



**REGULATIONS OF
BRAZOS RIVER AUTHORITY
LAKES AND ASSOCIATED LANDS**

1. APPLICABILITY

These regulations apply to all Lakes and associated lands under the jurisdiction of the Brazos River Authority (BRA).

2. AUTHORITY

These regulations are adopted and promulgated under authority vested in the Board of Directors of the BRA by the laws of Texas, including, but not limited to, Chapter 8502 of the Special District Laws Code; Chapters 49 and 51 of the Texas Water Code; Chapters 25 and 31 of the Texas Parks and Wildlife Code; and Chapter 542 of the Texas Transportation Code.

3. PRIOR REGULATIONS SUPERSEDED

The Regulations for the Governance of Brazos River Authority Lakes and Associated Lands adopted by the Brazos River Authority Board of Directors on July 31, 2006, is hereby repealed and replaced in its entirety as of the effective date herein.

4. DEFINITIONS

- a. **Commercial On-Water Facility:** an On-water Facility serving more than one single-family residence or serving the public at-large (exception: a multi-slip On-Water Facility permitted to a condominium association or home-owner's association for use at no additional charge by the entity's members and guests).
- b. **Residential On-Water Facility:** an On-Water Facility serving a single-family residence.
- c. **Lakes:** Possum Kingdom Lake located in Young, Palo Pinto, Stephens, and Jack Counties with the boundary of the Lake defined by the 1,000 foot Mean Sea Level (msl) contour line. Lake Granbury located in Parker and Hood Counties with the boundary of the Lake defined by the 693 foot msl contour line. Lake Limestone located in Limestone, Leon, and Robertson Counties with the boundary of the Lake defined by the 363 foot msl contour line. Each Lakes contour line may meander and change over time with natural forces, including erosion and accretion.
- d. **Watercraft:** the term "Watercraft", for the purposes of these Rules and Regulations, shall have the same meaning as the term "Vessel" in the Texas Water Safety Act.
- e. **On-Water Facility:** Residential On-Water Facilities and Commercial On-Water Facilities, whether floating or affixed to the lakebed, including but not limited to: docks, piers, platforms, and stationary inflatable devices which are 10 feet or more in length/width.

- f. **Dead Load:** the weight of all structural framing and other structure components fixed to and permanently integrated into an On-Water Facility, including, but not limited to: float or pier framing, decking, railing, flotation units, hardware, utilities, power posts, transformers, dock boxes, pile guides, cleats, fire protection equipment (if permanently affixed to the structure) and any other fixed materials or equipment
- g. **Live Load:** the active and changing loads that may be imposed on an On-Water Facility.

5. GENERAL INFORMATION

- a. **Lake Levels**

The water level in the Lakes will not be constant. BRA Lakes are water supply and conservation projects. While it is the desire of the BRA to keep the Lakes as full as possible, the level of the water will vary, depending on the amount of water diverted locally, evaporation rates, amounts of rainfall and runoff in the Brazos Basin upstream, required releases, and other factors. The level in any lake may drop substantially below the full lake level.
- b. **Swimming**

Swimming in all areas of the Lakes, including designated swimming areas, is solely at the risk of the swimmer.
- c. **Emergencies**

In the case of extreme flooding, water contamination, or other emergency or natural disaster, the General Manager/CEO is authorized to declare restrictions on the use of all or any portion of BRA Lakes as deemed necessary and convenient for purpose of public health, safety and welfare. No person shall engage in any activity that violates such restrictions.
- d. **Building and Construction Compliance**

Pursuant to the authority granted by §51.127 of the Texas Water Code, the BRA may, from time to time, adopt standards and regulate activities as provided therein on any stream or body of water, or any body of land, or any easement owned or controlled by the BRA.

6. VARIANCE

Variances to these regulations for governance, where not otherwise mandated by federal, state or local laws, may be granted by the General Manager/CEO or his designee in cases of imminent public necessity/calamity; or to protect public health, safety or welfare.

7. WATERCRAFT

Watercraft may be maintained and operated on the Lakes under the following conditions:

- a. **Applicable Laws**

Watercraft on the Lakes shall be equipped, operated and maintained in accordance with the provisions of all applicable federal, state, or local laws, including but not limited to:

- (1) United States Coast Guard Inland Rules (33 USC 34);
- (2) Texas Water Safety Act (§31, TPWD Code); and
- (3) Boat Sewage Disposal Act, 30 Texas Administrative Code §§321.1 – 321.18.

b. BRA Operating Regulations

In addition to the applicable laws stated above and pursuant to the authority granted by §31.092 of the Texas Parks and Wildlife Code and §51.127 of the Texas Water Code, the following regulations shall be effective on the Lakes:

- (1) The BRA's General Manager/CEO is authorized to designate areas or zones in which the operation of watercraft shall be prohibited or in which the speed of watercraft shall be restricted. These zones shall be marked by buoys or signs stating the prohibition or restriction. No watercraft shall be operated within a prohibited zone. Watercraft operating in any restricted zone shall be operated in a manner that fully complies with the posted restriction.
- (2) Watercraft operating within 50 feet of the shoreline or 50 feet of any boathouse, dock, on-water facility, occupied watercraft, or area in which people are swimming or diving shall be operated at a slow, no wake speed (a headway speed that does not create a swell or wake).
- (3) No person or watercraft shall be in the water within 100 feet of any public fishing pier that is operated or maintained by the BRA, and which is designated for fishing only.
- (4) The operator of a watercraft involved in a collision, accident, or other casualty that results in death or injury to a person or damage to property in excess of \$2,000 shall report the incident to a BRA Lake Ranger as soon as possible, but not later than 30 days from the date of the collision or accident.

c. Mooring, Anchoring or Berthing on the Lakes

Watercrafts may be anchored, moored or berthed on the Lakes only as follows:

- (1) Watercrafts may be moored or beached for a period of time not to exceed two (2) days in locations on the Lakes which will not interfere unduly with recreational use of the shoreline or lake by others.
- (2) Except as provided in subsection (1) above, Watercraft shall be anchored, moored or berthed at private or commercial facilities or areas of the Lakes maintained in accordance with permits or contracts issued by the BRA.
- (3) No watercraft shall be moored longer than 15 minutes at a BRA owned courtesy dock.
- (4) In an emergency, any watercraft left unattended shall, to the extent possible, be securely moored or anchored and suitably flagged and lighted. The watercraft shall be removed to an approved mooring or berthing area as soon as possible.

d. Watercraft Sanitation

If applicable, watercraft must display the appropriate clean water sticker pursuant to 26.044 of the Texas Water Code.

8. ON-WATER FACILITIES

Pursuant to the authority granted in §51.127 of the Texas Water Code, the following provisions apply to On-Water Facilities, including but not limited to: docks, piers, platforms, and stationary inflatable devices which are 10 feet or more in length/width.

a. Installation of On-Water Facilities and Permit Application Process

The privilege of installing an On-Water Facility is not an inherent right with the control or ownership of waterfront property. No facility shall be situated in, on, or over the waters of the lakes or on BRA land without the appropriate BRA permit. Any such facility without the appropriate BRA permit shall be subject to immediate removal at the owner's expense. A permit or contractual relationship shall be obtained from the appropriate Area Project Manager prior to construction, modification, or transfer of any on-water facility in, on, or over the Lakes. Applications for permits shall be made on forms provided by the BRA. The BRA exercises the right to grant or deny On-Water Facility Permits as deemed appropriate in the sole discretion of the BRA.

b. Requirements for On-Water Facilities

The On-Water Facility owner is responsible for the safety and structural soundness of any On-Water Facility placed on or over the Lakes. BRA approvals and/or inspections relating to On-Water Facilities shall not constitute a warrant of the functionality, structural integrity, safety, workmanship, materials, or water worthiness of any On-Water Facility. All On-Water Facilities must meet the following requirements:

- (1) All On-Water Facilities must be constructed and maintained in a structurally sound manner which does not create a safety hazard or environmental concern.
- (2) On-Water Facilities may not be situated in a manner that unreasonably interferes or obstructs access to other permitted facilities or neighboring properties.
- (3) There shall be no more than one On-Water Facility on any one shoreline lot.
- (4) On-Water Facilities shall not extend more than one-third of the distance between opposite shorelines of any area of the Lakes where the distance between the shorelines is less than 300 feet.
- (5) Lake level fluctuation shall not constitute a basis for extending On-water facilities further into the Lakes.
- (6) In narrow sections of the Lakes where the distance between opposite shorelines is 120 feet or less, a clear channel, at least 40 feet in width, shall be maintained between the facilities on opposite shorelines, with the location of such channel being as nearly as practicable over the deepest portion of that section of the Lake.
- (7) A scaled drawing showing the location and dimensions of the proposed facility must be included in the application. In addition, if property boundaries are uncertain, a property survey may be required.
- (8) Applicant must own or lease the land adjoining the Lake at the location of the proposed facility and provide to the BRA, at the time of permit application, documentation establishing the ownership or leasehold interest in the property.
- (9) The On-Water Facility identification number, furnished by the BRA, must be posted conspicuously on all On-Water Facilities.
- (10) Buoyancy for all floating facilities shall be provided by polystyrene, multiple air filled internal compartments, or a similar flotation material that is encapsulated in an approved rustproof, non-corrosive, UV resistant shell that is a minimum of 0.15 inches in thickness (such as, high impact polyethylene).
- (11) Barrels, pontoons, drums or other improvised equipment shall not be used for flotation.
- (12) Amber reflectors must be installed on all sides of facilities at no greater than

20-foot intervals. Those portions of on-water facilities extending farther than 100 feet into the Lakes shall be illuminated during hours of darkness in such a manner as to make such facilities visible to boat traffic on the Lakes without the lights themselves impairing the vision of boaters.

- (13) On-Water Facilities may not be more than one story; however, On-Water Facilities may include a gabled or flat roof that can be used as a sun deck. Sun Decks located on the roof of an On-Water Facility may include a covering for shade; however, coverings may not be used as a third-story.
 - (14) On-Water Facilities may be built with side and back walls; however, there must be a Lake-side entrance into the On-Water Facility that is fully open and subject to visible inspection by BRA personnel from a Watercraft at all times.
 - (15) A storage closet, no larger than 40 square feet, will be allowed for an On-Water Facility, provided that the storage closet is included in the approved design. (One storage closet per Commercial/condominium/home-owners association On-Water Facility slip or Residential On-Water Facility.)
 - (16) Living quarters, kitchens (any space adapted to cook or prepare food), plumbing, sinks, bathing facilities or toilet facilities are not allowed in or on facilities permitted on the Lakes.
- c. The BRA reserves the right, in its sole discretion, to further restrict On-Water Facilities on BRA Lakes if placement of the On-Water Facility: creates a hazard to navigation; results in a nuisance; impairs the BRA's ability to operate and maintain the Lake; or interferes with or restricts access to adjacent properties or On-Water Facilities.
- d. Additional Residential On-Water Facility Requirements
- (1) All Residential On-Water Facilities will generally be located as close to the center-most part of the water frontage as possible.
 - (2) The area for all Residential On-Water Facilities (including areas for Watercraft slips or storage) shall not exceed 2,000 square feet in total. Walkways to the On-Water Facilities, 6 feet or less in width, may be constructed and shall not be included in the calculation of the total area for Residential On-Water Facilities.
 - (3) Residential On-Water Facilities, previously permitted to exceed 2,000 square feet, may re-build or replace the facility with a structure of the same square footage. All other facility specifications apply.
 - (4) Personal water craft may be stored on the sides of a permitted Residential On-Water Facility; however, Watercraft storage shall be managed in a manner that does not create an unreasonable hazard or overcrowding.
 - (5) Residential On-water facilities shall not extend further than 100 feet into the Lake from the shoreline.
 - (6) BRA may, in its sole discretion, permit a Residential On-Water Facility to extend beyond 100 feet into the Lake from the shoreline, utilizing the following criteria:
 - a. Sufficient water depth based on water available at historical average lake elevation;
 - b. Distance into lake of adjacent docks on either side;
 - c. Clear channel requirements (40 feet minimum) and/or hazards to boater navigation;

- d. Location of walkway on lot; and,
- e. Dock size and configuration.

However, in no event shall a residential On-Water Facility extend further than 200 feet from the shoreline of any Lake.

- (7) Privately operated fuel/oil dispensing systems are prohibited. Automatic shut-off valves are required for pre-existing systems.

e. Additional Requirements for Commercial On-Water Facilities

- (1) Due to the unique nature of Commercial On-Water Facilities, such facilities shall be evaluated on a case by case and BRA reserves the right to establish appropriate restrictions, limitations and requirements.
- (2) Commercial On-Water Facilities with slips greater than 26 feet in length must provide, at a minimum, one sewage pump-out facility.
- (3) The design of a Commercial On-Water Facility must be signed and sealed by a professional engineer/architect licensed to do business in the State of Texas.

f. Other On-Water Facilities or Structures

Other structures such as duck blinds, casting targets, slalom courses, shall not be erected on the Lakes except by written permission of the BRA.

g. All facilities must comply with any and all additional requirements of federal, state, and local laws.

h. Floating habitable structures are prohibited on BRA owned, operated, or managed lakes. Houseboats or other watercraft with overnight accommodations that are designed for navigation are excluded from this prohibition.

i. Pre-Existing On-Water Facilities

Except as provided in Subsection 8d.(3), On-Water Facilities in place prior to October 27, 2014, shall be allowed to remain in their present location and configuration until such time as substantive repairs on the On-Water Facility become necessary. A substantive repair is any repair which:

- (1) Requires removal of the On-Water Facility from the Lake (vertically or horizontally);
- (2) Is due to deterioration to the point of becoming a safety hazard;
- (3) Is due to an environmental hazard;
- (4) Results in the replacement or rebuilding of sidewalls; or
- (5) Results in the addition, replacement, or upgrading of the electrical wiring system.

Voluntary replacement of non-encapsulated flotation that does not involve or require the repair, replacement or upgrading of existing structures (other than the substructure supporting the encapsulated flotation) shall not be considered a substantive repair and shall not require additional upgrade of the On-Water Facility.

9. ON-WATER FACILITIES VIOLATIONS

The BRA may revoke the permit of any On-Water Facility that is in violation of the provisions of these Rules and Regulations. In the event an On-Water Facility is in violation of these provisions, the BRA may exercise the right to grant or deny continuation of the On-Water Facility Permit as deemed appropriate in the sole discretion of the BRA. The BRA reserves the right to revoke permits and require removal of On-water Facilities at the expense of the owner/permittee in the following circumstances: if the Facility creates a public health, safety, or welfare concern; the permittee has failed to timely tender any applicable associated fees; or the facility has an adverse environmental impact to BRA Lakes or property. Additionally, pursuant to §51.128 of the Texas Water Code, any violation of this section may result in criminal penalties.

10. FEES FOR ON-WATER FACILITIES

The BRA shall, from time to time, establish fees for Commercial On-Water Facilities on BRA Lakes.

11. DESIGNATED RESTRICTED/PROHIBITED AREAS

Pursuant to the authority granted in §51.127 of the Texas Water Code and §31.092 of the Texas Parks and Wildlife Code, the General Manager/CEO is authorized to identify designated areas in which specific activities are restricted or prohibited for purposes of public safety or security. These designated areas shall be marked with signs or buoys that clearly indicate that specific activities are restricted or prohibited in that area. Signs or buoys marking restricted or prohibited areas shall be complied with at all times.

12. RECREATIONAL SCUBA DIVING

Pursuant to the authority granted by §51.127 of the Texas Water Code, the following additional rules shall apply to scuba diving in BRA waters:

- a. Scuba diving is allowed in the Lakes only in areas within 150 feet of a shoreline, except for emergency rescue or salvage operations or for special events for which exceptions may be granted by the BRA. Scuba diving in other areas is prohibited.
- b. Divers shall display a warning flag or sign indicating "diver down" on a buoy or boat in the immediate area where scuba diving is in progress. The sign must be visible from a distance of 100 feet. Warning flags and signs shall be removed as soon as all divers return to the boat or shore.
- c. A "diver down" flag shall be red with a diagonal white stripe and shall be at least 15 inches square or, if larger, may be rectangular shaped.
- d. Scuba diving shall not be conducted in areas that will block or interfere with normal boat traffic.

13. FIREARMS AND HUNTING

Pursuant to the authority granted by §51.127 of the Texas Water Code, the following rules apply to all hunting on any BRA lands or water.

- a. Hunting is prohibited on BRA lands, including leased properties. However, the BRA reserves the right to lease specific tracts for bow hunting, as deemed appropriate by the BRA.

- b. Hunting on BRA Lakes is limited to hunting of waterfowl in season from a stationary blind at a fixed location in or on the Lakes, as specifically permitted by the BRA. Any other hunting on BRA Lakes is strictly prohibited.
- c. All hunting of waterfowl on the Lakes shall be conducted in full compliance with the following requirements:
 - (1) The hunting of waterfowl on the Lakes shall be conducted in accordance with all applicable provisions and requirements of Federal, State and local laws.
 - (2) Written permits for waterfowl hunting sites shall be issued by the BRA and must be presented at the permitted site upon request by law enforcement officials.
 - (3) The fee for a waterfowl hunting site permit shall be established by the BRA's Board of Directors, and such fee may be adjusted at the sole discretion of the Board.
- d. Bowfishing is legal for taking non-game fish such as gar and buffalo in accordance with Texas Parks and Wildlife Regulations.
 - (1) Fish may be taken with longbow, recurve bow, compound bow, or crossbow.
 - (2) Taking or attempting to take fish with bow and arrow may not be performed within 100 ft. of any marked or designated swim area or public boat ramp or within 50 feet any On-Water Facility or restricted area.
 - (3) Boaters participating in bowfishing should be courteous to lakefront property owners with respect to noise and light setups.
- e. Other than as specifically authorized in this section, no firearms shall be discharged along or across BRA lands or waters of the Lakes, except at target ranges approved by the BRA.
- f. Penalties
Persons who violate the above terms are subject to revocation of their waterfowl hunting site permit, termination of their hunting lease, and/or any and all additional civil and criminal remedies.

14. PROHIBITED ACTIVITIES

Pursuant to the authority granted by §51.127 and §221.076 of the Texas Water Code, and §25.004 of the Texas Parks and Wildlife Code, the following activities are prohibited on BRA Lakes or BRA lands:

- a. Camping in areas not designated for such activity by the BRA;
- b. Camping in designated BRA RV sites or designated BRA camping sites for periods of more than ten consecutive days without written permission from the BRA;
- c. Littering, illegal dumping, improper disposal of waste, and/or vandalism;
- d. Operating generators in BRA public use areas in a manner that disturbs others;
- e. Campfires in areas not designated for such activity by the BRA;

- f. Possessing or using glass containers of any kind in BRA public use areas, to include 200 feet from the shoreline of that public use area;
- g. Bringing pets or domesticated animals into any public use area and BRA trail systems unrestrained or on a leash longer than 10 feet (other than official service and assistance animals trained to provide aide), persons responsible for the pet or domesticated animal shall be responsible for removing any waste produced, the waste shall be deposited into an approved trash/waste container;
- h. Allowing pets or domesticated animals into a designated swimming area;
- i. Bringing livestock, including horses, into BRA public use areas, except on designated equestrian trails;
- j. Discharging fireworks or detonating explosives, unless written permission is granted by the BRA;
- k. Using any device constructed and operated to launch projectiles on or over the Lakes or on BRA lands;
- l. Swimming within 100 feet of all public loading docks, boat ramps or fishing piers;
- m. Fishing from all public boat ramps and courtesy docks, unless otherwise designated;
- n. Diving or jumping into the Lakes from a height of 20 feet or more, and climbing or rappelling on BRA lands;
- o. Diving or jumping into the Lakes from a public highway, roadway bridge, railroad bridge, water intake structure, or utility tower;
- p. Operating vehicles off-road on BRA lands or lakebeds, except as specifically authorized by the BRA;
- q. Using all-terrain vehicles, dirt bikes, golf carts, UTV's or other vehicles not licensable by the State of Texas for use on public roadways, in BRA public use areas and on BRA lands or lakebeds;
- r. Locating or constructing improvements or structures on BRA lands or waters to include placement of privately owned buoys without written permission from the BRA;
- s. Cutting, burning, removing or destroying any tree or vegetation on BRA lands without written permission from the BRA;
- t. Removing rock, sand or soil from BRA lands without written permission from the BRA;
- u. Dredging, filling or otherwise altering or reconfiguring the beds of the Lakes, or excavating, filling or reshaping of BRA lands without written permission from the BRA; and

- v. Aviation activities, to include landing and take-off, are allowed at BRA approved airfields and airstrips only. (Exception: emergency medical services) This provision does not restrict landings and take-offs on the waters of the Lakes.

15. ABANDONED PROPERTY

The BRA may seize any personal property located on the Lakes or adjacent BRA lands which is unauthorized, or which is abandoned, or which is left unattended without conforming with BRA regulations for mooring or anchoring, or with respect to which any fee or charge imposed by the BRA is not paid when due, in accordance with applicable federal, state, and local laws.

16. MOTOR VEHICLE SPEED LIMITS

Pursuant to the authority granted in §542.202 of the Texas Transportation Code and §51.127 of the Texas Water Code, the General Manager/CEO is authorized to designate areas on BRA lands adjacent to the Lakes wherein the speed of motor vehicles operated in such areas shall be restricted for purposes of safety. Such areas shall be marked with signs on which the maximum speeds at which motor vehicles may be operated shall be posted. No motor vehicle shall be operated in any such area at a speed in excess of the speed thus posted.

17. ADVERTISING, COMMERCIAL ACTIVITIES AND EXHIBITIONS

Pursuant to the authority granted in §51.127 of the Texas Water Code, the BRA shall regulate the following at their sole discretion.

- a. Private notices, advertisements and signs are prohibited on any portion of the Lakes, facilities on the Lake, or BRA lands, except by specific written permission of the BRA. This provision shall not apply to signs, banners or private notices placed on BRA leased property by the lessee.
- b. No person, firm or corporation shall engage in any business or commercial operation on any portion of the Lakes or BRA lands, except by specific written permission of the BRA.
- c. Exhibitions, water shows, boat races or any other public event may be performed on the Lakes or on BRA lands only by prior specific written permission of the BRA.
- d. Concessions are only authorized in conjunction with BRA approved special events.

18. ALCOHOLIC BEVERAGES

Pursuant to the authority granted in §51.127 of the Texas Water Code, the General Manager/CEO is authorized to designate specific BRA parks or public use areas in which the possession or consumption of alcoholic beverages is strictly prohibited. All such areas in which alcoholic beverages are not allowed shall be clearly posted.

19. PUBLIC USE AREA ACCESS

The BRA may establish and post a schedule for closing or restricting admittance to a designated public use area, or portion thereof. Entry into public use areas without complying with the posted schedule is strictly prohibited.

20. WATER DIVERSION

Water shall not be pumped or diverted from the Lakes except as specifically permitted in

writing by the BRA.

21. ON-SITE SEWAGE FACILITY (OSSF) REGULATED AREAS

Pursuant to the authority granted in Title 30, Chapter 285 of the Texas Administrative Code (TAC), the BRA shall administer and enforce the OSSF program as the authorized agent of the TCEQ in its area of jurisdiction and shall enforce Chapter 366 of the Texas Health and Safety Code.

It is the responsibility of individuals installing, constructing, repairing, replacing or modifying on-site sewage facilities to coordinate with the local lake offices at Possum Kingdom Lake and Lake Limestone to determine when and if a permit is required.

22. OTHER PERMITS REQUIRED

Permits and associated fees, if applicable, are required for the following activities:

- a. Dredging, removing or placement of fill on BRA lands or altering the lakebed;
- b. Retaining walls/bulkheads constructed on BRA lands or lakebed;
- c. Modifications or alterations to previously approved private boat ramps. New privately owned boat ramps and rail systems are no longer authorized for installation;
- d. Marina Pump-out Systems and Clean Water Sticker programs;
- e. Mooring buoy (applicable to Possum Kingdom only);
- f. Workbarges (a workbarge is any platform that assists a commercial contractor in construction, demolition, maintenance or salvage);
- g. Private Swimming Areas (Lake Granbury only);
- h. Overnight Camping or Day-use Fees, where applicable;
- i. Long-term (greater than 14 consecutive days) parking at Possum Kingdom Airport; and
- j. Hangar leases at Possum Kingdom Airport.

23. PENALTY

Pursuant to §31.127 of the Texas Parks and Wildlife Code and/or §51.128 of the Texas Water Code, a person who violates or fails to comply with any provision of these regulations is guilty of a Class C misdemeanor.

24. NOTICE TO APPEAR

An enforcement officer who issues a citation to or arrests a person for a violation of these regulations may deliver to the alleged violator a written notice to appear before the Justice of the Peace or county court having jurisdiction in the area where the alleged offense was committed. The BRA does not collect or receive any funding from fines that may be assessed by a Justice of the Peace or county court having jurisdiction in the area where the alleged offense was committed.

25. LEGAL PROOF

In any prosecution for violation of these regulations, it shall not be necessary for the State to prove that the installation of any sign, buoy or marker was authorized. Any person charged with a violation of these regulations may prove, as a defense, that installation of any sign, buoy or marker was not authorized.

26. DEED RESTRICTIONS AND COVENANTS

The BRA recognizes the existence of deed restrictions and covenants, but generally defers to property owners and home owner associations for enforcement. The BRA is not required to issue permits for On-water Facilities on lots where On-Water Facilities were prohibited in previously approved and executed development agreements.

27. VALIDITY

If any part of these regulations should be found invalid or unconstitutional, the validity of the remainder hereof shall not be impaired.

28. EFFECTIVE DATE

These regulations are hereby adopted by the Board of Directors of the Brazos River Authority on October 27, 2014, at its regular board meeting.