock, barge, building or other facility of any kind or character on or over the Reservoir or any lands owned or controlled by the Authority unless the Authority has granted a permit authorizing such construction, operation and maintenance. An application for such permit shall be submitted to the Authority on forms provided by the Authority. A legible copy of the construction permit (license) shall be posted at the job site and be visible from the water until construction is complete and has been inspected and tagged by San Jacinto River Authority staff. It is the responsibility of the licensee to see that the construction permit is protected from the elements and remains posted and legible. Identification furnished by the Authority must be posted and maintained on all permitted facilities.
- B. Prior to the granting of any such permit the applicant must pay the fee prescribed from time to time by the Authority's Board of Directors.
- C. The Authority may refuse to issue, or may revoke or suspend a permit unless the following rules and regulations are complied with at all times.
 - (1) Piers and wharfs, stationary or floating, and any other facilities extending into the Reservoir must be constructed and kept structurally sound and within the dimensional limits prescribed from time to time by the Authority or as agreed to in writing by the Authority and the permittee.
 - (2) All floating piers, docks, boathouses, barges and other floating facilities must be securely moored at all times in a manner approved by the Authority and must be kept in seaworthy condition, free of leaks or discharges of pollutants.
 - (3) All floating piers, docks, boathouses, barges and other floating facilities must be supported by floating pontoons or styrofoam, polyethylene, wood or other materials approved by the Authority. Oil drums and chemical drums are prohibited from use as supporting material for floating piers, docks, boathouses, barges and other floating facilities unless specifically manufactured for floating purposes.
 - (4) Any structure covered by this section, except those structures situated entirely above elevation 201, mean sea level, upon flowage easements, must be marked by red reflectors not less than three inches (3") in diameter and placed at intervals not more than ten feet (10') apart on all sides of such structure facing the waters of the Reservoir; provided, however, that the Authority may require additional safety features or navigation aids when, in the discretion of the Authority, such features are deemed necessary.
 - (5) The permittee shall comply with such other rules as may be established from time to time by the Authority to insure and protect such permitted facilities, the Reservoir, lands owned or controlled by the Authority and the health, safety, comfort and convenience of the public in, or around the Reservoir or lands owned or controlled by the Authority.
 - (6) Unless there are extenuating circumstances, which will be handled on a case by case basis:
No boat house or pier will extend more than forty (40) feet into the lake.
If located within a subdivision that has an architectural control committee or regulations, approval or agreement from such committee that requirements are met is required prior to SJRA processing the permit application.
If common lot line of adjacent lots intersect the shoreline at other than perpendicular, that common line will be extended for permitting purposes as such an angle for permitting purposes to provide a fair allotment of lake front in front of each lot.
If a boat house can not be constructed without adversely affecting adjacent property, it will be the responsibility of adjacent owners to resolve the conflict and work out an arrangement or no permit

will be issued to either party.

In coves, canals or narrow channels, at least a thirty (30) foot center channel must be maintained clear of encroachment by boat houses or piers.

Areas with extremely shallow water, or where other extenuating circumstances warrant, special conditions will be considered either through an agreement with subdivision officials, or on an individual basis, depending on the magnitude of the circumstances.

- D. All such permits shall be effective for the period of time stated therein unless revoked or suspended by the Authority. Upon expiration of the stated term, if the permittee and the permitted facility are deemed by the Authority to be in compliance with all rules, regulations and standards set forth herein or elsewhere, and if all fees have been paid, the permit may be renewed. Upon termination, revocation or suspension of the permit, the permittee shall pay the then applicable permit renewal or reinstatement fee or remove, at the permittee's sole cost and expense, the facilities authorized in such terminated, revoked or suspended permit. If the permit is not renewed or is revoked or suspended, the permittee shall also remove, at the permittee's sole cost and expense, any structures or improvements that were constructed or used in connection with permitted facilities that belong to the permittee.

Section V. COMMERCIAL VENTURES AND OPERATIONS ON THE RESERVOIR

- A. No person shall:
- (1) Operate a boat livery, marina, pier, wharf, floating boathouse, dock or other installation;
 - (2) Operate any vessel or vessels as a part of a commercial venture, or
 - (3) otherwise engage in any commercial operations on the Reservoir or on lands owned or controlled by the Authority without first entering into a written contract approved by the Authority's Board of Directors and paying to the Authority the consideration specified in such contract.
- B. Any commercial venture or operation engaged in or operated under such a contract, and all facilities related thereto, shall be subject to periodic inspections by authorized representatives of the Authority during business hours.

Section VI. LOCAL RULES PERTAINING TO VESSELS ON THE RESERVOIR.

- A. No person shall:
- (1) Operate a vessel at a speed in excess of a "No Wake" speed, within 100 feet of any boathouse, dock, other lakeshore facility or bridge, or any moored, anchored or occupied vessel, or in an inlet in which people are swimming.
 - (2) Leave any vessel unattended for any period of time, unless such vessel is securely moored or anchored and suitably flagged and lighted so as not to create a hazard, except in the case of emergency. This paragraph does not apply to vessels properly moored in or at a permitted boat livery, marina, pier, dock, boathouse, barge or floating facility.
 - (3) Water ski or operate a vessel, including a personal watercraft in a negligent or reckless manner, including without limitation,
Operating a vessel or waterskiing while under the influence of alcohol or drugs,
Bowriding or riding on seatback, gunwale or transom, or
Engaging in hazardous water skiing practices.
 - (4) Anchor, moor or dock any vessel for a period exceeding thirty-six (36) hours anywhere on the Reservoir or on any lands owned or controlled by the Authority, except at a pier, dock, mooring area or floating facility which has been permitted by the Authority.
 - (5) Install and maintain a buoy or sign on the Reservoir without the prior written approval of the Reservoir Manager of the Authority.
 - (6) Operate a vessel within a prohibited area marked by buoys indicating the boundaries, limits and nature of such prohibition, such as the area adjacent to the Reservoir dam and spillway structure that is marked by orange and white buoys and labeled "Keep Out".
 - (7) Operate a vessel within a marked, buoyed or posted restricted area at a speed greater than the speed posted markings, buoys or signs.
 - (8) Operate a vessel within 150 feet of a diver's warning flag or sign.
 - (9) Operate a vessel, including a personal watercraft, or water ski, at greater than "No Wake" speed, within fifty feet (50') of another vessel, personal watercraft or water skier. This rule does not

- apply to a water skier's tow vessel.
- (10) Operate a motor-powered vessel on the waters of the Reservoir without an exhaust water manifold with water running through it or a tractor-type muffler installed and in use on the engine.
 - (11) Operate any vessel anywhere on the reservoir in a manner to create a nuisance from unnecessary exhaust noise.
In particular:
 - (a) The operator of a vessel equipped with a through-hull or surface exhaust must use the subsurface exhaust mode, if so equipped, when operating inside of any "NO WAKE" zone, or within 100 feet of any shoreline or shoreline structures, and
 - (b) Any vessel with through-hull or surface exhaust that is not equipped with an alternative subsurface exhaust may only operate at idle engine speed, when operating inside of any "NO WAKE" zone, or within 100 feet of any shoreline or shoreline structures, with no unnecessary revving of engines.
 - (12) Moor or attach any vessel to any buoy, beacon, light marker, stake, flag or other aid to safe operation placed on the Reservoir by proper authority, or to move, remove, displace, tamper with, damage or destroy the same.
 - (13) Operate any vessel at night, except emergency vessels, anywhere on the reservoir in a manner to exceed minimum planing speed (the minimum speed at which a vessel will achieve and maintain a level plane) during the period from one half-hour after sunset to one half-hour before sunrise.
 - (14) Launch a parasail or any other aerial device designed to lift and carry a person or persons aloft from properties belonging to, or under the control of, the San Jacinto River Authority, including, without limitation, any portion of the Lake Conroe Dam, the beach area at the east end of the Dam, or anywhere on Ayer's Island.
- B. Special Requirements for Watersports:
- (1) The operator of a vessel towing one or more individuals (participants) on water skis, aquaplanes, or any other towable device, is required to display an orange flag, at least 12" square, whenever participants are in the water before or after towing. The flag must be conspicuously displayed in a manner to alert other vessels that participants are in the water adjacent to the displaying vessel, and shall remain in the displayed position until all participants are back aboard the tow vessel or are towed at planing speed. The flag is not to be displayed once the vessel, device and participant have achieved planing speed, but when towing at less than planing speed such as when towing small children the flag may be displayed.
 - (2) Either a separate observer is required to be in the tow vessel during watersports activities, or the vessel must be equipped with a mirror of at least 4" square affixed in a manner to assure that the operator of the tow vessel has a view of the activities behind the tow vessel. The observer is responsible for displaying the flag when any participant is in the water, as well as monitoring any watersports activities while underway. If there is no separate observer, the operator of the vessel must have onboard a device for raising and lowering the orange flag or allowing its placement in the displayed position with minimum distraction to the operator of the vessel.
- C. The operator of any vessel involved in an accident shall report the accident to the Montgomery County Sheriff's Department or local representative of the Texas Parks and Wildlife Department as soon as possible.
- D. All vessels on the Reservoir shall be subject to inspection by authorized law enforcement officers or representatives of the Authority at all times.
- E. This section shall not apply to vessels owned or operated by the Authority, Montgomery County law enforcement officers, the Texas Parks and Wildlife Department or an agency of the United States Government in the performance of official duties.

Section VII. DESIGNATED USE AREAS ON THE RESERVOIR

- A. The General Manager of the Authority is authorized and may, from time to time, designate:
- (1) Areas of the Reservoir exclusively for swimming, fishing, water skiing, operation of vessel or personal water craft or a combination of such activities.
 - (2) Areas in which the operation of certain vessels, including personal watercraft, shall be prohibited or restricted or in which speed shall be restricted.
 - (3) Areas in or on Lake Conroe, or any land owned or controlled by the Authority where defined

activities are deemed unusually hazardous or dangerous to public safety or unreasonably interfere with the proper and efficient operation of the Lake Conroe Dam and Reservoir.

- B. Such areas shall be clearly marked by buoys or signs indicating the boundaries, limits and purpose(s) of such designation.
- C. No person shall engage in any activity in violation of such designated boundaries, limits or purpose(s).
- D. This section shall not apply to vessels owned or operated by the Authority, Montgomery County law enforcement officers, the Texas Parks and Wildlife Department, or any agency of the United States Government in performance of official duties.

Section VIII. SANITATION

- A. Sanitation conditions and facilities on the Reservoir and on lands owned or controlled by the Authority shall be maintained in compliance with standards set by applicable laws, rules, regulations and orders of Federal, State and local governmental agencies.
- B. No person shall throw, discharge or deposit refuse in the Reservoir or upon lands owned or controlled by the Authority.

Section IX. COMMERCIAL ACTIVITIES AND EXHIBITIONS

- A. Exhibitions, water shows, boat races or any other similar activity may be performed on the Reservoir only if written permission is obtained from the Authority. Coordination of such event is required with Reservoir law enforcement officers.

Section X. ABANDONMENT OF PERSONAL PROPERTY

- A. No person shall abandon personal property on the Reservoir or on lands owned or controlled by the Authority.
- B. If personal property is left unattended for a period of more than thirty-six (36) hours, it shall be deemed to have been abandoned. This rule does not apply to facilities properly permitted under Section IV hereof or to vessels properly moored in or at a permitted boat livery, marina, pier, dock, boathouse, barge or floating facility.
- C. Abandoned personal property may be impounded by the Authority and held in custody. Such abandoned personal property may be reclaimed by the payment of one dollar per day storage fees plus additional cost to the Authority which was incurred in recovering the property from the Reservoir and moving it to the site for storage.
- D. Abandoned personal property 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 or otherwise disposed of by the Authority, as the Authority, in its sole discretion, deems appropriate with or without notice by the Authority.
- E. The Authority shall have or assume no responsibility whatsoever, as fiduciary custodian, agent or otherwise for any abandoned personal property or the impoundment or disposition of same by the Authority pursuant to these rules.

Section XI. FIREARMS

No person shall discharge a rifle or sidearm along or across the Reservoir or from lands owned or controlled by the Authority.

Section XII. HUNTING AND DUCK BLINDS

The hunting of waterfowl with shotgun is permitted on the Reservoir, only in the areas primarily bounded by the Sam Houston National Forest, during the established season in accordance with the rules and regulations established by the Texas Parks and Wildlife Department. No stationary duck blinds may be on the reservoir.

Section XIII. GLASS CONTAINERS

No person shall use, possess, deposit or dispose of (other than in a designated waste receptacle) glass bottles or containers of any type on any portion of the Lake Conroe Dam (including the beach area at the east end of the dam) or Ayers Island.

Section XIV. PENALTY

No person shall, intentionally, knowingly, or recklessly violate any provision of these rules. A violation of any part of provision of these rules shall constitute a Class C misdemeanor which shall be punishable by a fine of not less than \$25.00 or more than \$500. The penalties hereby authorized and imposed shall be in addition to any other penalties provided by the laws of Texas.

Section XV. REMEDIES

In addition to the penalties provided herein, any vessel, barge, boathouse, personal watercraft, pier, dock, wharf, building or other facility, which in the judgment of the Authority, poses a public nuisance or an imminent danger of collapsing, sinking, capsizing, polluting or creating a navigational hazard, may be removed by the Authority from the Reservoir, and any related pollution or damages may be remediated or repaired by the Authority, with or without notice to the owner, operator or permittee, and with or without revocation or suspension of any related permit(s), at the sole cost and expense of the owners, operator or permittee.

Section XVI. CONFLICTS

All prior resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict only. The rules hereby promulgated shall be in addition to any applicable rules, regulations, laws or requirements of any other State, Federal or local regulatory authority. In case of any conflict with any provision of the Texas Parks and Wildlife Code, or any rule adopted under the authority of same the provisions of such code or rule adopted under such Code shall prevail and control.

Section XVII. EFFECTIVE DATE

This Resolution shall become effective immediately upon its passage and adoption by the Board of Directors of the Authority. The rules herein adopted and prescribed shall take effect on the 31st day after publication by the Authority of a substantive statement of such rules and related penalties for violation in the manner and for the time period required by law, and such rules shall be administered in accordance with this Resolution or as the Resolution or such rules may hereafter be amended.

PASSED and APPROVED THIS 27th day of August, 1998 by the San Jacinto River Authority Board of Directors.

AMENDED THE 23rd day of September, 1999 by the San Jacinto River Authority Board of Directors for effective date May 1, 2000 after required publication.

AMENDED THE 22nd day of June, 2000 by the San Jacinto River Authority Board of Directors for effective date of August 15, 2000 after required publication.

AMENDED THE 27th day of June, 2002 by the San Jacinto River Authority Board of Directors for effective date of September 1, 2002 after required publication.

AMENDED THE 28th day of August, 2003 by the San Jacinto River Authority Board of Directors for effective date of November 1, 2003 after required publication.



**San Jacinto River
Authority**

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and Regulations***

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