

ANGELINA & NACOGDOCHES COUNTIES WATER CONTROL AND IMPROVEMENT DISTRICT NO.1 RULES  
AND REGULATIONS GOVERNING LAKE STRIKER

ARTICLE I GENERAL RULES AND REGULATIONS

1. 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 District surrounding Lake Striker are restricted to residential use, except where special written permission is given by the District for other uses.
2. No temporary structure of any kind or character shall be permitted to be placed upon any lot in the absence of special written permit therefore, and shall be removed immediately upon notice to do so by District.
3. 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 any and all of the property owned by District surrounding Lake Striker.
4. Each lessee is permitted to construct passageways on leased premises for his own personal private use, but any such passageway shall be constructed at lessee's expense, and shall be constructed and maintained so as to prevent the erosion of the land.
5. Except for portable storage buildings and fishing piers approved by the Lake Manager, no improvements of any kind shall be installed or constructed on District property outside the boundary lines of the leased premises of any lot. The District will not approve any variances for the construction of improvements or the continuation of existing improvements on District property which is outside the leased lot boundary lines and/or within the flood zone of the lake.
6. Any person(s) who seek to transfer a leasehold interest in a lot in the Lake Striker Shoreline Subdivision into their name(s) as a new lessee must contact the District within ten (10) days to be approved as the lessee of the subject lot and, if approved, have the Lease Agreement transferred into their name(s). Failure to apply for approval as a new lessee may result in the termination of the lease or an increase in the transfer fee charged by the District.
7. From time to time the District will review and make adjustments to the charges or fees that it collects for lot lease fees, late lease payments, lease transfer fees, reinstatement of terminated leases and any other fees or charges that the District levies in the conduct of its business.
8. Any improvement of any kind placed on District property shall be at the sole risk of the lessee, and the District shall not be liable for any damages caused by inundation or otherwise.

## ARTICLE II SANITARY REGULATIONS

1. Before any lot is used for any purpose and before any improvements are placed thereon, each lot shall be provided with an On-Site Sewage Facility designed, constructed and installed in accordance with plans and specifications submitted to and approved by the Rusk or Cherokee County Designated Representative (On-Site Sewage Facility Inspector). The On-Site Sewage Facility must meet all requirements of the Texas Commission on Environmental Quality, as well as any Rusk or Cherokee County requirements. A copy of the Permit to construct or repair any On-Site Sewage Facility shall be provided to the District. Complaints on malfunctioning systems fall under the authority of the Texas Commission on Environmental Quality and the Rusk and Cherokee County Designated Representatives. The District shall report any violation found to the proper County authority and verify with them that any problem is resolved in a timely manner, according to all Federal, State and Local laws.

2. All garbage and trash shall be collected and removed from leased premises at least once weekly, disposed of in a manner approved by the District's Lake Manager and in conformity with state and federal laws and regulations, and not dumped upon any other property belonging to District wherever located. The approved manner may include mandatory subscription to a waste disposal service approved by the District.

3. Trash may be incinerated in incinerators constructed so as to prevent forest or grass fires. State laws relating to burning of forests, etc., will be enforced. This does not void mandatory subscription to a waste disposal service, if the District requires mandatory subscription.

4. No garbage, trash or refuse, either animal, vegetable or mineral, nor any human waste shall be allowed to enter the waters of Lake Striker or placed therein, nor shall the same be disposed of except in conformity with applicable state and federal laws and regulations.

5. No animals or fowls shall be maintained or confined on any leased lot, except household pets belonging to lessee or guests of lessee. This includes livestock such as horses, cattle, or swine. No more than two household pets shall be kept on any lot, except for young temporarily cared for. All household pets shall be securely tethered or confined indoors or within a fence. No pet that is a nuisance shall be kept. No wild or dangerous animal may be kept. All dogs shall have a collar with the pet owner's name and proof of rabies vaccination attached. In addition to any other remedies or penalties afforded by the law, any lease, or these regulations, loose animals or animals not kept in accordance with these regulations may be confiscated by the District and taken to the appropriate Animal Shelter. The cost for confiscating loose animals and taking them to the Animal Shelter shall be paid to the District upon the District's demand for the reimbursement.

6. No hazardous substance shall be placed, kept, stored, or maintained on any lot. As used herein, the term "hazardous substance" shall have the same meaning assigned to it under Section 501.002 of the Texas Health and Safety Code. Provided, however, that gasoline, oil, and other fuels and lubricants may be kept on lots to maintain and operate motor vehicles, lawn mowers, and boats used in operating incidentally to the residential or recreational use of the lot.

ARTICLE III RESTRICTIONS ON USE AND OCCUPANCY OF LOTS

1. No commercial enterprise shall be conducted on any residential lot.

2. No temporary structure or shelter shall be erected, or placed on or maintained on any lot unless prior written approval therefore has been obtained from District.

3. A. It is unlawful to construct, place or operate any improvement or facility of any type on land or water, or to excavate or place fill materials within the waters of Lake Striker, unless an Application for Permit has been submitted to the District, and a written Permit has been granted by the District. The District's Improvement Permit Guidelines are incorporated herein and made a part hereof, as the Guidelines now exist or are hereafter amended. All improvements must meet the standards of the most recent edition of the Southern Building Code.

B. Any improvement that is deemed dilapidated, whether over the waters or lands of the District, will be removed by the Leaseholder at his/her sole expense.

C. The District has the right to inspect any facility constructed on the Districts lands or waters at any reasonable time.

D. All permits for the placing of structures on the lands or waters of the District shall be revocable by the District whenever the structure has become (1) dilapidated, (2) in violation of the Rules and Regulations Governing Lake Striker or the Improvement Permit Guidelines, (3) a hindrance to the operation of Lake Striker, (4) a nuisance or (5) a hazard to navigation. The structure(s) will be removed at the Lessee's sole expense.

E. Failure of a permittee to proceed with the construction or repair of the improvements in accordance with the permit issued by the District or failure of the permittee to comply with any of the other terms and conditions of the permit constitutes Breach of License Regulations and may result in the revocation of the permit and/or a penalty for violation of the Rules and Regulations Governing Lake Striker or the Improvement Permit Guidelines. If the District determines that the construction of the improvements is not proceeding in accordance with the permit issued by the District, the District will give the permittee written notice of such determination and permittee will have at least five (5) days in which to comply with the permit before the permit is revoked. The District may charge the permittee with fees to compensate the District for time expended by the District personnel in visiting the site to inspect the construction of the improvements if the District determines that construction is not in accordance with the permit. District reserves the right to remove the improvement at the owner's expense.

4. Any improvement or facility existing on the effective date of this ordinance or any amendment hereto, that is designed and/or operating in a manner not permitted by the Rules and Regulations Governing Lake Striker or the Improvement Permit Guidelines, shall be allowed to remain on District property until further order of the District. However, it will be designated as a noncomplying facility.

A. In the District's sole discretion, a noncomplying facility may be enlarged or altered if it is determined that same will not adversely affect public safety, health or navigation. Ordinary maintenance and repairs are permitted.

B. Should a noncomplying facility be removed or destroyed by any means to the extent that it would require substantial replacement, it will not be reconstructed except by permit and in compliance with the provisions of this ordinance.

C. Should a noncomplying facility be permanently moved for any reason, it shall be done by permit and thereafter comply with the provisions of this ordinance.

D. If a noncomplying facility becomes a hindrance to the operation of the District's reservoir, or a nuisance, or hazard to navigation, or becomes dilapidated or an environmental or safety hazard, it shall be removed at the owner's expense.

5. A. It shall be the responsibility of each Leaseholder to keep each lot cleaned in a satisfactory manner, whether or not such lot is occupied by a building or other improvement. Grasses, weeds and underbrush should be kept to a height or six inches or less. Each lot should be kept free of appliances, trash, or other items that detract from the appearance of the lot.

B. Upon the failure and/or refusal of the Leaseholder to rectify a complaint within thirty days after notification to do so, the District may cause the same to be done and assess the Leaseholder for expenses incurred. This is in addition to imposing such penalty as may be otherwise provided for in the violation of these Rules and Regulations.

6. All improvements placed on any lot shall be kept and maintained in a good state of repair at all times.

7. Inoperable vehicles will not be allowed to remain on leased lots. Inoperable vehicles that are being repaired must be in operating condition within ninety days, or removed from the lot.

8. The use and occupancy of all lots shall be in accordance with all regulations and ordinances now in effect or hereafter placed in effect by District governing such use and occupancy as well as those governing activities on and in the waters of Lake Striker.

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

10. Each lessee shall timely pay all taxes assessed against any personal property affixed to any District property leased to such lessee.

11. The Lake Manager shall accept complaints from leaseholders. The complaint shall be submitted on a form provided by the District and signed by the complainant. The complaint shall specify the particular offence alleged to have happened, as well as the location, time and name of the offender.

ARTICLE IV HUNTING AND FISHING REGULATIONS

1. All valid laws of the State of Texas, the United States Government and the Texas Parks and Wildlife Department relating to hunting and fishing shall be in effect at all times on all property owned by Angelina and Nacogdoches Counties Water Control and Improvement District Number One.

2. No trotline shall be set within two hundred (200') feet of any public dock, pier, bathing pier, beach or any place commonly used by the public as a wading or swimming area.

3. No hunting shall be permitted on Lake Striker or on any land owned by Angelina and Nacogdoches Counties Water Control and Improvement District Number One except migratory waterfowl in season, and all such hunting shall be subject to all laws of the State of Texas and the United States Government relating thereto. No hunting of waterfowl may be done from the shoreline of Lake Striker. All waterfowl hunting must be done from the waters of Lake Striker.

4. No pistol or rifle shall be shot, fired, or discharged in, on, along or across Lake Striker or in, on, along or across or upon any property owned by Angelina and Nacogdoches Counties Water Control and Improvement District Number One, except by duly constituted peace officers, game wardens and other representatives of the Texas Parks and Wildlife, and employees of the District when in the discharge of their duties as such.

5. Hunting of waterfowl is permitted only with a shotgun which is no larger than 12 gauge. Buckshot, slugs and shot larger than No.2 shall not be used.

6. No duck blind shall be constructed or used on Lake Striker or any property owned by Angelina and Nacogdoches Counties Water Control and Improvement District Number One except after written permit for such construction or use has been obtained from the District. Application for a permit to construct or use a duck blind must be accompanied with plans showing the type of construction and proposed location. Both the type of construction and proposed location must be approved by the District. No duck blinds shall be located closer to the shoreline of Lake Striker at normal water level of Elevation 293 than eight hundred (800') feet and shall not be constructed or used within eight hundred (800') feet of any other duck blind. Where a floating duck blind is approved, it may not be placed upon the waters of Lake Striker until ten (10) days before the official opening of the duck season and must be removed from the waters of Lake Striker not later than ten (10) days after the close of the duck season.

ARTICLE V BOATS AND DOCKS

1. The provisions of the Inland Navigational Rules Act of 1980 and the Texas Water Safety Act shall apply to Lake Striker.

2. No boat which is deemed unsafe shall be permitted to operate on Lake Striker. The District shall bear no responsibility for the safe condition, proper design, or safe operation of any boat or other craft placed in or on Lake Striker. All boats and crafts must be licensed by the State of Texas, if required, and the Certificate displayed as required by law.

3. No person shall operate or caused to be operated any boat or craft equipped with a motor or internal combustion engine, regardless of whether

such a motor or engine is temporarily or permanently attached to said boat or craft, on Lake Striker, unless such motor or engine is equipped with an efficient muffler, in good working order and in constant operation so as to prevent excessive noise and annoying smoke.

4. No waste or sewage from any toilet facility on a boat may be emptied into Lake Striker.

5. No airboat shall be allowed on Lake Striker except by special permit from the District.

6. No watercraft in or upon Lake Striker shall be used as a place of abode.

7. Boats shall not pull or tow by any means a parasail or parachute on Lake Striker, except by special permit.

8. No occupants of any boat or craft may position themselves to be on or hanging or dangling over the bow, stern, or sides of the boat or craft while it is under way.

9. No person may operate any watercraft at a rate of speed greater than is reasonable or prudent, having due regard to the conditions and hazards, actual and potential, then existing, including weather and density of traffic, or greater than will permit the operator, in the exercise of reasonable care, to bring the boat to a stop within the assured clear distance ahead.

10. Persons shall not operate any watercraft or manipulate any towed recreational device in a willfully or wantonly reckless manner that endangers the life, limb or property of any person.

11. Persons shall not operate a watercraft while intoxicated or under the influence of a narcotic drug, barbiturate or marijuana.

12. No watercraft shall approach closer than 100 feet to designated swimming areas or buoy marked lines except for launching and unloading and then only at idle speed.

13. Only boat docks, piers, or other structures of similar nature, fixed or floating, used for pleasure may be located on, in or near the waters of Lake Striker, except those owned and operated by approved concessionaires. Each such structure must be permanently secured to the lot of its owner and must be marked so that the number of that lot is clearly visible from the lake and shore.

14. No person, firm or cooperation may operate boats, rafts, docks or other similar devices for commercial purposes on the waters of Lake Striker, except those owned and operated by approved concessionaires.

15. Any boathouse, pier, dock or any structure built on or over the waters of Lake Striker may be built only after obtaining permission from the District. Any wiring on the structure should be installed in accordance with the National Electrical Code, as amended and revised.

ARTICLE VI PENALTIES AND REMEDIES

I. The following penalties, each cumulative of the other, are prescribed for the breach of any of the foregoing regulations:

A. The breach of any of the foregoing regulations by any lessee of lands belonging to District shall be grounds for cancellation of the lessee's lease in accordance with the procedure for cancellation set out in the May 13, 1957, Edition of the standard lease form now used by District, or in accordance with the procedure for cancellation set out in any subsequent edition thereof adopted by District and in use on the date of such violation.

B. The breach of any of the foregoing regulations by any person shall be grounds for his expulsion from and the denial to him of access to the property and premises of District.

C. Any person who shall breach any of the foregoing regulations shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than TWO HUNDRED (\$200.00) DOLLARS, or confined in a county jail for not more than thirty (30) days, or by both such fine and imprisonment.

D. Without limiting the foregoing, any continuing failure to maintain the leased property, any action resulting in the pollution of the lake or any stream which could flow into the lake, the repeated emission of loud or annoying noises, the use of the leased premises for the production and/or distribution of illegal substances, or the commission of a crime on or about the leased premises shall, at the option of Lessor, be grounds for Lessor to terminate this lease upon thirty (30) days notice to the Lessee of record.

2. In addition to the foregoing penalties, and cumulative of the same, the District may demand that any lessee of lands belonging to the District correct the same at the lessee's expense. If any violation should not be corrected after 30 days' written notice to the lessee, the District may, but shall not be required to, correct the condition causing such violation, or cause it to be corrected, and said lessee shall upon demand of the District, reimburse the District for all costs and expenses incurred by the District in correcting such condition. The lessee's obligation to reimburse the District shall not be terminated, abated, or otherwise impaired if the District should terminate the lessee's lease on account of such violation of these regulations or any other grounds.

ARTICLE VII

The foregoing rules shall be in full force and effect five (5) days after publication, once a week for two (2) consecutive weeks in one or more newspapers affording general circulation in Rusk and Cherokee Counties, Texas, all to be done in manner and substance as provided by Chapter 340 of the General and Special Laws enacted by the 44<sup>th</sup> Legislature, at its Regular Session, now appearing as Sections 51.129, et seq., of the Texas Water Code, as amended. The full text of these regulations is on file in the offices of the District in Lufkin, Texas, and on the shores of Lake Striker in Rusk County, Texas, where the same may be read by any interested person.

As Evidence of the enactment hereof on this 24<sup>th</sup> day of September, 2004.

WITNESS the signing hereof on this day by Samuel D. Griffin, Jr., as President of the Board of Directors of the District, and the attest hereof by David Rusk, as the Secretary of the Board of Directors of the District.

By: Samuel D. Griffin, Jr., President

ATTEST: David Rusk, Secretary