

ARTICLE VI. LAKE TYLER AND LAKE TYLER EAST

Adopted in new format, February 15, 1995

Effective, March 8, 1995

(Including amendments through November 12, 2008)

DIVISION 1. GENERALLY

Sec. 19-130. Area of Authority.

This Ordinance applies to all waters impounded by dams constituting Lake Tyler and Lake Tyler East and their tributaries and the adjacent lands owned or controlled by the City, herein referred to as “the Lake”. Certain areas adjacent to the Lake have been set aside for development by the City as public parks and picnic areas. Other areas have been subdivided into lots to be leased or purchased for the construction of lake homes, other buildings, and boat stalls. All such private use lots are thereby designated as residential or club lots. Only those lots designated as residential or club can be developed for private use. A map entitled “Map of Lake Tyler and Lake Tyler East” is hereby incorporated by reference and is available for review in the Water Utilities Department and City Clerk’s office. (Ord. 0-97-52, 10/22/97)

Sec. 19-131. Authority of peace officers and City on reservoir property.

Any peace officer shall have authority to arrest any person on the Lake for any violation of this Article, and/or to exclude any person found violating this Article from the Lake. The City shall have full charge and control of the waters of the reservoirs and grounds of the Lake. The Manager shall keep the peace and patrol the lake in order to enforce this Article and all other laws, ordinances, rules and regulations of the City relating to the waters of the Lake and to make arrests for any violation of this Article or other City ordinance. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99)

Sec. 19-132. Reserved.

Sec. 19-133. Concessions.

a. Certain designated areas may be set aside by the City Council for commercial purposes such as the rental of boats and motors and sale of bait and supplies. Any person to whom a concession or concession area is let must comply with all rules and regulations governing lake property, and shall sell permits on behalf of the City if requested. It is unlawful for any person to engage in any commercial activity on any lot or other location except in the designated commercial areas.

b. Concession rights and the terms and conditions of a concession agreement will be negotiated by the Manager, subject to City Council approval with anyone who applies for consideration.

c. The Manager may authorize commercial or organized recreational activities or events upon proper request. Activities or events for which authorization is required

include: races, fishing tournaments, fireworks exhibitions, furnishing of services in aid of water sports, such as water skiing, parasailing, windsurfing, and diving. Requirements for authorization include: (1) assurances of financial responsibility, including appropriate insurance; and (2) signing an indemnification agreement with the City assuming responsibility for all damages or claims arising out of the activity. The authorization shall specify where and under what conditions the activity may be conducted to prevent the activity from adversely impacting use of the Lake by the general public. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99)

Sec. 19-134. Roads.

a. All main roads around the lake may be constructed and maintained by the City or other appropriate entity and all roads to lots shall be constructed and maintained by the lessee. The maximum speed limit on all lake roads constructed by the City shall be forty (40) miles per hour or slower as marked and it is unlawful for any person to drive an automobile, motorcycle or other motor vehicle thereon in excess of the applicable speed limit.

b. The maximum rate of speed shall be twenty-five (25) miles per hour on the following roads:

1. On Concession Road, from a point 980 feet north of the intersection of Dickson Road and F.M. 346 to a point 2,950 feet in an easterly direction which is the intersection of Concession Road and an oiled road on dam;

2. On an oiled road on dam from a point 390 feet in a southeasterly direction along F.M. 346 from the intersection of Dickson Road and F.M. 346 to a point 2,300 feet to the east on said oiled road;

3. On Concession Road, from a point 3390 feet southeast of the intersection of Dickson Road and F.M. 346 and on F.M. 346 to a point 2,000 feet north of the intersection of Concession Road and an oiled road on dam.

c. Livestock shall not be permitted to be ridden, or otherwise located on the pavement of any roadway or parking surface constructed by and maintained by the City.

d. Motorized surface vehicles are prohibited from operating off-road on the shoreline and in the water on public property. Vehicular traffic (including motorcycles and related devices) in and through all City-owned public property of the Lake shall be confined to travel upon established and dedicated highways, streets, roads, and roadways except for the purpose of access to designated authorized sites for camping, picnicking, swimming, and related recreational activities. (Ord. 0-97-52, 10/22/97)

Sec. 19-135. Connecting channel.

It is unlawful for any person to fish or swim in the connecting channel or to stop or moor a boat, barge, or other watercraft in the channel. No person may operate any boat, barge, or other watercraft on or through the connecting channel at a speed greater than is reasonable and prudent under the circumstances then existing. Due to the length and narrow width of the connecting channel, it is designated as a no wake zone and craft should be operated slowly enough to leave no visible wake. (Ord. 0-97-52, 10/22/97)

Sec. 19-136. Outlet works and spillways.

It is unlawful to operate any boat, barge, or other watercraft within a one hundred (100) foot radius of the outlet works valve on Mud Creek Dam or to fish from the bank within a one hundred (100) foot radius thereof. No watercraft, no swimming or skiing is allowed within one hundred (100) feet of the mouth of the spillway. (Ord. 0-97-52, 10/22/97)

Sec. 19-137. Dams.

It is unlawful to operate any motorized vehicle upon any dam on the Lake. Foot traffic and fishing are permitted on the dams except in the area of the outlet works, the spillways, and that portion of Mud Creek Dam (Lake Tyler East) which is east of the spillway. It is unlawful for any person to throw line fish in the rock rip-rapped area. (Ord. 0-97-52, 10/22/97)

Sec. 19-138. Raw water intake.

It is unlawful for any person except authorized repair or maintenance personnel to approach within a two hundred (200) foot radius of the water intake for any reason. (Ord. 0-97-52, 10/22/97)

Sec. 19-139. Camping.

- a. Camping on City-owned property is permitted in designated park areas only.
- b. Camp equipment shall not be abandoned or left unattended for a period of more than twenty-four (24) hours.
- c. No person will be allowed to camp on City-owned property for any one (1) period of two (2) weeks or longer. (Ord. 0-97-52, 10/22/97)

Sec. 19-140. Diving from structures.

It is unlawful for any person to dive from or off of any structure or part of any public bridge or an appurtenance thereto. This prohibition as to diving also includes using rope, cable, or other apparatus attached to a bridge or other structure or object, including a tree, so as to permit an individual to swing out over the waters of the Lake. (Ord. 0-97-52, 10/22/97)

Sec. 19-141. Parking of motor vehicles.

It is unlawful for any person to leave unattended any motor vehicle with a boat trailer in tow within fifty (50) feet of the water of the Lake unless in an area officially designated for public parking, and it is unlawful to park vehicles in any designated safety or turn around zone except as necessary while loading or unloading a boat. (Ord. 0-97-52, 10/22/97)

Sec. 19-142. Signs and markers.

- a. Placement. City Utilities personnel shall place signs and markers on the Lake to mark and specify restricted areas and for informational purposes.
- b. Damaging. It is unlawful for any person to deface, destroy or otherwise damage any sign or marker placed by the City on the Lake. (Ord. 0-97-52, 10/22/97)

Sec. 19-143. Langley Island.

Langley Island is designated as a wildlife and bird sanctuary by resolution of the City Council on May 5, 1959. This area is restricted from uses not compatible with this designation. It is unlawful for any person to hunt, fish, camp, picnic, build a fire or dig in the ground on Langley Island. It is unlawful to put ashore a dog or other animal on Langley Island. (Ord. 0-97-52, 10/22/97)

Sec. 19-144. Livestock and fowl prohibited.

It is unlawful for any person to keep or harbor any livestock or fowl on City property at the Lake. No livestock is allowed in or upon public parks, boatramps, beaches, designated picnic areas, the dams, or spillways. (Ord. 0-97-52, 10/22/97)

Sec. 19-145. Cutting trees or brush, disturbing sodding.

a. Trees/Brush. It is unlawful for any person to cut any trees or brush on any City-owned property at the Lake without the approval of the Manager. Trees, brush and vines having a trunk diameter smaller than (3) inches growing on lands leased by the City, may be removed by the lessee so long as such activity does not adversely affect drainage or cause erosion.

b. Sodding. Sodding may not be disturbed unnecessarily. Soil may not be removed nor the natural contour disturbed in any way on City owned property without permission of the Manager.

c. Dredging. All dredging will be accomplished in accordance with U.S. Corps of Engineer rules and guidelines, with approval of the Corps as applicable, and with approval of the Manager. No filling is allowed below elevation 376' (msl). (Ord. 0-97-52, 10/22/97)(Ord. No. 0-99-80, 10/20/99)

Sec. 19-146. Dumping of garbage, brush, and trash.

It is unlawful for any person to dump trash, brush, or garbage of any kind except in places designated by the City. Trash receptacles located in parks, on beaches, and at boatramps are for facility users only, and no household garbage may be deposited in these containers. (Ord. 0-97-52, 10/22/97)

Sec. 19-147. Ingress and egress across City land.

Ingress and egress across City-owned land from privately owned land to a Lake road or public road is prohibited except by formal written contractual agreement approved by the Manager. A non-transferable fee will be assessed to the applicant for an Access Agreement, payable to the City through the Office of the Manager, Water Production and Water Quality. (See Division 6) (Ord. 0-97-52, 10/22/97) (Ord. 0-2002-15, 4/17/02)

Sec. 19-148. Water skiing restrictions and prohibitions.

a. Designated area. It is unlawful for any person to drive or operate a motorboat or other watercraft towing a person(s) on water skis, aquaplane, or similar device in any area of the Lake prohibited from skiing.

b. Prohibited near swimming areas, structures, or persons fishing. It is unlawful for any person on water skis, aquaplane, or similar device, to ski within one hundred and fifty (150) feet of any area on the Lake set aside for swimming, or within one hundred

and fifty (150) feet of any public launching ramp, dock, boathouse, fishing pier, or other structure or any restricted area or person engaged in fishing.

c. Personal flotation device (PFD) required. It is unlawful for any person to water ski, or ride an aquaplane or similar device, upon the waters of the Lake without wearing an approved PFD.

d. Ski jumps prohibited. It is unlawful to place or maintain a ski jump on any portion of the waters of the Lake without written permission from the Manager. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99)

Sec. 19-149. Flotation devices.

It is unlawful for any person to place barrels, pontoons, or other such containers upon or in the waters of the Lake except for the use described in section [19-172](#). The City may employ such devices for markers or other similar uses. (Ord. 0-97-52, 10/22/97)

Secs. 19-150-19-159. Reserved.

DIVISION 2. BOATS AND BOATING

Sec. 19-160. Safe operation of boats.

a. Tow boat clearance of vessels. Boats towing disabled craft have the right-of-way.

b. Following skiers, aquaplanes, etc. It is unlawful for any person to operate any boat upon the waters of the Lake so as to follow directly behind a skier, aquaplane, or other towed device at a distance less than three hundred (300) feet. (Ord. 0-97-52, 10/22/97)

Sec. 19-161. Anchoring of barges or boats at pier, buoys, etc.

Except for emergencies it is unlawful for any person to cause or permit any boat, barge or other watercraft to anchor or tie up at any public or private pier unless the operator has secured the permission of the owner of such pier. It is unlawful for any boat, barge or other watercraft to anchor or tie up at any posted sign, buoy, or other marker on the waters of the Lake or its tributaries except in case of emergency. (Ord. 0-97-52, 10/22/97)

Sec. 19-162. Unattended boats.

It is unlawful for any person to leave a boat, barge or other watercraft unattended on the waters of the Lake unless such craft is secured to a dock or other stationary object except in cases of emergency. (Ord. 0-97-52, 10/22/97)

Sec. 19-163. Obstruction of ramps.

It is unlawful for any person to block any public boat loading ramp leading to the waters of the Lake. (Ord. 0-97-52, 10/22/97)

Sec. 19-164. Removal of unsafe craft from lake.

The City, through the Manager, may require the removal of any boat or other craft from the Lake if it is deemed a navigational hazard or is in an unsafe operating condition. In the event of noncompliance by the owner to such order, the craft will be removed from the Lake by the Manager and the owner will be assessed all costs. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99)

Sec. 19-165. Overloading.

No person owning or operating a boat, barge, or other watercraft on the Lake may permit it to be occupied by more persons than the rated capacity of such boat or other craft, or to be loaded with passengers or cargo beyond its safe capacity, taking into consideration weather and other operating conditions. (Ord. 0-97-52, 10/22/97)

Sec. 19-166. Passengers to be seated in motorboats.

a. No person operating a motorboat on the Lake may allow any person to ride or sit on the gunwales (side rails) thereof or on the decking over the bow of the craft while underway, nor allow any person to stand in such craft while underway. This provision does not apply to the operator of barges or similar craft on which no operator seat is provided.

b. Passengers or other persons aboard a motorboat may stand on the decking over the bow of the boat to moor the boat or to cast off or for any other necessary purpose. (Ord. 0-97-52, 10/22/97)

Sec. 19-167. Toilets.

It is unlawful for any person to place or maintain a toilet on any boat or barge except unattached portable chemical toilets. Such toilet must be approved and certified by a Lake Supervisor before being taken aboard the craft. All boats, barges, and other watercraft operated on the Lake having enclosures large enough to accommodate a toilet are subject to inspections by the Lake Supervisor. (Ord. 0-97-52, 10/22/97)

Sec. 19-168. Proper mooring; fee for reclaiming boat or barge.

It is the responsibility of the owner to keep all boats, barges and other watercraft properly moored. There shall be a fee levied by the City Council for reclaiming a derelict boat or barge (see Division 6). (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99)

Sec. 19-169. Abandoned boats, barges, and watercraft.

a. Any boat, barge, or watercraft which is found upon the waters of the Lake or upon any public property immediately adjacent thereto and which is inoperable and more than five (5) years old and left unattended for more than forty-eight (48) hours, or is unseaworthy and cannot be used as a safe means of transportation on the water or that has remained on the Lake illegally for more than forty-eight (48) hours, or which is subject to a docking fee under these rules and which does not have affixed thereto a currently valid docking license issued pursuant to this Article is deemed to be an abandoned watercraft. For purposes of this section, "watercraft" shall include any motorboat, outboard motor, or vessel subject to registration under Texas law.

b. The Manager may authorize taking into custody any abandoned watercraft found upon the waters of, or on any public property immediately adjacent to the Lake. Any watercraft deemed a navigational hazard may be removed from the Lake.

c. When any abandoned watercraft is taken into custody under the authority of these rules, the Manager shall promptly notify by certified mail, return receipt requested, the last known registered owner and all lien-holders of record that the watercraft has been taken into custody. The notice shall describe the watercraft by size, color, and general description and shall set forth the location of the facility where the watercraft is being held, and shall further inform the owner and any lienholder of the right to reclaim the watercraft within twenty (20) days after the date of the notice upon payment of all towing, preservation and storage charges resulting from placing the watercraft in custody and upon paying the required registration and fees as may be required by these rules. The notice shall further state that the failure of the owner or lienholders to exercise the right to reclaim the watercraft within the time provided shall be deemed a waiver of all right, title and interest in the watercraft and their consent to the sale of the abandoned watercraft at a public auction, or to the removal and destruction of the abandoned watercraft if deemed a navigational hazard.

d. If the identity of the last registered owner cannot be determined, or the registration contains no address for the owner, or if it is impossible to determine with reasonable certainty the identity and addresses of all lienholders, notice by one (1) publication in a newspaper of general circulation within the City shall be sufficient to meet all requirements of notice pursuant to these rules. Such notice by publication may contain multiple listings of abandoned watercraft. Any such notice shall be within the same time requirements and shall have the same contents required for a notice by certified mail.

e. If an abandoned watercraft has not been reclaimed by the owner or lienholders as provided for herein, the Manager shall sell the abandoned watercraft at a public auction or remove and destroy the abandoned watercraft if deemed a navigational hazard. Sale of the abandoned watercraft must be preceded by a notice published in a newspaper of general circulation within the City or Smith County at least three (3) weeks before the sale takes place. The notice shall include the place and date of sale, a full description of the watercraft to be sold, and the name of the owner, if known. The purchaser of the watercraft shall take title to the watercraft free and clear of all liens and claims of ownership, shall receive a sales receipt from the Manager and shall be entitled to register the purchased watercraft as provided for herein. From the proceeds of the sale of an abandoned watercraft, the Manager shall reimburse itself for the expenses of the auction, towing, preserving, watercraft storage, notice and publication costs which resulted from placing the abandoned watercraft in custody. Any remainder from the proceeds of a sale shall be held for the owner of the watercraft or entitled lienholder for ninety (90) days, and then shall be deposited in a special fund which shall remain available for payment of auction, towing, preserving, storage, notice and publication costs which result from placing other abandoned watercraft in custody whenever the proceeds from a sale of such other abandoned watercraft are insufficient to meet these expenses and costs.

f. If there are no purchasers of the watercraft at a public auction held pursuant to these rules, the Manager shall purchase same for its accrued cost of conducting the

auction, towing, preserving and storage, and all notice and publication costs incurred, and any disposal of same, including the destruction thereof, as may be proper under the circumstances. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99)

Sec. 19-170. Public barge docks.

There are two hundred (200) spaces for docking barges. The spaces are rented to the public on a first-come-first-served basis. The following rules apply to rental of barge docking spaces:

- a. Only one barge docking space may be leased per family residing at the same address.
- b. Construction of piers and approach structures for the barge spaces is the responsibility of the barge space lessees. Plans for any pier or other structure associated with the barge spaces shall be submitted to the Manager for review prior to construction. A barge space plan review fee shall be submitted with each set of plans and specifications (See Division 6). Construction of piers or other structures without Manager approval and construction of piers or structures which materially vary from the plans submitted is prohibited and is ground for cancellation of the lease. No permanent structures are allowed except for piers, and no enclosed structures are allowed. Recreational vehicles or campers shall not be abandoned or left unattended for a period of more than twenty-four (24) hours.
- c. There is an annual rental fee for barge spaces (See Division 6). Barge space fees shall be due and payable between August 31st and September 30th of each year. If payment is not received during the payment period, a late charge will be added to the account and notification sent to the lessee (See Division 6). If payment is not received within 30 days from the date of mailing the notification, the lease will be cancelled and made available to the next person eligible to lease a barge space from the waiting list.
- e. Barge docking spaces are the property of the City and may not be transferred or assigned except by the City through the Manager. Subleasing of barge docking spaces is prohibited. Piers shall not be co-owned, and shared between two or more lessees.
- f. The shoreline maintenance of each barge docking space is the responsibility of the lessee, and must be maintained in an aesthetically pleasing and safe condition not conducive to vector or rodent habitation. The lessee is responsible for maintenance of any pier or other structure built on the barge space, which is to be maintained in a sound and safe condition, free of rotten or broken planks or support members and not presenting navigational hazards. If the Manager determines that a pier or structure is in disrepair, the barge space lessee shall be notified that repairs are needed. If repairs are not completed within sixty (60) days of the notice, the barge space lease may be cancelled and offered to the next eligible person on the waiting list.
- g. Barges owned by lot owners and moored on private lots, barges moored on club lots and barges moored in concession areas are not required to pay the docking fee described in this chapter. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99)

Sec. 19-171. Number of barges allowed; walling up.

No person, group or corporation is allowed more than one barge on the lake. Barges shall not be walled up solid higher than thirty (30) inches above the floor deck. (Ord. 0-97-52, 10/22/97)

Sec. 19-172. Flotation devices for barges.

It is unlawful for any person to place or maintain any barge-type craft on the Lake which is supported by unapproved flotation units. Empty metal drums used for flotation units are prohibited. Polyester foam flotation units, and factory made metal or fiber-glass pontoons are recommended. All flotation units must be permanently attached to the vessel by a mechanical device. All barges must be inspected and approved by the Lake Supervisor prior to being placed or used on the Lake. (Ord. 0-97-52, 10/22/97)

Secs. 19-173-19-179. Reserved.

DIVISION 3. FISHING

Sec. 19-180. Commercial fishing prohibited.

No person may engage in commercial fishing of any kind on the lake.

No person may use or operate a boat of any kind or description on the waters of the Lake for the purpose of catching and taking fish or game for market or sale. (Ord. 0-97-52, 10/22/97)

Sec. 19-181. Prohibited in swimming areas.

It is unlawful for any person to fish, or set out trotlines, gang hooks, or fish nets in any area or portion thereof of the waters of the Lake which has been restricted for swimming. (Ord. 0-97-52, 10/22/97)

Sec. 19-182. Causing hazard to boats.

It is unlawful for any person to attach any glass, metal, or other solid floating object hazardous to boats, to any trotline, gang hook, or fish net set out in the waters of the Lake. Flexible plastic bottles or foam floats are not deemed to be a hazard to boats. (Ord. 0-97-52, 10/22/97)

Sec. 19-183. Use of metal line, cable prohibited.

It is unlawful for any person to place or extend any metal line or cable in, over, on, or across the waters of the Lake. (Ord. 0-97-52, 10/22/97)

Sec. 19-184. Nets, trotlines, similar apparatus.

a. It is unlawful for any person during the daylight hours to set out any net, trotline, or other similar apparatus in the portions of the Lake where skiing is permitted, during the period beginning April first and ending October thirty-first each year.

b. It is unlawful for any person to permit a net, trotline, or other similar apparatus to remain in a portion of the Lake during the daylight hours where skiing is permitted, during the period beginning April first and ending October thirty-first each year.

c. It is unlawful for any person to secure a trotline to any sign or buoy, or any part thereof, used for designating a swimming area, a shallow water area, or any restricted area of the Lake.

d. It is unlawful for any person to set out any net, trotline, or other similar apparatus at any time in the Lake and leave the same unattended for a period of time in excess of twenty-four (24) hours; provided, said trotline may be lowered to the bottom of said reservoir and left in excess of said limit.

e. No trotline having any hook at a depth of less than six (6) feet may extend beyond one hundred fifty (150) feet from the shoreline.

f. Any trotline, net, or similar apparatus, set out or left on or in the waters of the Lake in violation of this division is hereby declared to be a nuisance, endangering the health, safety, and welfare of the general public, and may be removed by any law enforcement officer or Lake Supervisor. (Ord. 0-97-52, 10/22/97)

Secs. 19-18519-189. Reserved.

DIVISION 4. WEAPONS, HUNTING; PROHIBITED

Sec. 19-190. Discharging of weapons, hunting prohibited.

a. It is unlawful for a person to shoot, discharge, or hunt with a bow, crossbow, slingshot, gun, firearm, or any other type of weapon in, on, over, across, or upon the Lake.

b. No hunting is allowed on the Lake. (Ord. 0-97-52, 10/22/97)

Secs. 19-191-19-199. Reserved.

DIVISION 5. LEASING AND USE OF LOTS

Sec. 19-200. Acquisition of leases.

a. Basis. Acquisition of lots at the Lake shall be on a rental basis as follows: An appraisal shall be made of the value of each lot offered to the public for use. Depending on the location and desirability of the lots, a bonus shall be placed upon each lot according to its appraisal value. Said bonus shall be paid by the lessee on each lot leased in addition to the yearly rental on the lot.

b. Normally, individuals or a family seeking to lease a lot at the Lake will be restricted to no more than one lot, but upon proper request, the Manager may lease additional lots to an individual or family when it is determined to be in the public interest. (Ord. No. 0-98-12, 2/11/98)

c. Lots for groups or clubs shall be designated and separated from residential lots.

d. No company, group, club, or corporation may lease more than three (3) lots, and said lots must be adjacent; but upon proper request, the Manager may lease additional lots to a company, group, club, or corporation when it is determined to be in the public interest.

e. No group or club house may be maintained on any lot set apart for residences in the foregoing rules and regulations. Lots will be provided in certain areas for group or club houses at the same rental rates as provided for residential lots, said rates to be fixed by City Council. All rules and regulations herein set forth with reference relating to individual residence lots shall apply insofar as applicable to lots set apart for group or club houses.

f. Lots shall be described by maps drawn to scale and under the direction of the Manager and recorded in the Smith County plat records and Water Utilities Department.

g. Leased lots at the Lake shall cover the full length of the lot up to the waterfront, the City reserving all rights to police, preserve, and protect all of the City's interests.

h. Applications for the leasing of lots are honored on a first-come-first-served basis. Applicant must file the request with the Manager, stating which lot is desired. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99)

Sec. 19-201. Leases - applicable fees.

a. Rental. An annual rental fee will be assessed on each lot leased on Lake Tyler. See Division 6. The annual rental shall be adjusted at each annual anniversary date in an amount equal to the increase in the Consumer Price Index for All Urban Consumers (CPI-U) for the South (the geographic area including Smith County, Texas), as published by the United States Department of Labor (or its successor document), from the year in which the last rental increase was effective to the year in which the latest rental increase is occurring times the then annual rental rate, but in no event shall the amount of increases in rental exceed ten (10) percent at any one time. In the event of a decrease in the C.P.I., no decrease in rental shall be made; however, additional increases in rental shall not be made until the C.P.I. rises above the point from which the last increase in rental was determined, using 1993 as the base year. In July of every year, City staff will calculate any rental increases required under this paragraph and such increases shall be applicable to all leases coming due between the next October 1 and September 30 of the next year. Any such rental increase will be automatic, with City Staff to give lessee notice of such increase in the next bill sent to the lessee.

b. Other charges. Certain Fees will be charged for handling lease-related documents and transactions as set out in Division 6. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99)

Sec. 19-202. Renewal of leases.

Each lease shall automatically be renewed for the term specified in the original lease or in the addendum by the payment in advance of each annual rental provided:

a. If Lessee has an Addendum to the original lease from the City, and is not in default under the terms of said agreements or is in the process of curing and does cure any default in accordance with the terms of Lessee's contractual obligations under the original lease and Addendum;

b. If lessee does not have an Addendum to the original lease and has cured any default about which the City has given 45 days written notice to Lessee sent via certified mail, return receipt requested, addressed to Lessee's last known address. Lessee may

receive an additional period of time to cure and remedy said default with the City's prior written approval, said approval not to be unreasonably withheld. If Lessee fails to remedy such default under this provision, the lease shall terminate and Lessee shall be given 60 days to remove any improvements. If Lessee fails to act within the specified time, the lease will become null and void and the improvements thereon will revert to the City. Lessee has at all times conformed with the applicable rules and regulations governing the lake and property. Upon failure to pay the rental of any lot within forty-five (45) days from due date, the lessee shall be notified and given a maximum of sixty (60) days in which to remove any improvements. If lessee fails to act within the specified time the lease shall will become null and void and the improvements thereon will revert to the City. (Ord. No. 0-97-52, 10/22/97)

Sec. 19-203. Transfer of leases; persons to which lease applies.

The City, through the Manager, must approve all transfers of leases. Lessee may transfer the lease to heirs, assigns, or transferees, subject to Manager approval, such approval not to be unreasonably withheld. Any improvements on such lease may be sold to the new tenant at whatever price the lessee can get, as the City will not enter into this transaction. A copy of all leases and lease transfers shall be filed with the City Clerk before becoming effective. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99)

Sec. 19-204. Use of leasehold and/or improvements as collateral for loan.

The lessee of any lot has the right to encumber the leasehold and/or any building or structure erected or to be erected thereon. Upon lessee's application, the Manager shall have authority to consent to encumbrance of the leasehold, and it being understood that if any such lien is foreclosed the City will consent to the assignment of such lease to the purchaser at the foreclosure sale, provided the purchaser shall take such lease subject to all rules and ordinances governing and controlling the use thereof, and subject to all of the terms and conditions of the lease as modified, and the holder of an encumbrance of any such property shall have the privilege of paying the annual renewal rental on any such lot(s) upon which an encumbrance may exist or upon which a foreclosure may be granted. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99)

Sec. 19-205. Leasehold construction and location.

a. Residences, clubhouses. No house may be constructed without adequate sanitary facilities (a bathroom) connected to an approved wastewater disposal system. No house may be erected containing less than one thousand (1,000) square feet of enclosed floor space. It is unlawful for any person to erect any type building within 100 feet measured horizontally of elevation 378' msl at the waterfront except for boat houses and piers. Swimming pools may be constructed within the 100' setback, but the filter system, bathhouse, and other associated structures must be constructed outside the 100' setback line (100' from the 378' elevation). No buildings or structures other than fences and retaining walls may be erected within 7 ½ feet measured horizontally from any side property line on Lake Tyler. No more than one residence may be constructed on a residential lot.

b. Piers, boathouses. No more than one boathouse may be constructed on a residential lot. The City Council shall have the authority to declare a pier, boathouse, or

other structure located below the 378' elevation unsafe, unsightly or a nuisance, and to order the same repaired or removed within a specified time period. If the structure is deemed a navigational hazard, it may be removed by the City, and costs incurred shall be collected from the lessee. All boathouses and piers must display the lot number in a way visible from the Lake.

c. Approval for Construction required. An Approval for Construction must be granted by the Manager, prior to initiating construction on any property or lot on the Lake. In order to receive approval, a plat drawing must be submitted to the office of the Manager, on available forms identifying the lot, subdivision, owner and building, and containing the lot dimensions, the 100' setback line from the 378' elevation line, the exact location of existing and proposed structures in relation to all property lines including the 100' setback line, and describing the location and size of the septic system to be installed. As applicable, plans for boathouses, piers, retaining walls, swimming pools, boat ramps, and other structures must also be approved through the method described above. Approval for construction will be granted upon confirmation of a current lease on Lake Tyler lots, of current lot ownership registration with the City Clerk on Lake Tyler East lots, and following a physical on-site inspection by a Lake Supervisor. A fee for each Approval for Construction form submitted shall be collected when the form is presented to the Office of the Manager, (See Division 6).

d. Recreational vehicles, campers. Locating or establishing recreational vehicles or campers on a lot as a permanent residence is prohibited. When utilized routinely for camping on a lot, the unit must be equipped with self-contained sanitary facilities, or connected to an approved wastewater disposal system. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99)

Sec. 19-206. Water and sanitation.

a. Plans and specifications. All plans and specifications for all residences or other plumbed buildings must contain provisions for proper sanitation and are subject to the approval of the City and State.

b. On-site sewage disposal system. It is unlawful to employ as the method of sewage disposal on the Lake, any method other than an approved and permitted on-site sewage disposal system. All grey water shall be discharged to the approved and permitted on-site sewage disposal system. No grey water discharges to the surface or to an independent subsurface system are allowed. Sewage disposal systems shall be designed and installed in accordance with state law governing private sewage systems. Prior to construction, detailed plans for each system shall be submitted to all applicable approving authorities, copies of which are to be attached to the Approval for Construction submitted to the Manager. Formal written approval from all applicable approval authorities is required prior to initiating any construction on the system, including that of Tyler Water Utilities. All sewage effluent from either aerobic or anaerobic systems shall be disposed of in an approved spray irrigation field, or an approved subsurface drain field, with no effluent discharged to the surface within the 100' setback from 378' msl elevation or into the waters of the lake. No part of the disposal system, including plumbing fixtures, collection and transport components may be located within 100 feet from the 378' msl elevation. A fee set by the City Council will be assessed annually by

the Manager for the inspection of each approved aerobic sewage disposal system on the lake effective January 1, 1998 (See Division 6), and payable at the time the annual lease fee is due on Lake Tyler lots, and upon the anniversary of system installation for lots on Lake Tyler East. Aerobic systems will be inspected at least once every year. If the system is found operational with chlorine present in the discharge, the annual fee will be waived. Any system may be inspected in response to a complaint.

c. Sanitary facilities located inside the 100' setback from 378' msl elevation. The Manager may grant a variance to allow plumbing fixtures and collection and transport components to be located inside the 100' setback from 378' msl elevation under the following conditions:

1. The system must be designed by a registered professional engineer with experience in design of such systems.
2. Only one commode, one bathroom lavatory, one shower and/or tub, one kitchen sink (double compartment), one water heater, and one ice-maker/ice dispensing unit is allowed per boathouse.
3. Only a single wastewater collection tank is allowed per boathouse, and only when pumping is required to reach the disposal system located outside the 100' setback from 378' msl elevation.
4. Where a wastewater collection tank is required, same shall be equipped with a sewage pump capable of pumping the volume required to meet specified engineering criteria for the system activated by means of a float switch.
5. Where a wastewater collection tank is required, same shall be constructed of a corrosion resistant, non-buoyant material, and shall be located within a containment structure capable of holding 1 ½ times the volume of the tank.
6. Where a wastewater collection tank is required, same shall be equipped with an audible and visual alarm system indicating tank leaks or overflow.
7. All pipe and fittings used to convey wastewater from the boathouse to the on-site sewage facility (OSSF) shall have a minimum working pressure rating of 150 pounds per square inch. Final plans and specifications shall describe and require pressure testing for all lines installed with the minimum test pressure being 1.5 times the maximum design pressure. All pipe and fittings used to convey water to the boathouse and wastewater from the boathouse to the OSSF shall be located above the 376' elevation and must be capable of being visually inspected.
8. The system will be subject to periodic, routine inspections by the City Staff.
9. The system will be subject to a permit fee and an annual inspection fee as described in Division 6 of this Article.
10. Any system changes from the original permit must be designed by a registered professional engineer with experience in design of such systems, and will require a new permit approved by the Manager, and subject to an additional permit fee (see Division 6).

d. Pit toilets. It is unlawful to employ as the means of waste disposal any pit-type toilet on a Lake lot or on City property at the Lake.

e. Garbage. It is unlawful to maintain any dump ground or garbage incinerator on the watershed. All garbage shall be collected and removed from the lake shore at least once weekly by lessee. The burning of household garbage is prohibited on the Lake.

f. Non-potable untreated (raw) water may be obtained from the Lake by the following means:

1. by lease holders and lot owners for irrigation purposes only, with a maximum 5 hp pump and a 2" supply line; or

2. by contractors upon obtaining a temporary water diversion permit from the State of Texas. (Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99)

Sec. 19-207. Resubdivisions, replats, new subdivisions.

All resubdivisions, replats and new subdivision plats of properties on the Lake and certain marginal lands on Lake Tyler East must be approved by City Council, and will be subject to a fee as described in Division 6 of this Article. (Ord. 0-97-52, 10/22/97)

Sec. 19-208. Resubdivision of City owned Lots.

Certain lots on the Lake contain substantial acreage having been originally created as recreational areas for corporations, clubs, groups, or companies. The following criteria are established for requests for resubdivision of club lots containing two (2) or more acres.

a. The minimum acreage for a new lot created by resubdivision shall be no less than 1.0 acre above 378' elevation (msl), and shall have a minimum of 100' waterfront access.

b. Construction of improvements on lots created by resubdivision shall be restricted to single family residences and appurtenances built in accordance with this Article.

c. Sewage disposal systems shall be designed and installed in accordance with state law governing private sewer systems, and shall comply with Sec. [19-206](#) of this Division.

d. All costs of resubdivision (i.e. surveying fees, filing fees, engineering and drafting fees, etc.) shall be paid by the Lessee.

e. A one-time fee per additional lot created by resubdivision, excluding the original lot subdivided when occupied by existing lessee, shall be applicable and payable to the Manager prior to official replatting. When the existing lessee transfers their interest to another, the lot fee must be paid.

f. The lease for an additional lot(s) created by resubdivision, excluding the original lot subdivided when occupied by existing lessee, shall be a thirty (30) year term lease automatically extended at the end of the regular term, subject to compliance with lease conditions. When the existing lessee transfers their interest to another, the new lessee must take the new lease.

g. An annual lease fee will be assessed on lots created by subdivision under this section. (See Division 6) The annual rental shall be adjusted at each annual anniversary date in an amount equal to the increase in the Consumer Price Index for All Urban Consumers (CPI-U) for the South (the geographic area including Smith County, Texas), as published by the United States Department of Labor (or its successor document), from the year in which the last rental increase was effective to the year in which the latest

rental increase is occurring times the then annual rental rate, but in no event shall the amount of increases in rental exceed ten (10) percent at any one time. In the event of a decrease in the C.P.I., no decrease in rental shall be made; however, additional increases in rental shall not be made until the C.P.I. rises above the point from which the last increase in rental was determined, using 1997 as the base year. In July of every year, City Staff will calculate any rental increases required under this paragraph and such increases shall be applicable to all leases coming due between the next October 1 and September 30 of the next year. Any such rental increase will be automatic, with Manager to give lessee notice of such increase in the next bill.

h. Access to each new lot created by resubdivision shall be provided by the subdivider. Such access shall be to the nearest public road, but shall remain private. The access road shall be thirty (30) feet wide.

i. Access roadways shall be built to no less than Smith County road construction standards and shall be constructed at the sole expense of the subdivider and/or lessee. A perpetual maintenance agreement shall be signed by all lessees of lots within a resubdivided plat. The agreement will establish a perpetual maintenance fund to care for the roadway. Failure to establish and maintain a perpetual maintenance agreement and fund shall be considered a violation of the lease, and thus, grounds for default. All access roadways shall be shown on the resubdivision plat. Lease documents resulting from the subdivision shall contain a provision requiring lessee to acknowledge responsibility for the maintenance of all private access roadway systems. (Ord. 0-97-52, 10/22/97(Ord. No. 0-99-80, 10/20/99)

Sec. 19-209. Civil enforcement actions.

On behalf of the public health of the City, the City Attorney, or any person whose health may be affected thereby, may bring any cause of action, in any competent court, by way of injunction or otherwise, against any person violating this division. (Ord. 0-97-52, 10/22/97)

Sections 19-210 --- 19-219 Reserved

DIVISION 6: SCHEDULE OF FEES

Sec. 19-220. Miscellaneous Fees:

a. Fee for Access Agreement (non-transferable) \$250.00

(Reference 19-147)

b. Fees for reclaiming a derelict boat or barge.

(Reference 19-168)

Fee for reclaiming derelict boat \$ 25.00

Fee for reclaiming derelict barge \$ 50.00

c. Fees for barge space rentals

(Reference 19-170b., c.)

Fee for rental space pier construction plan review \$ 25.00

Rental fee for barge space (annual)	\$100.00
Late fee for barge space rental	\$ 25.00

(Ord. 0-97-52, 10/22/97) (Ord. No. 0-99-80, 10/20/99)

Sec. 19-221. Fees applicable to leases.

(Reference 19-201-208)

- a. Rental fee for lot leased on Lake Tyler (annual) \$ 50.00*

*After June, 1993, to be adjusted at each annual anniversary date in an amount equal to the increase in the Consumer Price Index for All Urban Consumers (CPI-U) for the South, as published by the U.S. Department of Labor. Reference 19-201a..

- b. Other fees

Fee for Consent to Mortgage	\$ 75.00
Fee for Lease Transfer, Assignment	\$ 75.00
Fee for transfer by Will or Devise	\$ 75.00
Fee for Lease Assumption	\$ 50.00
Fee for Lease Addendum	\$ 75.00
Fee for Approval for Construction	\$ 75.00
Fee for Filing document with County Clerk	\$ 25.00

- c. Water and sanitation fees

(Reference 19-206)

- Aerobic septic system inspection fee (annual) \$ 30.00*

*To be waived if upon inspection, the system is found to be operational with chlorine present in the discharge.

Fees for a permit to locate plumbing fixtures, collection, and transport components of a sanitation system to be located within the 100' setback for 378' msl

Permit Fee	\$250.00
Inspection Fee (annual)	\$ 50.00

- d. New subdivision, resubdivision, re-platting fees

(Reference 19-207-208)

Any new subdivision plat on Lake Tyler East \$200.00
+\$1.00 per lot

Any resubdivision of an existing, approved subdivision on Lake Tyler East \$150.00

Any replat of an existing, approved subdivision \$150.00

