

**AMENDED AND RESTATED  
POLICY, RULES AND REGULATIONS OF  
LYTLE LAKE WATER CONTROL AND IMPROVEMENT DISTRICT  
FOR ON-WATER FACILITIES ON LYTLE LAKE**

The Board of Directors of the Lytle Lake Water Control and Improvement District ("District") hereby adopts the following policy, rules and regulations covering the construction, repair, modification or improvement of or to an On-Water Facility:

**DEFINITIONS:**

- "Shoreline" - the artificial interface line that exists when Lytle Lake is full of water, but not overflowing the primary spillway on the east side of the dam, that is, when the water surface elevation of the Lake is at Spillway Elevation, as defined in this Policy.
- "On-Water Facility" - a facility, structure or improvement currently existing or hereafter placed on or over the waters of Lytle Lake which is floating or affixed to the Lake bed and attached to the Shoreline, including (but not limited to) docks, piers, and walkways.
- "Pre-Existing On-Water Facility" - an On-Water Facility (as defined above) which was either (1) in existence on Lytle Lake as of October 1, 2001, the effective date of the transfer of the Lake to the District or (2) constructed, installed or placed on or over Lytle Lake after September 30, 2001, (i) with the permission or consent of the District or (ii) pursuant to an independent, legally-enforceable grant of authority permitting such Facility to be constructed.
- "Float" - Any floating object which is used either to (1) secure/anchor a boat or other watercraft or (2) mark the location of an irrigation pump or suction inlet, which is anchored either to the Lake bed or to an On-Water Facility, but which is not itself attached directly to the Shoreline.

**A. PERMIT REQUIREMENTS FOR ON-WATER FACILITIES**

A permit is required for installation, placement, construction, repair, modification, improvement or relocation of or to an On-Water Facility. All On-Water Facilities must be attached above the Shoreline on land owned or leased by the permittee. If the lot to which an On-Water Facility is or will be attached shall be occupied by a lessee of the lot owner, then the Application for an On-Water Facility permit shall be made by both the owner and the lessee, who shall be jointly and severally liable for compliance with the provisions of this Policy.

Permits are not required for routine maintenance of an On-Water Facility (e.g. replacement/repair of walkway boards, handrails, roof, etc). However, a new permit is required for any "Major Repair", which is any substantial or material change in, repair to, or renovation, relocation, or replacement of, an On-Water Facility, including (without

limitation) any modification, repair or improvement that requires a City of Abilene Building Permit in order for such change, repair, renovation, relocation or replacement to be made. Whether any alteration, modification, repair, renovation, relocation, or replacement of an On-Water Facility constitutes a Major Repair shall be determined solely by the District.

## **B. LAKE LEVEL**

The water level in Lytle Lake is not constant. The water surface elevation will vary depending on the amount of water used or taken from the Lake by homeowners, evaporation rates, amounts of rainfall and runoff in the Lytle Creek Watershed, and other factors. The water surface elevation of the Lake may drop 15 feet or more below the Spillway Elevation.

Nevertheless, an On-Water Facility must be built and maintained as approved. A homeowner or other permittee has no right, without the consent of, or a permit from, the District, to extend an On-Water Facility farther into the Lake because of a drop in the water surface elevation.

## **C. PERMITTING PROCESS**

1. An Application (on a form provided by the District) must be submitted to the District for a permit to place, construct or install a new On-Water Facility, or to make a Major Repair to an existing On-Water Facility. The Application will be reviewed by the District staff to determine that the On-Water Facility owner and, if the lot is being leased to another, the lessee (hereinafter the "Applicant", whether one or more) has:
  - a) properly completed and signed the On-Water Facility Application;
  - b) paid the application fee determined and fixed by the District's Board of Directors from time to time;
  - c) has obtained (and has furnished to the District satisfactory evidence of receipt by Applicant of) all necessary permits, licenses, consents or approvals required by the City of Abilene or other governmental authority for the placement, installation or construction (if a new On-Water Facility) or improvement/renovation (if a Major Repair to a Pre-existing On-Water Facility); and
  - d) provided the District with satisfactory evidence that Applicant is the owner or lessee of the lot adjoining the Lake at the location of the proposed On-Water Facility; and, if the owner and the lessee of the land are required to jointly file the Application, provided documentation establishing the respective ownership and leasehold interests of the Applicant in the lot to which the On-Water Facility shall be attached.

2. Applicant's lot file will be reviewed for any prior violations or conditions attached to the applicant's lot.
3. An Application will only be considered when all of the following additional information has been submitted with the Application:
  - a) a scaled diagram showing the placement of the On-Water Facility on the lot water frontage, with the distance from adjoining lot lines clearly illustrated;
  - b) front and side views of the On-Water Facility;
  - c) details of roof over the On-Water Facility (if any);
  - d) On-Water Facility platform and walkway dimensions; and
  - e) a color sample showing that the proposed surface coloring for the On-Water Facility complies with the provisions of Paragraph F hereafter.
4. On-site pre-construction, under-construction and post-construction inspections shall be required before any On-Water Facility may be used by the Applicant. Applicant shall provide evidence that, if required by the City of Abilene, Applicant has been issued any permit for construction and/or certificate of occupancy for use of the completed or renovated Facility.
5. Construction or placement of an On-Water Facility on or into Lytle Lake cannot create a hazard to navigation, restrict access to adjacent On-Water Facilities or properties, unreasonably obstruct the view of Lytle Lake by adjoining property owners, or create a nuisance, as determined in the sole discretion of the District.
6. A permit is valid for one (1) year, but shall be automatically renewed from year-to-year if, and so long as, the On-Water Facility is in compliance with this Policy and other District policies, and other applicable laws, codes, rules and regulations, in effect at the time of each renewal, including (if applicable) payment by the Facility owner of any registration, renewal or other fees imposed by the District under Section J of this Policy.
7. A permit for an On-Water Facility is not transferable without the prior written consent of the District.
8. Except as provided in Section G hereafter, an On-Water Facility, or any other structure, built or placed on or over any lands of the District, or any body of water owned or controlled by the District, without a permit is subject to removal at the owner's expense.
9. The District has the sole discretion whether to grant or deny an Application for construction, installation or placement of, or a Major Repair to, an On-Water Facility anywhere on Lytle Lake. An Applicant whose Application is denied by

the District's Manager may appeal such denial to the District's Board of Directors, whose decision shall be final in all respects.

#### **D. PLACEMENT OF ON-WATER FACILITIES**

1. An On-Water Facility shall be located on (attached to) the Applicant's lot in a manner that does not unreasonably interfere with, or obstruct access to, other permitted Facilities or neighboring properties
2. The outermost point of any Facility shall be located no closer than 12 feet to the common boundary line between the owner's lot and the adjoining the property or properties on each side of the Applicant's lot.
3. No On-Water Facility shall extend farther than 50 feet into the Lake from the Shoreline or, if less, more than one-third (1/3) of the distance between opposite shorelines in any area of the Lake.
4. Notwithstanding Paragraph 3 above, a clear channel at least 20 feet in width shall be maintained between any On-Water Facility constructed or placed outward from one shoreline and any existing Facility on the opposite shoreline, or any On-Water Facility which, if otherwise approved under this Policy, could be constructed on the shoreline opposite the On-Water Facility for which an Application has been filed.
5. Only one On-Water Facility will be permitted on the Applicant's property (whether comprised of one or more than one lot); provided, that the District may require each property to have a minimum shoreline frontage on Lytle Lake in order for installation, placement or construction of an On-Water Facility on such property.
6. Floating suction inlets or pumps for irrigation are not permitted. All suction inlets or pumps must be securely anchored to the bed of the Lake or to an On-Water Facility attached to the owner's property. Irrigation suction inlets and pumps must be located directly in front of the owner's lot; and neither the end of the suction inlet nor the pump may be more than 50 feet from the Shoreline. A small (not to exceed 12 inches in diameter) soft float marking the end of a submerged suction inlet or irrigation pump shall be allowed; provided, that the location of any irrigation pump more than 25 feet from the Shoreline shall be marked with a small, soft float. All piping from a suction inlet or submersible pump to the shore must be affixed or otherwise securely anchored to the Lake bed. Floating or exposed pipes, or other irrigation equipment, that presents a hazard to use of the Lake, or interferes with the use of the Lake by others, is prohibited and shall be removed at the owner's expense.

## **E. MINIMUM BUILDING AND INSPECTION CODES**

1. The purpose and intent of this Policy is to provide for safe construction, operation and maintenance of all facilities and other improvements constructed or placed on Lytle Lake or District land, and to promote public health, safety and welfare. To that end, it shall be the Applicant's responsibility, at Applicant's expense, to ensure that construction or installation of the On-Water Facility, and any Major Repair to the On-Water Facility, fully complies with (i) this Policy and any other applicable District directives, and (ii) all applicable federal, state and local laws, codes and statutes, including (but not limited to) the City of Abilene Building Code and other municipal ordinances, as well as the Texas Water Code, Health and Safety Code, Parks and Wildlife Code, Transportation Code and Administrative Code.
2. The District may require that any construction, installation, repair or renovation of or to an On-Water Facility be inspected by a licensed inspector, contracted by the District at Applicant's expense, who must certify that the completed On-Water Facility meets all codes (national, state, and local) that apply to construction, installation, renovation or repair of or to the On-Water Facility.

## **F. CONSTRUCTION STANDARDS**

1. Responsibility for the safety, structural soundness and regulatory compliance of an On-Water Facility shall reside entirely with the On-Water Facility owner and, if the owner's property is occupied and being used as a residence by a lessee of the owner, with the owner and the lessee, jointly and severally. The District does not warrant the proper functioning, structural integrity, safety, workmanship, materials, or water worthiness of any On-Water Facility.
2. When a Major Repair to or of an On-Water Facility is required, the On-Water Facility must be brought up to current standards, including the District's specifications and construction standards, as well as the City of Abilene Building Code and other ordinances, as evidenced by receipt of all permits, licenses, consents or approvals required by the City of Abilene.
3. Buoyancy for all floating On-Water Facilities shall be provided by marine grade polystyrene or, if not marine grade, by similar encapsulated flotation material approved by the District.

4. All flotation devices must provide a minimum of 4 inches of flotation out of the water when the dock is under a Dead Load or a minimum of 1 inch of flotation out of the water when the dock is under full Live Load (20 pounds per square foot).
5. Any matter concerning flotation not specifically addressed by this Policy will be subject to review and approval of the District.
6. Barrels, pontoons, drums or other improvised equipment shall not be used for flotation.
7. All non-floating On-Water Facilities fixed to the lakebed of Lytle Lake shall have a minimum deck surface elevation which is at least one foot above the Spillway Elevation of Lytle Lake, i.e., the elevation of the surface waters of Lytle Lake (determined with reference to mean sea level) when the Lake is full, but not flooding or overflowing the primary spillway on the east side of the dam.
8. No living quarters or other enclosed areas, including restroom or other sanitation facilities (whether permanent or temporary), shall be placed on, or made part of, any On-Water Facility. Restroom and sanitation facilities are strictly prohibited.
9. Amber reflectors must be installed at or on each outside (Lakeside) corner of the deck or walkway of the On-Water Facility. Reflectors shall contain a minimum reflective surface of eight (8) square inches and must be permanently attached to the structure of the Facility at a point not less than 12 inches, nor more than 36 inches, above Spillway Elevation.
10. An On-Water Facility must be structurally sound and be maintained at all times in a condition that does not threaten public health, safety, welfare, or constitute a hazard to anyone occupying or using the Lake or the Facility. Any On-Water Facility that is not maintained in a true and plumb (vertically upright) condition shall be considered not in compliance with this Policy and shall be subject to repair or removal by the owner at the discretion of the District.
11. The lower deck area of an On-Water Facility shall not exceed 400 square feet in area, excluding the walkway. The walkway portion of an On-Water Facility shall not exceed six (6) feet in width. The open portion of the lower deck used for boat parking shall not be counted as part of the maximum 400 square foot area; however, the maximum space allowed for boat parking is limited to that which is sufficient for two (2) boats.
12. An On-Water Facility may consist of a floor and a roof; but no gable roofs are permitted. A flat roof may be used as a sun deck; however, if so used, the

- upper deck, for safety purposes, must be encircled by an open railing not more than four (4) inches in diameter, with vertical supports at least three (3) feet apart and no larger than four (4) inches in diameter, and not more than three (3) feet high. No awnings or covers over a sun deck (roof), or hanging between the sun deck (roof) and the lower deck or walkway, are permitted. No side walls are allowed. The pitch or slant of a roof (if not used as a sun deck) shall not exceed 1 foot of rise for each 12 feet of length. The highest point on the deck of a roof shall be no more than 12 feet above surface of the lower deck or walkway.
13. An approved anchor system shall be required to secure mooring of floating structures, taking into consideration the water depth, water level fluctuations and exposure to waves and wind loads, and shall in no way adversely affect the public health, safety or welfare. Anchor cables or other securing devices shall not be attached to trees, stumps, power poles, or guardrail posts. Anchor cables shall be maintained in good repair, and shall be located in such a manner as to prevent the same from being an obstruction or hazard to pedestrians and boaters. Overhead anchorage cables shall not be used in boating lanes. Anchor cable winches or winch handles shall be kept locked and/or secured from unauthorized tampering.
  14. No fuel/oil dispensing systems or equipment shall be placed on, or made a part of, an On-Water Facility without prior written approval from the District's Board of Directors, whose decision shall be final in all respects. Except when being used to fuel or lubricate a boat or other watercraft, no cans or containers holding fuel or lubricants shall be stored or allowed to remain on the deck or walkway of an On-Water Facility.
  15. On-Water Facility standards in this Policy shall be subject to additional construction and technical standards, and amendments thereto, adopted by the Board of Directors.
  16. Decks, walkways, and roofs of On-Water Facilities must be painted using one of the following flat colors: dark-dark brown (PPG Color #520-7) or dark-dark green (PPG Color #510-7), or equivalent/comparable colors approved by the District, so as to blend with the natural surroundings as viewed from the Lake and other properties. Other parts of the Facility may be galvanized steel or anodized aluminum. Other wood elements used in the construction of an On-Water Facility need not be painted; however, all wood elements or components of an On-Water Facility must be maintained free of decay, be structurally sound, and be firmly attached to the framework of the Facility. The color requirement does not apply to the galvanized portions of steel posts, frames or substructures of an On-Water Facility that are below one-foot above the Spillway Elevation.

17. All On-Water Facilities must comply with any and all additional requirements imposed by federal, state, or local law applicable thereto.
18. The District may require that an On-Water Facility which violates construction standards or other requirements for On-Water Facilities be removed or modified, at the owner's expense, if, in the opinion of the District, the On-Water Facility constitutes a hazard to navigation, public health, safety, or welfare.

## **G. PRE-EXISTING ON-WATER FACILITIES**

A Pre-existing On-Water Facility (as defined in this Policy) shall be allowed to remain in place in its current configuration until such time as a Major Repair is needed. To the extent not in conflict with this Policy or other applicable District directives, such On-Water Facility must also comply with any deed covenants/restrictions or other conditions or limitations applicable to the lot or property to which the Facility is attached. Any On-Water Facility constructed after September 30, 2001, which is not a Pre-existing On-Water Facility as defined in this Policy, shall be considered to be in violation of this Policy and be an unauthorized facility.

A Pre-existing On-Water Facility needing a Major Repair will be required to comply with the then current District On-Water Facility standards. The District shall maintain a registry and photographs of all Pre-existing On-Water Facilities in existence on the effective date of this Policy and shall periodically inspect such Facilities to insure that no material alteration (addition or modification) has been made to any Pre-existing Facility without a permit having been obtained, as well as to insure that there has been no material decline or degradation in the condition of any Pre-existing On-Water Facility necessitating a Major Repair to the Facility.

If inspection by the District determines that a material alteration has been or is being made to, or that there has been a material decline or degradation in the condition of, a Pre-existing On-Water Facility necessitating a Major Repair, the District shall notify the owner (and, if applicable, the lessee) of the property to which the Facility is attached and the owner (and, if applicable, the lessee) shall, within 30 days after receipt of such notice, prepare and submit an Application for a permit for such material alteration, or for the Major Repair required by the District, so that such material alteration or Major Repair, when completed, shall bring the Pre-existing Facility into full compliance with the provisions of this Policy, as such relate to construction or placement of a new On-Water Facility. In like manner, if the owner (or, if applicable, the lessee) of the Pre-existing On-Water Facility desires to make a material alteration or Major Repair to a Pre-existing On-Water Facility, the owner (or, if applicable, lessee) of the property to which the Facility is attached shall submit a permit Application to the District. Upon completion of the material alteration or Major Repair, the Pre-existing On-Water Facility must be in full

compliance with the provisions of this Policy in effect at such time, and such Facility shall then cease to be a Pre-existing On-Water Facility under this Policy.

In no event shall the provisions of this Section G, which permit a Pre-existing On-Water Facility to remain in place, grant, or be deemed to grant, any authorization for a violation of any other District rule or policy and/or any local, state or federal law.

## **H. ON-WATER FACILITY IDENTIFICATION**

Any On-Water Facility installed, constructed or placed on or over the waters of Lytle Lake pursuant to a permit issued by the District under this Policy, shall prominently display on such Facility, at a location approved by the District, a decal issued by the District to evidence that the Facility is in compliance with this Policy. Any Pre-existing On-Water Facility which is not in compliance with the provisions of this Policy, but which may continue to be used by the owner thereof until removed, or until a material alteration or Major Repair is made by the owner in compliance with this Policy, shall also prominently display a decal issued by the District in order that the District, in conducting regular or periodic inspection of On-Water Facilities, may determine which Facilities are in compliance with the provisions of this Policy and which Facilities are Pre-existing Facilities generally exempt from compliance with this Policy, but only until such time as a material alteration or Major Repair of such Pre-existing Facility shall be required by the District or requested by the Facility's owner.

## **I. INSPECTIONS**

All On-Water Facilities shall be subject to periodic inspection by the District's employees or agents. If any On-Water Facility is not in compliance with this Policy, the owner (and, if applicable, the lessee) of the property to which the Facility is attached shall be issued a written deficiency notice and be provided a reasonable time to complete all repairs or replacements to the On-Water Facility required by the notice. If any On-Water Facility (including a Pre-existing On-Water Facility), in the District's determination, shall require a Major Repair, or if the District determines that a Major Repair or material alteration is being made to an On-Water Facility without a permit, then the District shall issue a written notice to the owner of such Facility and the owner of such Facility shall be required to obtain a permit to make the Major Repair or other alteration in order to bring such Facility into compliance with this Policy.

## **J. FEES**

1. A fee of \$50.00 shall accompany each Application for relocation of, material addition to, material alteration or modification of, making a Major Repair to, or construction/installation of, an On-Water Facility.

2. The District, by action of its Board of Directors, may impose an annual registration/inspection fee for each On-Water Facility, including each Pre-existing On-Water Facility.
3. The Board of Directors, in its discretion, may from time to time change the application/permit fee or registration/inspection fee, but shall give written notice of any such change in fees at least 30 days prior to the effective date of such change.
4. Failure to pay any fee imposed by the District shall be deemed a violation of this Policy and be subject to the provisions of Paragraph K of this Policy.

#### **K. ON-WATER FACILITIES VIOLATIONS**

1. The District may require that a Pre-existing On-Water Facility, even if it otherwise complies with the construction standards and other provisions of this Policy, be removed or modified, at the owner's expense if, in the opinion of the District, it constitutes a hazard to navigation, or to public health, safety, or welfare. The District shall notify the owner of such Facility and the owner shall be allowed a maximum of 30 calendar days to cure or correct the condition considered to constitute a hazard or danger to navigation, or to the public health. If not in compliance within 30 calendar days, the On-Water Facility will be in violation of this Policy.
2. The District may revoke the permit for any On-Water Facility not being properly maintained, or which does not (or no longer) meets the requirements of the District's Policy, or for which any required fee has not been paid.
3. Any violation of this Policy which, after notice to the owner (and, if applicable, the lessee) of the On-Water Facility which is not cured within 60 days following the date of such notice, so that the On-Water Facility is brought into compliance with this Policy, may subject the responsible person or persons to criminal penalties, civil penalties, or both, at the discretion of the Board of Directors of the District. Any person violating this Policy may be charged with a Class A misdemeanor punishable by a fine not to exceed \$500.00, or may be required to pay a civil penalty to the District not to exceed \$100.00 per day (but not to exceed, in the aggregate, the maximum jurisdiction of a Justice Court), or both.
4. A continued violation of this Policy may, in the discretion of the Board of Directors, result in additional restrictions being placed upon, or the loss of, the right and privilege of the responsible person (and such person's family members and guests) to use Lytle Lake.

APPROVED AND ADOPTED by the Board of Directors of the Lytle Lake Water Control and Improvement District this 11<sup>th</sup> day of March, 2010.

**LYTLE LAKE WATER CONTROL AND  
IMPROVEMENT DISTRICT**

ATTEST:

Lawrence E. Hill  
Secretary

By: David F. Hill  
President