

**RULES & REGULATIONS GOVERNING
LAKE JACKSONVILLE**

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RULES & REGULATIONS GOVERNING LAKE JACKSONVILLE

BACKGROUND AND PURPOSE

Lake Jacksonville was created to provide a healthy, sustainable municipal water supply. The Lake also presents many opportunities for recreational fishing, boating, and special events as well as providing a number of lake-front lots for lease, all in a gently rolling wooded setting accessible by a network of county and city roads. Boat launching and camping areas are also available. The Lake is located on the southwest side of Jacksonville, an earth filled dam and overflow structure at 422 feet above mean sea level, forms a shoreline with numerous interesting coves. The Lake covers about 1325 acres and is fed by a number of springs and creeks.

The rules and regulations contained in this document are aimed at preserving: a safe and healthy municipal water supply, abundant recreational fishing opportunities, a variety of recreational boating opportunities, and property values for the improvements made upon lease lots for visitors, residents and community water users alike. Your thoughtful observance of these rules and regulations will help all who come to visit or live here to preserve, enjoy and benefit from this wonderful Jacksonville resource for many, many years.

ARTICLE I: LAKE JACKSONVILLE ADVISORY BOARD

SECTION 1. ESTABLISHED MEMBERS

There is hereby established a Lake Jacksonville Rules and Regulations Advisory Board consisting of seven (7) members, five (5) of whom shall be Lake Jacksonville Lake lot lessees or property owners; and the others shall consist of the City Building Official and the city manager, or a designated staff representative of each. The City Building Official and City Manager shall serve as non-voting ex-officio members.

SECTION 2. TERMS, VACANCIES

The five (5) lake lot lessee members or property owners shall be appointed for three year terms, and any vacancies shall be filled by appointment by the City Council. Board members' terms shall be staggered in two (2) classes of two (2) members and one (1) class of one (1) member. Appointments for one class of board members shall be made in successive years

SECTION 3. MEETINGS

The advisory board shall meet at least once a quarter per calendar year for the purpose of reviewing the ordinances, rules and regulations of the city concerning Lake Jacksonville and Lake Jacksonville lake front lots and for the purpose of hearing any comments and/or complaints concerning such ordinances, rules, and regulations.

SECTION 4. VARIANCE REQUESTS PROCEDURE

All Requests for variances to Rules and Regulations Governing Lake Jacksonville shall be addressed through Building Official. After the application and fees are accepted the building inspector will schedule a hearing with the Lake Jacksonville Rules and Regulations Advisory Board. The application fee shall be one hundred (100) dollars.

SECTION 5. POWERS

The Advisory Board shall be authorized to make any recommendations which it deems appropriate to the City Council for the amendment, repeal and/or adoption of ordinances, rules and/or regulations concerning Lake Jacksonville and Lake Jacksonville lake front lots. The advisory board shall be advisory only; and the City Council shall not be bound by any recommendation of the advisory board, nor shall any recommendation from the advisory board be a prerequisite for any action by the City Council on its own initiative amending, adopting and/or repealing any ordinance, rule or regulation concerning Lake Jacksonville or Lake Jacksonville lake front lots.

ARTICLE II: BOATS AND RECREATIONAL BOATING

SECTION 1. ASSUMPTION OF RISK

The City shall, in no event, be liable to any person on the account of the loss or damage of any property that may be placed in or upon Lake Jacksonville, nor shall the City be liable, in any event, to any person or persons whomsoever on account of personal injuries or loss of life that may be sustained by any person or persons in or upon Lake Jacksonville; and any person entering in or upon Lake Jacksonville shall do so at his sole risk, and shall not be privileged to enter or remain in or upon such reservoir, save and except under the terms and provisions of these regulations that have been or may hereafter be adopted by the City Council of the City of Jacksonville; nor shall the City be responsible or liable in such instances as set out herein.

SECTION 2. STATE LICENSE REQUIRED

No person shall place, operate or keep any boat or other craft on Lake Jacksonville without a current license from the State of Texas provided that the State Texas requires the same to be licensed.

SECTION 3. ADOPTION OF TEXAS WATER SAFETY ACT; PENALTY FOR VIOLATION

(A) The Texas Water Safety Act (Chapter 31) of the Texas Parks and Wildlife Code, Texas Revised Civil Statutes as amended, is hereby adopted as the rules and regulations governing watercraft on Lake Jacksonville.

(B) Any person who violates or fails to comply with any provision of the above mentioned Texas Water Safety Act shall be guilty of a misdemeanor and upon conviction shall be punishable by fine of not more than two hundred dollars (\$200).

SECTION 4. ENFORCEMENT OF BOAT SAFETY REGULATIONS BY GAME WARDENS

The game wardens of the State of Texas and other designated peace officers are hereby authorized to enforce all Lake Jacksonville Rules and Regulations.

SECTION 5. SIGNS AND MARKERS

The Director of Parks & Recreation or any other representative designated by the City Manager is authorized to designate various areas in Lake Jacksonville as regulated "SLOW, NO SKIING, NO WAKE" and to post and maintain such regulated areas with signs and/or markers advising "SLOW, NO SKIING, NO WAKE"

The driver or operator of any boat in Lake Jacksonville shall, upon entering any such SLOW or NO WAKE regulated area, slow and reduce the speed of such boat to an idle speed or a speed only fast enough to maintain steerage on course.

SECTION 6. MOORING AND BUOYS

No person shall at any time moor any boat or other craft to any buoy, beacon, or sign placed on Lake Jacksonville, nor shall any person in any manner attach a boat to such buoy, beacon or sign.

SECTION 7. GLASS CONTAINERS

No person may introduce, carry into or possess, use, dump, break, dispose of, throw or abandon any glass container in the water of a swimming area, or in the beach area adjacent to the water of a swimming area or into the waters of Lake Jacksonville.

SECTION 8. PRIVATE PLEASURE BOATS ONLY

Only private boats used for pleasure, except those owned and operated by approved concessionaires, shall be permitted on the waters of Lake Jacksonville.

SECTION 9. COMMERCIAL USE PROHIBITED

No person may operate boats, barges, rafts, docks, or other similar devices for commercial purposes on the waters of Lake Jacksonville, except approved concessionaires or any pile-driving operation.

SECTION 10. UNSAFE STRUCTURES OR CRAFT: LIFE PRESERVERS

(A) Each boat, barge, raft, dock or other similar device constructed, used, or operated on or near the waters of Lake Jacksonville found to be unsafe for any reason shall be repaired or removed within the time limit specified by the duly authorized representative of the City.

(B) At all times, while on the waters of Lake Jacksonville, each boat, barge, raft or craft shall be equipped with not less than one (1) life preserver of an approved type for each occupant of the boat, barge, raft or craft, provided further than each occupant under thirteen (13) years of age of any boat shall have a life preserver fastened to his person.

SECTION 11. WATERCRAFT USE

(A) No boat, barge, raft or craft shall be loaded with passengers or cargo beyond its safe carrying capacity, taking into consideration weather and normal operating conditions.

(B) No boat, barge, raft, or craft having overnight accommodations shall be placed upon or used on the waters of Lake Jacksonville unless and until the same is equipped with approved sanitary facilities.

(C) No such boat or barge shall be used, operated or maintained on the waters of Lake Jacksonville as a domicile or place of abode.

(D) No person shall so anchor a boat for fishing or other purposes on any body of water over which the City has jurisdiction in such a position as to obstruct a passageway ordinarily used by other boats.

(E) No person shall operate a boat within a water area which is clearly marked by buoys or some other distinguishing device as a bathing or swimming area.

(F) Owners of abandoned, sunken, partially sunken or destroyed boats must be reported to TPWD within 15 days of the event, and the Certificate of Title surrendered. If the owner fails to comply, the equipment may be removed by the City to be disposed

of at its sole discretion. with all costs associated therewith to be assessed against the owner thereof

(G) All boats, barges, rafts and other similar devices operated on the waters of Lake Jacksonville shall observe all of the rules of the road applicable to inland waterways as set forth by the Bureau of Navigation.

(H) Any peace officer, and any designated representative appointed by the City, shall have the right to require the removal of any boat, barge, raft or similar device from the waters of Lake Jacksonville if the same is operated in violation of any of the rules herein contained, and any person refusing to obey the lawful order of such officials shall be deemed guilty of a violation of these regulations.

SECTION 12. UNDERWATER BOAT EXHAUST

All power boats, inboard and outboard, used and operated upon the waters of Lake Jacksonville shall be equipped with an approved underwater exhaust or with the manufacturer's original type exhaust equipment. This regulation may be waived for a specified period of time upon written application of the City by an organized unit for special racing events, water shows, carnivals, etc.

SECTION 13. RECKLESS DRIVING AND SPEEDING

(A) Every operator of a boat or other craft on Lake Jacksonville shall at all times navigate the same in a careful and prudent manner and at such rate of speed as not to endanger any person or his or her property.

(B) Reckless navigation of any boat or other craft on Lake Jacksonville shall include operating the same in a manner which necessarily interferes with the free and proper use of the water of said lake or endangers other boats and crafts thereon or endangers any person.

(C) No person shall operate any boat or other craft on Lake Jacksonville at a rate of speed greater than will permit, by the exercise of reasonable care, such boat or other craft, to be brought to a stop within the assured clear distance ahead.

SECTION 14. OPERATING WHILE UNDER INFLUENCE

(A) It shall be unlawful for any person who is under the influence of intoxicating liquor or narcotic drugs or barbiturates or any person who is a habitual user of same to operate, propel or be in actual physical control of any boat on the waters of Lake Jacksonville.

(B) It shall be unlawful for the owner or any person in charge of or in control of any boat to authorize or knowingly permit the same to be propelled or operated by any person who is under the influence of intoxicating liquor, narcotic drugs or barbiturates or by any person who is a habitual user of same.

SECTION 15. RIDING ON DECKS AND GUNWALES

(A) No person, operating a motorboat on Lake Jacksonville, shall allow any person to ride or sit on the gunwales thereof or on the decking over the bow of the craft while underway, nor shall any person, operating any open motorboat, allow any person to stand in said craft while underway.

(B) Nothing in this section shall be construed to mean that passengers or other

persons aboard a boat cannot stand on the decking over the bow of the boat to moor the boat or to cast off or for any other necessary purpose.

SECTION 16. ANCHORING AND ACCIDENTS

(A) No person shall leave a boat or any other craft on Lake Jacksonville without having the same dependably fastened to an anchorage, either in the water or upon the land. Such boats or other craft that are not dependably anchored must be removed from the water a sufficient distance to assure that the same will not float away from its station in the event of rising waters.

(B) The operator of any boat or other craft involved in an accident resulting in injury or death to any person, or in damage to property, shall so far as he can do so without danger to his own vessel, crew and passengers, render to any persons affected by such accident such assistance as may be practicable and give the names, addresses, and complete identification of all persons and boats involved in such accident, and shall report such accident immediately to the concessionaire, lake patrol officer, City Manager or any other person authorized by the City to receive such report.

SECTION 17. ACTIVITIES PROHIBITED NEAR INTAKE-MINIMUM DISTANCE

All forms of recreational activities are hereby prohibited within a radius distance of two hundred (200) feet of the raw water intake of Lake Jacksonville located and measured from the same, which shall be designated with markers or buoys.

SECTION 18. SKIING

"Skiing" is defined as the use of any equipment for the purpose of a person or persons being propelled or towed through, on or over the surface of Lake Jacksonville.

Skiing shall be permitted on Lake Jacksonville only in the areas as designated by the City Manager or his representative. The City of Jacksonville assumes no liability for accidents or injuries to anyone skiing in designated areas nor does this designation guarantee that obstructions are not present in the designated areas.

SECTION 19. SKIING REGULATIONS AND OTHER COMPARABLE WATER SPORTS

The following regulations and restrictions shall apply to skiing on Lake Jacksonville:

(A) All persons directly engaged in such activities shall wear a life preserver at all times.

(B) Boats and skier shall go no nearer than two hundred (200) feet of shore, docks, persons swimming, or other boats, except when leaving and returning to dock.

Skiing is prohibited between sunset and sunrise nor shall any person operate a boat for the purpose of towing persons engaged in such activities between sunset and sunrise.

(C) No towboat or person engaged in any such activity shall approach closer than one hundred fifty (150) feet to any other boat or other craft.

ARTICLE III: HUNTING AND FISHING REGULATIONS

SECTION 1. VALID LAWS

All valid laws of the State of Texas and the United States Government relating to hunting and fishing and water safety shall be in effect at all times on all property owned by the City of Jacksonville. No hunting shall be permitted on any Lake Jacksonville properties. No pistol or rifle shall be shot, fired or discharged in, on, along, or across Lake Jacksonville or in, on, along, or across, or upon any property owned by the City of Jacksonville, except by duly constituted peace officers, game wardens and employees of the City when in discharge of their duties as such.

SECTION 2. FISH SEINES, NETS AND TRAPS; TROT LINES

Seining, netting and trapping of any fish other than minnows for bait is hereby prohibited. No person shall have in his possession on any property of Lake Jacksonville any seine, net or trapping device other than minnow seine. Non-metallic trotlines are permitted; however, no trotline shall be set within two hundred (200) feet of any public dock, pier, beach or any place commonly used by the public for wading, swimming, skiing, or where it will obstruct boat lanes.

SECTION 3. COMMERCIAL FISHING

No person shall sell or buy or offer to sell or buy or to take or to possess for commercial purposes, fish from the waters of Lake Jacksonville.

SECTION 4. PROHIBITED BAIT FISH

No game fish, gold fish, cannibal minnows, Mexican minnows, or fresh water rough fish such as carp, gar, shad, or suckers shall be used as bait in Lake Jacksonville.

SECTION 5. FISHING NEAR INTAKE

No fishing shall be permitted within two hundred (200) feet of the raw water intake of Lake Jacksonville or as marked.

ARTICLE IV: DOCKS AND BOATHOUSES

SECTION 1. DEFINITIONS

Terms as used in this Article are defined as follows:

Boathouse – any roofed structure built to shelter a watercraft.

Building Permit – a document issued by the City Building Official which allows maintenance, repair and/or construction to begin and proceed to completion pertaining to all structures built at any location on or near the shoreline of Lake Jacksonville. The permit is required to be visibly posted at the site of the approved work.

Pier/Dock – any approved structure connected to the shore line and extending over lake waters to provide over-water access to berthed watercraft or used for recreation such as swimming, fishing or entertaining.

Normal pool elevation – when the water level is even with top of the concrete spillway. Also referred to as 422 feet NGVD, where NGVD means "National Geodetic Vertical Datum" - a standard of measure for elevations relative to mean sea level.

Shoreline – a legal line or boundary, formed by the water's edge when the lake is at normal

pool elevation.

Side lot line -the line or joined lines which divide adjacent lake lots one from another.

SECTION 2. TYPE OF STRUCTURES PERMITTED

Only boat docks or other structures of similar nature, fixed or floating, used for pleasure may be located on or near the waters of Lake Jacksonville, except those owned and operated by approved concessionaires and the City.

SECTION 3. COMMERCIAL USE PROHIBITED

No person may operate boats, barges, rafts, docks, or other similar devices for commercial purposes on the waters of Lake Jacksonville, except approved concessionaires or any pile-driving operation.

SECTION 4. UNSAFE STRUCTURES

Docks, boathouses or other similar structure constructed, used, or operated on or near the waters of Lake Jacksonville found to be unsafe for any reason shall be repaired or removed within the time limit specified by the duly authorized representative of the City

SECTION 5. BOAT RAMPS, PIERS, ETC. NEAR RAW WATER INTAKE

No boat launching ramp, marina, dock and/or floating fishing pier shall be located within one thousand (1,000) feet of the raw water intake.

SECTION 6. BOATHOUSE AND PIER CONSTRUCTION; APPROVAL, MAXIMUM SIZE, AND LOCATION

(A) Plans submitted to the City Building Official for proposed boathouses, docks and fishing piers shall include the location of property corners and lot lines. Lessees are responsible for accurately locating such platted property boundaries before plans are submitted. Construction may begin only if and when a Building Permit is issued. The lessee is required to post such Building Permit in a visible location at the work site before construction may begin.

(B) No structure shall be constructed or caused or allowed to be constructed by any Lake Jacksonville lot lessee if:

(1) its length extends more than fifty (50) feet from normal lake shoreline (the water's edge at normal pool elevation).

Exceptions:

(a) In the event that the depth of water at 50 feet from shoreline at normal pool elevation is less than 5 feet, see SECTION 6 Paragraph (D) below.

(b) In the Event either or both (left and right) adjacent lots are legal non-conforming structures, the proposed construction may be permitted by using an averaged approach, if it will not cause an adverse effect on adjacent lots or watercraft use.

(2) any portion of the structure extends into a "No Construction Zone". This applies to all lots which front on Lake Jacksonville, whether leased or not. This zone is formed by two imaginary lines which begin at the shoreline and run parallel to and

6 feet (2.5 feet for Concession Area lots) either side of any side lot line extension and extends and applies the side line setback lines as set forth in Article VII, Section 6 herein along any such side lot line extension. Figures 1, 2, and 3 show the layout of these zones.

(X) Diagrams of three possible shoreline configurations below illustrate how Paragraph (2) above applies in locating the boundaries of these 6 foot wide (2.5 feet wide in the Concession Area) “No Construction Zones”, one of which falls on either side of a side lot line when extended beyond the shoreline into the lake.

(1) **Figure 1** is an example of a shoreline shape in which side lot line extensions converge when extended beyond the shoreline.

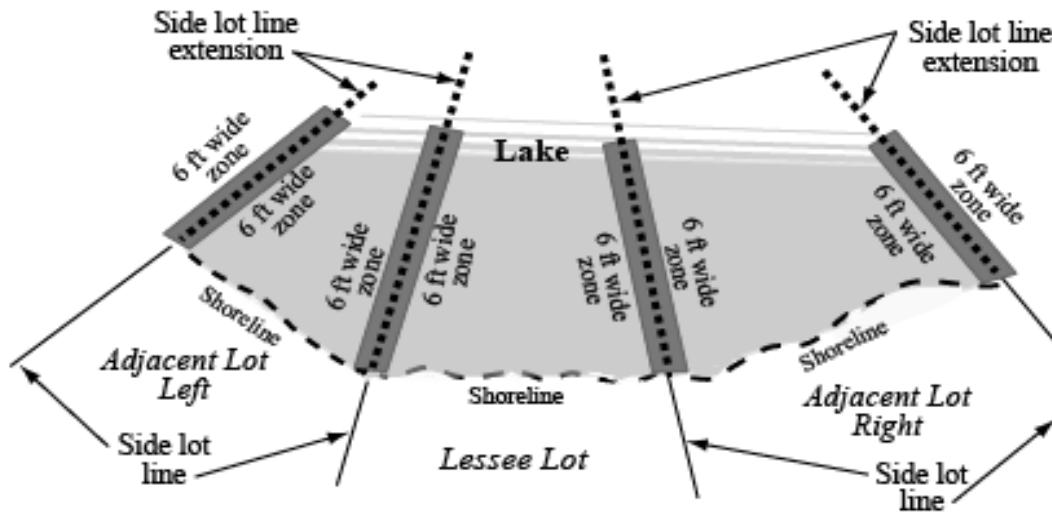


FIGURE 1

(2) **Figure 2** is an example of a shoreline shape in which side lot line extensions *diverge* when extended beyond the shoreline.

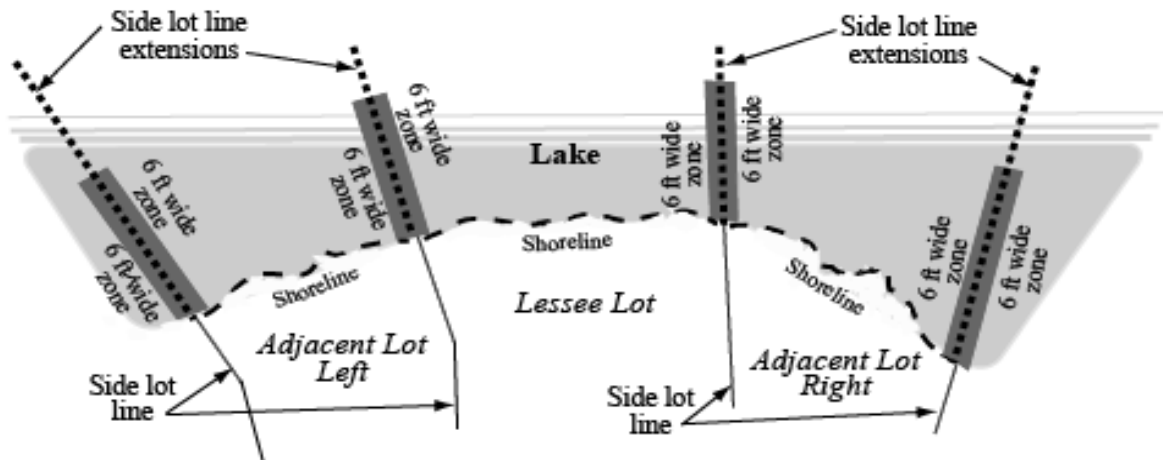


FIGURE 2

(3) **Figure 3** is an example of a shoreline which is essentially a straight line across adjoining lots. Even so, the extended side lot lines of adjacent lots may converge, diverge, or run parallel to one another, depending on the platted property line bearing for the lots involved.

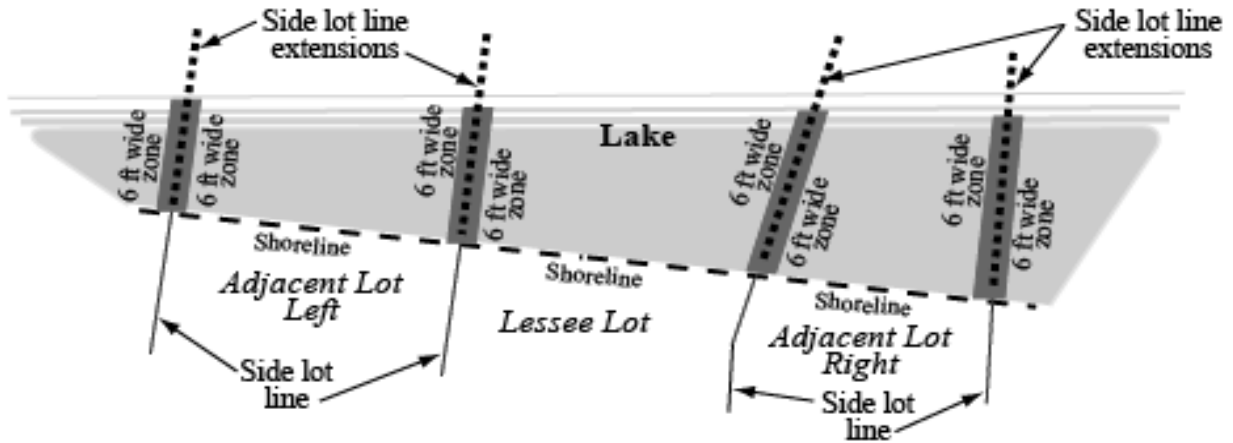


FIGURE 3

(Δ) In the event the depth of the water at 50 feet from the shoreline at normal pool elevation is less than 5 feet, the City Building Official may permit a structure to extend outward from the shoreline past the 50 foot limit until a water depth of 5 feet is encountered, provided that:

(1) The proposed structure conforms to and complies with current Rules and Regulations Governing Lake Jacksonville in all respects; and

(2) The Jacksonville City Council, by majority vote of a quorum present for a duly called or scheduled City Council meeting, determines that the proposed structure will not have an unreasonable or adverse impact upon the use and enjoyment of the adjoining Lake Lots and any approved improvements thereupon; and

(3) In no event shall the structure extend more than 75 feet from the shoreline, regardless of whether a water depth of 5 feet is reached.

(E) No dock, pier or boathouse shall have an eave (sidewall) height more than twelve (12) feet above the normal pool elevation.(figure 4)

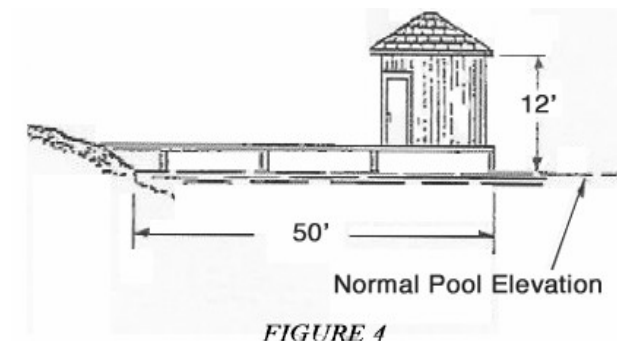


FIGURE 4

SECTION 7. HEATING & COOLING COILS

- (A) Closed loop heating and cooling systems may be installed in Lake Jacksonville provided the heating and cooling coil portion of the system is placed wholly underneath any approved dock, pier and/or boathouse.
- (B) That part of the system located between the actual unit and the lake must be installed totally underground so that no part of any of the piping system is visible. The piping system must enter the lake at the shoreline at a minimum depth of five (5) feet below normal pool elevation and must maintain a depth of five (5) feet beneath the soil and/or water surface.
- (C) Where the water depth at normal pool elevation exceeds five (5) feet, the piping shall be placed to lie flat upon the lake bottom, regardless of slope.
- (D) The actual heating and/or cooling unit shall be no closer to the lake than the lake side of the residential dwelling it serves.
- (E) Systems of this type shall circulate water only. No chemicals of any type are permitted within the closed loop.
- (F) Plans for any such proposed system installations shall be reviewed and approved by the City Building Official prior to construction and installation.

SECTION 8. REPAIR, MAINTENANCE OR IMPROVEMENT OF EXISTING STRUCTURES

Upon application to the City Building Official, lessees with shoreline structures which extend more than 50 feet from the shoreline into Lake Jacksonville and which were in existence prior to the date of issuance of these Rules and Regulations, may be allowed to repair, improve, expand or add to such structures, provided that any such proposed work does not extend the structure a greater distance into Lake Jacksonville from the shoreline, and provided that such proposed work complies with any and all conditions, restrictions and limitations contained in these Rules and Regulations, including, but not limited to, "No Construction Zone" limitations.

SECTION 9. CONCESSION AREA LEASE LOT STRUCTURES

The following regulations, restrictions and conditions shall apply to structures of all kinds to be built, repaired, maintained, or expanded upon Lake Jacksonville Concession Area Lots:

- (A) Plans submitted to the City Building Official for proposed houses, boathouses, docks and fishing piers shall include the location of property corners and lot lines. Lessees are responsible for accurately locating such property boundaries before plans are submitted. Construction may begin only if and when a Building Permit is issued. The lessee is required to post such Building Permit in a visible location at the work site before construction may begin. Plans for inhabited structures shall conform to current City adopted building codes in order to receive a Building Permit.
- (B) No building or structure intended for habitation shall be constructed, erected, or installed with any finished floor line elevation being lower than 4.5 feet above normal pool elevation.
- (C) Walkway surfaces for piers, docks or boathouses not intended for habitation may be constructed no lower than two feet above normal pool elevation.

(D) Any building or structure constructed, erected or installed over the waters of Lake Jacksonville shall be no closer than two and one-half (2½) feet from the lessee's side lot lines or their straight line extensions into Lake Jacksonville.

(E) Unenclosed carports and portable storage buildings may be constructed, erected or installed upon the land of Concession Area lots, provided that any such carport or portable storage building is no closer than six (6) feet from any side lot line.

(F) No building or structure will be approved which has a maximum height exceeding 26 feet above normal pool level (measured at the highest roof ridge or peak of the building).

(G) Any structure or improvement constructed, erected or installed less than 10 (ten) feet above normal pool elevation (432 feet above mean sea level), shall be at the risk of the lessee, and the City shall not be liable for any damage to such structures or improvements there to caused by inundation or otherwise.

(H) A Concession Area lot which contains at least 5,000 square feet of land above normal pool elevation may be considered for a land based habitable structure. Requests for consideration shall be reviewed by the Lake Jacksonville Advisory Board. If approval is recommended, it will qualify to make application for a building permit with the City Building Official.

ARTICLE V: SANITATION

SECTION 1. SEPTIC TANKS

Before any 99-year lease lot is used for residential purposes and before any living quarters are placed thereon, each lot shall be provided with a septic system complying with the standards established by Texas Commission for Environmental Quality (T.C.E.Q.). Every person installing such a septic system must obtain the approval of the Building Official of the City of Jacksonville prior to installation. Percolation tests shall be performed as suggested by State standards. Installation shall be done by approved septic systems installers only.

SECTION 2. GARBAGE AND TRASH DISPOSAL

All garbage and trash shall be collected and removed from the leased premises at least once weekly and carried away from the leased premises and not dumped upon any property belonging to the city wherever located, except the City Sanitary Landfill; however, all burnable trash may be incinerated as long as no garbage or trash is allowed to enter the Lake. All incineration must take place in a proper container.

SECTION 3. KEEPING ANIMALS AND FOWL

No animal or fowl shall be maintained or confined on any leased lot except normal, domestic pets belonging to lessee or guests of lessee.

ARTICLE VI: GENERAL RULES FOR ALL FOR LOTS

SECTION 1. RESIDENTIAL USE OF LAND; EXCEPTIONS

Except for certain areas designated, or to be designated, as public recreation and picnic areas or for use of approved concessionaires, all of the lands owned by the City surrounding Lake Jacksonville are restricted to residential use, except where special written permission is given by the City for other uses.

SECTION 2. TEMPORARY STRUCTURES

No temporary structure of any kind or character shall be placed on any lot without special written permit issued by the City Building Official, and shall be removed immediately upon notice to do so by the City. This shall not include non-habitable prefabricated storage buildings with less than two hundred one (201) square feet under roof.

SECTION 3. UTILITY EASEMENTS

Each lot leased for any purpose is subject to unlimited easement for the construction, operation, and maintenance of all utility facilities for the purpose of serving all of the property owned by the City surrounding Lake Jacksonville.

SECTION 4. ACCESS; DRAINAGE DITCHES AND RETAINING WALLS

(A) Each lessee is permitted to construct access ways or driveways on leased premises for his own personal private use, but any such passage shall be constructed at lessee's expense and shall be constructed and maintained so as to prevent the erosion of the land.

(B) No drainage ditch shall be constructed without the prior written consent of the City Building Official.

(C) Retaining walls may be constructed at lessee's expense and shall be constructed and maintained to prevent the erosion of land.

(D) Retaining walls shall not modify the existing natural shore line and can not be used to increase lot size. No retaining wall shall be constructed without the prior written consent of the City Building Official.

SECTION 5. TREE CUTTING

No trees, in excess of six (6) inches in diameter, shall be cut on any property without the prior written consent of the City Building Official.

SECTION 6. FARMING, GARDENING; EROSION

No commercial, farming or gardening shall be permitted on any lot on Lake Jacksonville nor shall any practice or use of land be permitted that is causing or calculated to cause erosion.

SECTION 7. LIABILITY FOR IMPROVEMENTS BELOW SEA LEVEL

Any improvement of any kind constructed below elevation four hundred thirty-two (432) feet above mean sea level shall be at the risk of lessee and the City shall not be liable for any damage to such improvements caused by inundation or otherwise.

SECTION 8. WATER SUPPLY FROM LAKE

Any lessee may take water from Lake Jacksonville for normal usage in connection with leased premises only, provided that no pump driven by a motor larger than five (5) horsepower is used in obtaining said water.

SECTION 9. NUISANCES

Any lessee creating or maintaining a nuisance on any lease lot or upon the water of Lake Jacksonville will be guilty of violating Lake Jacksonville Rules and Regulations. Any lessee shall be responsible for the behavior of his guests accordingly.

ARTICLE VII: LOT USE AND OCCUPANCY RESTRICTIONS

SECTION 1. RESTRICTION AMENDMENTS

The City reserves the right to remove any or all restrictions or to add others, in its sole discretion without the consent of any lessee; and from and after the effective dates of such amended restrictions, these restrictions, as so amended from time to time, shall govern the use and occupancy of all lots.

SECTION 2. NUMBER OF LOTS PER FAMILY RESTRICTED

Not more than two (2) lots shall be leased or acquired by any person or members of their immediate family

SECTION 3. NUMBER COMPANY LEASED LOTS: NUMBER RESTRICTED

No company, firm or corporation shall lease or acquire more than three (3) lots, which must be adjoining.

SECTION 4. MINIMUM HOUSE SQUARE FOOTAGE; PLAN APPROVAL

No habitable structure, including primary residence and/or guest house, containing less than five hundred (500) square feet of living area, shall be constructed on any Lake Jacksonville lease lot. Exterior plans shall be submitted to the city building inspector for approval before construction is begun.

SECTION 5. BUS BODIES PROHIBITED

No bus bodies shall be permitted on any lot.

SECTION 6. SIDE LINE SETBACK

No part of any structure shall be closer than six (6) feet from any side line of any lot. Any improvement constructed less than ten (10) feet above normal pool elevation (432 feet) shall be at the risk of lessee and the City shall not be liable for any damage to such improvements caused by inundation or otherwise.

SECTION 7. NUMBER OF RESIDENCES PER LOT

Not more than one (1) single family residence may be constructed on or connected to any one (1) lot. One (1) guest residence, separated from the primary residence, may be constructed upon submission of plans, specifications, and issuance of a building permit by the City Building Official. Any guest residence must conform to minimum square footage and septic system specifications as required of primary residence. No habitable structure with restrooms or sleeping quarters shall be constructed over or upon the waters of Lake Jacksonville in areas other than the Concession Area.

SECTION 8. COMMERCIAL ENTERPRISE ON RESIDENTIAL LOT

The applicable regulations, restrictions and procedures of the City of Jacksonville Zoning Ordinance shall apply to all Lake Jacksonville lease lots located inside the city limits of Jacksonville. All Lake Jacksonville lease lots located outside of the city limits of the City of Jacksonville shall be restricted to residential purposes only. No business or commercial enterprise other than City Council approved concessionaires shall be allowed to occupy any structure or operate from any lease lot outside the city limits. This does not prohibit normal home occupations as defined by the Zoning Ordinance of the City of Jacksonville, Texas. This section does not apply to pile-driving operations at Lake Jacksonville

SECTION 9. MAINTENANCE

All improvements placed on any lot shall be kept and maintained in a good state of repair at all times, including all structures on land or water and all yard areas as not to create a nuisance.

SECTION 10. COMPLIANCE WITH LAW

The use and occupancy of all lots shall be in accordance with the regulations and ordinances now in effect or hereafter placed in effect by the city governing such use and occupancy as well as those governing activities on and in the water of Lake Jacksonville. Failure to comply may result in daily fines and/or forfeiture of lease.

ARTICLE VIII: NON-SHORELINE LOTS

SECTION 1. DEFINING NON-SHORELINE LOTS

Non-shoreline lots are all lots subdivided by the City of Jacksonville on lands owned by the City of Jacksonville, Texas that do not have any water frontage on Lake Jacksonville and are designated as non-shoreline lot

SECTION 2. LEASE LOTS

All leases of non-shoreline lots shall be executed by the City Secretary and must be in writing.

SECTION 3. LAKE JACKSONVILLE RULES AND REGULATIONS

The same rules, regulations and penalties that apply to waterfront lots shall regulate non-shoreline lots where applicable, unless they are superseded by ordinances or as noted in the lake rules and regulations.

SECTION 4. RIGHT TO DIG OR DRILL FOR WATER

Any person who leases a non-shoreline lot located outside the city limits shall have the right to dig or drill a water well for residential and yard purposes for that lot and shall not be used for any commercial purpose.

ARTICLE IX: TRAILERS

SECTION 1. LOCATIONS OF TRAILERS AND PREFABRICATED STRUCTURES

- (A) Trailers, mobile and modular homes, transported to site on wheels, shall be allowed in trailer area only.
- (B) Offsite assembled living quarters, trailer houses, modular homes, etc. will be permitted to be placed in designated areas only.

SECTION 2. CONSTRUCTION ON LOTS RESTRICTED

- (A) Any construction on any lot of the trailer house subdivision shall be of the type suitable for use only in conjunction with and not independent of any trailer house or mobile home, including such improvements as porches, auxiliary room and similar improvements which have utility use only in connection with the trailer house or mobile home.
- (B) In no event shall any constructed improvements pursuant to this section be used other than for storage purposes, except when used in conjunction with a trailer house or mobile home.

SECTION 3. NUMBER OF LOTS PER PERSON RESTRICTED

No person shall be permitted to lease more than two (2) lots in the Trailer House Subdivision.

SECTION 4. APPLICABILITY OF ARTICLE

All of the rules and regulations governing Lake Jacksonville, except where in conflict with article IX shall likewise govern and control the use, occupation and enjoyment of lots located within the Trailer House Subdivision herein designated as the trailer area of Lake Jacksonville.

ARTICLE X: MORTGAGE, FORFEITURES, AND LEASES

SECTION 1. DEFINITIONS

(A) As used in this article the following terms shall have the respective meaning ascribed to them:

MORTGAGE: A valid deed of trusts, a valid vendor’s lien secured by a deed of trust, a valid mechanic’s and material-man’s lien contract and any other valid instrument used to secure the indebtedness for purchase price, payment of taxes, leasehold improvements or a valid Home Equity Loan.

MORTGAGEE: The contracting party, non-lessee, who either advances the purchase money, or the loan proceeds of a valid Home Equity Loan or is a lessee-vendor who retains a vendor’s lien in the transfer of the leasehold, the contractor and his assigns, mechanic’s and material-man’s lien contract holder or the party who ultimately advances the money representing the debt for leasehold improvements.

MORTGAGOR: The debtor-lessee whether singular or plural.

(B) Each term used above in this division shall be construed in its broadest sense to cover any conceivable situation where a debt exists and security is obtained by a lien on the lot leasehold improvements situated thereon.

SECTION 2. MORTGATE REGISTRATION-PROCEDURE

(A) Any mortgage may be registered with the City as the lessor by the filing with the City Secretary of a photocopy or a certified copy of the original recorded mortgage, together with the current address of the mortgagor and the mortgagee, the receipt of which shall be acknowledged by the City by- a letter from the office of the City Secretary to the lessee and to the mortgagee or at the address of the parties as shown, which letter shall contain the following language: “Receipt is hereby officially acknowledged by the City of Jacksonville, Texas of a copy of the instrument or record in Volume, Page, of the record shown thereon of Cherokee County, Texas. This is to certify that the instrument referred to has been duly registered in the official lease file of the City of Jacksonville in accordance with the Rules and Regulations Governing Lake Jacksonville”

(B) Each mortgage to be registered must contain the following language: “Mortgagor hereby conditionally assigns to the mortgagee herein the lease from the City of Jacksonville on the lot herein described as additional security for the payment of the debt described herein so long as the Mortgagor faithfully pays the debt described herein; however, should the City of Jacksonville, the Lessor or Mortgagor herein, ever declare a forfeiture of said lease for any reason as to the interest, said assignment conditionally made shall become final and binding upon Mortgagor herein being

actuated by the declaration and recordation of the forfeiture by the City of Jacksonville as set out in the Rules and Regulations Governing Lake Jacksonville, without regard to whether or not the payment of the debt herein described are current”.

SECTION 3. EFFECT OF REGISTRY

- (A) Every owner of a mortgage properly register as provided in section above shall be entitle to any notice to which the lessee of said mortgaged lot be entitled to receive.
- (B) In the event of default by the lessee of any of the terms and provisions of the mortgage other security instrument, the City (subject to the terms and provisions of the lease and all applicable rules and regulations of the City) shall recognize the mortgagee as the new lessee whether said mortgagee acquires the lease by voluntary assignment of said lease by the original lessee in satisfaction of the debt and lien, or by the involuntary assignment of said lease by foreclosure under a valid security instrument or by any other legal action; provided all the terms and provisions of said lease are being complied with by said lessee, mortgagee or other occupant, as the case may be.

SECTION 4. REGISTRATION REQUIRED TO BIND CITY

No mortgage or instrument affecting a lease between the City as lessor and an individual, firm, or corporation as lessee shall be binding upon said City unless and until the same has been registered in accordance with Lake Jacksonville Rules and Regulations.

SECTION 5. FORFEITURE

- (A) In the event of forfeiture of said lease by the City in hands of the lessee because of lessee’s failure to pay the unpaid bonus price, rentals, or both, said forfeiture shall become final as to the mortgagee, unless the mortgagee pays within thirty (30) days of the forfeiture the balance due on said lease and reinstates the same, in which event, the mortgagee thereafter will be recognized as the lessee thereof.
- (B) In the event the City gives notice to the lessee and the mortgagee of its intent to forfeit as provided in any Lot Lease Form used by the City, and the lessee fails to remedy the reason for said notice and the City forfeits the lease as to the lessee said forfeiture will not affect the rights of the mortgagee in the event such mortgagee is properly registered with the City as set forth herein.
- (C) In the event of forfeiture, such forfeiture shall be evidenced by a written instrument in a recordable form, which act and the instrument when recorded shall terminate the relationship between the City as lessor and the individual lot holder as lessee.

SECTION 6. LEASES

(A) EXECUTION OF LEASES BY CITY SECRETARY-AUTHORIZED

The City Secretary is authorized to execute all lot leases on behalf of the City on lake lots of the City situated on Lake Jacksonville without the joinder of any other official or officer of this municipal corporation.

(B) RATIFICATION OF PRIOR LEASES

All leases heretofore executed by the City Secretary on lake lots of the City on Lake Jacksonville are ratified and confirmed according to their terms and conditions.

(C) LOT TRANSFER OR ASSIGNMENT-CONSENT

(1) All transfers or assignments of leases must have the prior written consent of the City Secretary, and an executed copy of the transfer of assignment evidencing said consent shall be filed with the City Secretary's office before any transfer or assignment shall be effective as to the City of Jacksonville.

(2) The fee for the voluntary transfer of any lake lot from one (1) owner to another owner shall be two hundred (\$200.00) dollars.

(3) Voluntary herein shall not mean the transfer from one spouse to another spouse in the dissolution of the marriage and property settlement, nor shall it mean the transfer that occurs by the death of the registered lot lessee.

(4)The form for assignment of lake lot from one (1) owner to another shall be shown in Exhibit "A" to Ordinance number 72.6, on file in the office of the City Secretary.

(D) LEASE FORM

All leases of lots for all purposes other than a lease to a concessionaire shall be on the form on file in the office of the City Secretary and made a part hereof for all purposes as if copied verbatim here.

(E) RENTAL FEES

The rental on said lots shall be twenty dollars (\$20.00) per annum plus five (5) per cent of the lot's original bonus price. For example: a lot that leases for three hundred dollars (\$300) will carry a rental per annum of twenty dollars(\$20) plus fifteen dollars (\$15) for a total of thirty-five dollars (\$35). All lots subdivided after November 15, 1985, shall carry an annual rental of two hundred seventy dollars (\$270) per year, unless amended by the City Council of Jacksonville, Texas.

(F) LATE PAYMENT FEE

There is hereby imposed a late payment fee of two hundred fifty dollars (\$250) against the lessee of any Lake Jacksonville leased lot who fails to pay any annual lease payment or rental or any other fee due in connection with said lease on or before the due date. Said late payment fee shall become applicable at the expiration of notification by certified mail to any leaseholder delinquent in payment of any fee due under said lease. This late payment fee hereby imposed shall be cumulative of the right of the City of Jacksonville to cancel and terminate said lease under the terms and provisions thereof for failure to pay any annual lease payment or other fee due under said lease, or any other remedy provided for the City of Jacksonville under said lease and/or the ordinances and regulations relating to Lake Jacksonville leased lots. Failure to pay any late payment fee applicable under the terms of Ordinance No. 600 of the City of Jacksonville in addition to the regular annual lease payment or any other fee, shall cause any such lease to be subject to cancellation and forfeiture under the terms and provisions of the lease agreement for any default or violation of any lease-provision.

ARTICLE XI: AUTHORITY, RISK, WAIVER

SECTION 1. POWER TO EXCLUDE PERSONS IN VIOLATION OF RULES

As an additional remedy and not to the exclusion of any other provisions of the rules and

regulations governing Lake Jacksonville, the concessionaire, any police officer (general or special), any game warden or any authorized representative of the City shall have the power to exclude from the surface of the Lake or from any property comprising Lake Jacksonville, whether leased or not, any person in violation of the rules and regulations governing Lake Jacksonville.

SECTION 2. ASSUMPTION OF RISK

The City shall, in no event, be liable to any person on the account of the loss or damage of any property that may be placed in or upon Lake Jacksonville, nor shall the City be liable, in any event, to any person or persons whomsoever on account of personal injuries or loss of life that may be sustained by any person or persons in or upon Lake Jacksonville; and any person entering in or upon Lake Jacksonville shall do so at his sole risk, and shall not be privileged to enter or remain in or upon such reservoir, save and except under the terms and provisions of these regulations that have been or may hereafter be adopted by the City Council of the City of Jacksonville; nor shall the City be responsible or liable in such instances as set out herein.

SECTION 3. WAIVER

The City Council of the City of Jacksonville may, upon application and after hearing, waive for a specified length of time such of the terms, provisions and conditions of these regulations that may be deemed appropriate for the accommodation of water carnivals, shows, boat races, educational purposes, exhibitions and other special events as may be permitted from time to time and subject to such safety measures as the City Council may require.

ARTICLE XII: PENALTIES

SECTION 1. CANCELLATION OF LEASE FOR VIOLATION

The breach of any of the regulations contained in these Rules and Regulations by any lessee of lands belonging to the City shall be grounds for cancellation of the lessee's lease in accordance with the procedure for cancellation set out in the Mar 4, 1958 Edition of the standard lot lease for No. 1. now used by the City, or in accordance with the procedure for cancellation set out in any subsequent edition thereof adopted by the City and in use on the date of such violation.

SECTION 2. EXPULSION AND DENIAL OF ACCESS FOR VIOLATION

The breach of any of the regulations contained in these Rules and Regulations by any person shall be grounds for his expulsion from and the denial to him of access to the property and premises of the City.

SECTION 3. PUNISHMENT FOR VIOLATION

Any person who violates or fails to comply with any of the foregoing and herein adopted Rules and Regulations Governing Lake Jacksonville or amendment thereof shall be guilty of a misdemeanor and upon conviction shall be punished by fine not to exceed \$200.00. This penal provision shall be cumulative of any and all other legal remedies available and applicable concerning any such violations.