

LAKE NACONICHE RULES & REGULATIONS

Approved by the Board of Park Commissioners on July 19, 2012

Approved by the Nacogdoches County Commissioners Court on July 31, 2012

Updated by the Nacogdoches County Commissioners Court on August 28, 2012

Approved by the Nacogdoches County Commissioners Court on August 8, 2017

DIVISION 1. - GENERALLY

Sec. 114-26. - Assumption of risk.

Sec. 114-27. - Waiver.

Sec. 114-28.- Lake Naconiche and its Boundaries Defined; Boundaries of Lake Naconiche Park Defined; Use of area between elevation 357 and water level.

Sec. 114-29. - Control of Animals.

Sec. 114-30. - Glass beverage containers.

Sec. 114-31. - Hours of Operation.

Sec. 114-32. - Garbage and trash.

Sec. 114-33. - Reserved.

Sec. 114-34. - Water Usage.

Sec. 114-35. - Parking.

Sec. 114.36. - Speed Limit in Lake Naconiche Park.

Sec. 114.37. - All-terrain Vehicles, Dirt Bikes and Motorcycles.

Secs. 114-38. - 114-60. - Reserved.

Sec. 114-26. - Assumption of risk.

Nacogdoches County (herein referred to as “County” unless otherwise noted) shall not be liable to any person on account of the loss or damage of any property that may be placed in or upon Lake Naconiche, nor shall the County be liable to any person whomsoever on account of personal injuries or loss of life that may be sustained by any person in or upon Lake Naconiche. Any person entering in or upon the lake shall do so at his sole risk and shall not be privileged to enter or remain in or upon such reservoir, save and except under the terms of this article that have been or may be adopted by the County Court of Commissioners.

Sec. 114-27. - Waiver.

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

Sec. 114-28. - Lake Naconiche and its Boundaries Defined; Boundaries of Lake Naconiche Park Defined; Use of area between County Fee Line and water level.

(a) For the purpose of this article, the lake shall be defined as including not only the body of water known as Lake Naconiche but also all of that area between the water level, as such may advance or recede, and the County Fee Line {generally, the elevation of 357 feet above mean sea level (MSL)}. The primary purpose of the area between the County Fee Line and the water level is flood control, protect wetlands and to provide wildlife habitat. Lake Naconiche Park includes the dock, the fishing pier, the public bathrooms, the boat ramp, the swimming area as well as the areas referenced in Diagram A (See attached Diagram A).

(b) Owners of record of land contiguous to elevation County Fee Line shall have the joint right with the County to the use of the land between the County Fee Line and the water level subject to the County's right, power and duty to make regulations, ordinances, and other requirements deemed necessary by it in the construction, maintenance, and operation of Lake Naconiche.

(c) Owners of record of land contiguous to the County Fee Line shall have access and be able to modify vegetation under the restrictions established by the County between the County Fee Line and the water level at normal summer pool. A landowner shall obtain permission from the Nacogdoches County Commissioners Court for any variance to the following restrictions:

1. No personal property shall be stored.
2. The placement of any type of permanent structures is prohibited.
3. The driving of any type of motorized or non-motorized wheeled vehicle is prohibited, except for the purposes of mowing the footpath {See Sec. 114-28 (c) 5}. This includes, but is not limited to, vehicles, cars, trucks, all-terrain vehicles, motorcycles, tractors, backhoes, and bicycles.
4. The riding of horses or other livestock is prohibited {See Sec. 114-29 (c), (d), (e)}.
5. Pedestrian access to the water level shall be by footpath no larger than 6 feet in width. The footpath should follow a meandering path to prevent erosion and to minimize need to remove trees and other vegetation. No structures such as steps or bridges shall be constructed in the footpath. The footpath may be mowed by hand-operated tools, push mower or small lawn tractor. The use of bulldozers and tractors is prohibited. The footpath may be covered by native materials such as wood chips.
6. The soil surface outside the footpath shall be left undisturbed. Mowing outside the boundary of the footpath is prohibited.
7. The trimming or removal of vegetation shall be by hand-operated tools, only.
8. The use of any type of chemicals (i.e. fertilizers and herbicides) is prohibited.
9. Trimming of trees larger than 3-inches in diameter from 4.5 feet above the soil surface (DBH) to a height of 8 feet is allowed to provide a lake view.
10. No native trees larger than 3-inches DBH above the soil surface shall be removed.
11. No flowering trees or shrubs such as dogwood, redbud, and serviceberry shall be removed.
12. The removal of invasive plant species, regardless of size, is allowed, including but not limited to Chinese tallowtree, Chinese privet, chinaberry, kudzu, Japanese honeysuckle, and Japanese climbing vine.
13. No standing dead trees shall be removed unless they provide a potential hazard to people using the footpath. Fallen trees shall remain on site unless obstructing the footpath.

Sec. 114-29. - Control of Animals.

(a) Animals and pets, except properly trained animals assisting those with disabilities (such as seeing-eye dogs), are prohibited in sanitary facilities, playgrounds, the fishing area, the fishing pier, the swimming beach, the swimming area and any other area so designated by the County Court of Commissioners. In all other areas of Lake Naconiche and Lake Naconiche Park, no person shall bring or allow dogs, cats, or other pets unless penned, caged, or on a leash six feet in length or less, or otherwise physically restrained. No person shall allow animals to impede or restrict full and free use of Lake Naconiche lands and waters by the public. No person shall allow animals to bark or emit other noise which unreasonably disturbs other people. Abandonment of any animal on Lake Naconiche lands or waters is prohibited. Unclaimed or unattended animals are subject to immediate impoundment and removal in accordance with state and local laws.

(b) Dogs may be used to hunt waterfowl.

(c) Persons bringing or allowing pets in permitted areas of Lake Naconiche or Lake Naconiche Park shall be responsible for proper removal and disposal of any waste produced by these animals.

(d) No person shall bring or allow horses, cattle, or other livestock in picnicking, swimming or other recreation areas or on trails except in areas designated by the County Court of Commissioners.

(e) Allowing livestock on Lake Naconiche lands for watering is allowed except where its practice would negatively impact mitigation areas.

(f) Unauthorized livestock are subject to impoundment and removal in accordance with Federal, state and local laws.

(g) Any animal impounded under the provisions of this section may be confined at a location designated by the County Court of Commissioners which may assess a reasonable impoundment fee. This fee shall be paid before the impounded animal is returned to its owner(s).

(h) Wild or exotic pets and animals (including but not limited to cougars, lions, bears, bobcats, wolves, and snakes), or any pets or animals displaying vicious or aggressive behavior or otherwise posing a threat to public safety or deemed a public nuisance, are prohibited from Lake Naconiche lands.

Sec. 114-30. - Glass beverage containers.

It shall be unlawful for any person to bring any glass beverage container into Lake Naconiche Park, its beaches and/or parking areas.

Sec. 114-31. - Hours of Operation.

The swimming area at Lake Naconiche Park shall be closed between sundown and sunrise. All other park areas and facilities shall open at 6:00 a.m. and close at 10:00 p.m. with the exception of the boat-ramps, parking lots, restrooms, fishing pier, courtesy dock, and scuba diving area. Camping activities at Lake Naconiche are allowed only in designated camping areas or by permit from the lake officer.

Sec. 114-32. - Garbage and trash.

No garbage, trash, refuse, dead animals, fish, vegetables, food, ashes, offal, fecal matter, cans, bottles, glass, rubbish, or filth of any kind shall be placed or be permitted to be placed in the water of Lake Naconiche or County owned property except in designated trash receptacles.

Reference - Solid Waste, Ch. 82.

Sec. 114-33. -

Reserved.

Sec. 114.34. - Water Usage.

All Federal, State and Local laws applicable to Lake Naconiche control the taking or using of water from Lake Naconiche.

Sec. 114.35. - Parking.

Parking in Lake Naconiche Park shall be in designated areas only. The lake officer, any authorized peace officer, or any authorized County representative shall the right to restrict or limit parking when parking spaces in Lake Naconiche Park are at capacity.

Sec. 114.36 - Speed Limit in Lake Naconiche Park.

A 20 MPH speed limit is observed in the park for all motorized vehicles.

Sec. 114.37 - All-terrain Vehicles, Dirt Bikes and Motorcycles.

Use of all-terrain vehicles and dirt bikes is prohibited in Lake Naconiche Park. Motorcycles are not permitted in Lake Naconiche Park unless street-legal and used only on paved roads.

Secs. 114-38 - 114-60. - Reserved.

DIVISION 2. - ADMINISTRATION

Sec. 114-61. - Office of lake officer.

Sec. 114-62. - Right to exclude persons from the lake.

Sec. 114-63. - Fees.

Secs. 114-64. - Fines.

Secs. 114-65 - 114-90. - Reserved.

Sec. 114-61. - Office of lake officer.

(a) There is created the office of lake officer, which may be filled by the Nacogdoches County Commissioner's Court. The lake officer shall be a licensed peace officer employed by the Nacogdoches County Commissioner's Court. In a like manner and subject to the same terms, the lake officer may have such number of assistants, if any, as the Commissioner's Court may see proper to

appoint from time to time. Such officer and his assistants shall exercise all of the rights and powers of peace officers as provided by this Code, County ordinances and state statutes and regulations. Said office is created but may or may not be funded in any particular budget year.

(b) The lake officer or his assistants may inspect all boats and other watercraft before the boats and watercraft are permitted to be placed on Lake Naconiche pursuant to the Texas Water Safety Act and any other applicable statutes and ordinances. If the officer or his assistants conclude the watercraft or boat is unsafe or dangerous to life, such watercraft may be removed from the lake.

(c) To the extent the Commissioner's Court appoints said officer and to the extent there is funding for said position, it shall further be the duty of the lake officer or his assistants to patrol Lake Naconiche and the adjoining lands for the purpose of enforcing strict compliance on the part of all persons with the terms, provisions, and conditions of this article and all other state laws, ordinances, rules and regulations relating to the lake.

Sec. 114-62. - Right to exclude persons from the lake.

A lake officer, any authorized peace officer or any other authorized County representative shall have the right and authority to exclude from Lake Naconiche any person.

Sec. 114-63. - Fees.

No one may use Lake Naconiche Park without purchasing a day permit or an annual permit.

Day permits may be purchased for \$5.00 per vehicle (driver, boat and trailer) and \$1.00 per additional person. For example, a vehicle with three adults will pay a \$7.00 entry fee (\$5.00 for the driver, boat, and trailer and \$1.00 each for the two other persons). Each scuba diver shall pay \$3.00 per person unless the scuba diver is on a dive team affiliated with the County for the purpose of engaging in emergency services at Lake Naconiche in which case the \$3.00 fee is waived.

Children twelve (12) and under may enter the Park at no charge, but shall be accompanied by an adult.

Annual permits may be purchased for \$120.00 per vehicle. The annual permit is for the driver of the vehicle only. Other persons in the vehicle shall pay \$1.00 per person. For example, a vehicle with three persons will pay \$2.00 (\$1.00 each per person) if the driver of the vehicle has purchased an annual permit. Each scuba diver shall pay \$3.00 per person unless the scuba diver is on a dive team affiliated with the County for the purpose of engaging in emergency services at Lake Naconiche in which case the \$3.00 fee is waived.

Day permits are available in Lake Naconiche Park at the designated area. Annual permits are available for purchase at the Nacogdoches County Courthouse, 101 West Main Street, Nacogdoches, Texas, 75961, Monday through Friday, 8:00 a.m. to 5:00 p.m.

Secs. 114-64. Fines. Unless otherwise provided by State law or Federal law, and to the extent allowed by law, a violation of these Rules constitutes a Class C misdemeanor punishable by a fine not to exceed \$500.00.

Secs. 114-65 - 114-90. - Reserved.

DIVISION 3. - BOATS AND BOATING

State Law reference— Texas Water Safety Act, V.T.C.A., Parks and Wildlife Code § 31.001 et seq.

Sec. 114-91. - Boats for rent and concessions prohibited.

Sec. 114-92. - Inspection of boats.

Sec. 114-93. - Launching at authorized points.

Sec. 114-94. - Traffic rules.

Sec. 114-95. - Reckless driving and speeding.

Sec. 114-96. - Reckless or negligent operation.

Sec. 114-98. - Mooring and buoys.

Sec. 114-99. - Anchoring.

Sec. 114-100. - Accidents.

Sec. 114-101. - Water sports.

Sec. 114-102. - Lights.

Sec. 114-103. - Capacity of watercraft.

Sec. 114-104. - Life preservers.

Sec. 114-106. - Muffling devices.

Sec. 114-107. - Fire extinguishers.

Sec. 114-108. - Carburetors.

Sec. 114-109. - Ventilators.

Sec. 114-110. - Toilet facilities.

Sec. 114-111. - Sirens.

Sec. 114-112. - Searchlights.

Sec. 114-113. - Intoxication.

Sec. 114-114. - Houseboats prohibited.

Sec. 114-115. - Severe weather warning.

Sec. 114-116. - Removal of boats.

Sec. 114-117. - Abandoned boats.

Sec. 114-118. - Boatramp area.

Sec. 114-119. - Obstruction of boat launching facilities.

Secs. 114-120 - 114-145. - Reserved.

Sec. 114-91. - Boats for rent and concessions prohibited.

(a) At this time, persons and business entities are prohibited from renting or leasing boats or other

water vehicles on Lake Naconiche unless the person and/or entity has applied for (and been granted) a permit with the Parks Board and secured subsequent approval from the Commissioner's Court.

(b) No person shall conduct a concession business in areas of County authority including but not limited to Lake Naconiche Park or Lake Naconiche unless the person has applied for (and been granted) a permit with the Parks Board and secured subsequent approval from the Commissioner's Court.

Sec. 114-92. - Inspection of boats.

All boats on Lake Naconiche shall be subject to inspection as to structural soundness, proper state registration and enforcement of State laws and County ordinances.

Sec. 114-93. - Launching at authorized points.

No person shall launch a boat or other watercraft on Lake Naconiche except at points designated and authorized by the County Court of Commissioners. Portage of a watercraft shall not be considered a launch.

Sec. 114-94. - Traffic rules.

The following traffic rules shall be observed by boats and other watercraft operating on Lake Naconiche:

- (1) *Passing.* When two boats or other watercraft are approaching each other head on or nearly so, so as to involve risk of collision, it shall be the duty of each boat to bear to the right and pass the other boat on its left side.
- (2) *Right-of-way.* When boats approach each other obliquely or at right angles, the boat approaching on the right side has the right-of-way.
- (3) *Overtaking.* One boat may overtake another on either side but must grant the right-of-way to the overtaken boat.
- (4) *Sailboats.* Sailboats have the right-of-way over all other boats.

Sec. 114-95. - Reckless driving and speeding.

(a) Every operator of a boat or other watercraft on Lake Naconiche shall at all times navigate the boat or watercraft in a careful and prudent manner and at such rate of speed as not to endanger the life, limb, or property of any person.

(b) Reckless navigation of any boat or watercraft on Lake Naconiche shall include operating the boat or watercraft in a manner which unnecessarily interferes with the free and proper use of the water of the lake or unnecessarily endangers other boats and watercraft on the lake or the life and limb of any person.

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

(d) Boat operators in areas adjacent to public ramp launching facilities, whether designated by marker buoys or not, shall limit their motor boats to a no-wake speed (five mph).

State Law Reference--- Excessive speed, V.T.C.A., Parks and Wildlife Code § 31.095.

Sec. 114-96. - Reckless or negligent operation.

No person shall operate any motorboat or vessel or manipulate any water skis, aquaplane, or similar device in a willfully or wantonly reckless or negligent manner that endangers the life, limb, or property of any person on Lake Naconiche or adjacent county owned property.

State Law Reference--- Reckless operation, V.T.C.A., Parks and Wildlife Code § 31.096.

Sec. 114-98. - Mooring and buoys.

No person shall at any time moor any boat or other watercraft to any buoy, beacon, sign, dam site or discharge platform placed on or located in Lake Naconiche, nor shall any person in any manner hang on with a boat to such buoy, beacon, sign, dam site or discharge platform.

Sec. 114-99. - Anchoring.

No person shall leave a boat or any other watercraft on Lake Naconiche without having the boat or watercraft dependably fastened to an anchorage either in the water or upon the land, or any such boat or other watercraft must be removed from the water a sufficient distance to ensure that the boat or watercraft will not be caused to float away from its placement because of rising waters. No boat or other watercraft shall be permitted to remain anchored upon land or in the water for more than seven (7) consecutive days. Temporary anchoring shall not impede navigation on Lake Naconiche. No anchoring within 100 feet of the swimming area shall be allowed.

Sec. 114-100. - Accidents.

If the operator of any boat or watercraft involved in an accident on Lake Naconiche resulting in injury or death to any person or in damage to property, he shall, so far as he can do so without danger to his own vessel, crew, and passengers, if any, render to other persons affected by the collision such assistance as may be practicable and give his name, address, full identification of his boat and the name and address of the owner of the boat struck or the operator or occupants of the boats collided with and shall report such accident immediately to the sheriff's office, or the state parks and wildlife department.

State Law Reference— Accidents, V.T.C.A., Parks and Wildlife Code § 31.104.

Sec. 114-101. - Water sports. (See Attached Diagram A as well as the provisions below.)

Skiing, surf boarding, and other comparable water sports shall be governed as follows:

(1) The term "skiing," shall be defined as the use of any equipment of any kind or character whose purpose is to pull or propel a human body through, on or over the surface of Lake Naconiche. It is further specified that sailboats are exempted from this definition.

(2) Boats towing people engaged in such activities shall go no nearer than 100 feet of shore,

docks, persons swimming, or other boats. Boats towing people engaged in such activities shall go no nearer than 300 feet of the park area.

(3) Such activity shall not be engaged in between sunset and sunrise nor shall any person operate a boat for the purpose of towing persons engaged in such activities between sunset and sunrise.

(4) No other boat or watercraft shall follow closer than 200 feet behind persons engaged in such activity.

(5) Each scuba diver must be accompanied by at least one other diver.

(6) Skiing and Jet Skiing in Lake Naconiche shall be allowed only in areas designated for skiing.

(7) Swimming at Lake Naconiche Park shall be allowed only in areas designated for swimming.

(8) Sailing is permitted on Lake Naconiche only in areas designated for skiing and the mast height shall be no greater than 20 feet.

State Law Reference— Personal Watercraft, V.T.C.A., Parks and Wildlife Code § 31.106.

Sec. 114-102. - Lights.

No boat shall be operated on Lake Naconiche between sunset and sunrise unless the lights required by the Texas Water Safety Act, V.T.C.A., Parks and Wildlife Code § 31.064, shall be operating and lighted. In addition, all motorboats less than 16 feet in length, regardless of the motor's horsepower, shall have lights as required by the state water safety act for class 1 boats.

State law reference— Lights, V.T.C.A., Parks and Wildlife Code § 31.064.

Sec. 114-103. - Capacity of watercraft.

No person owning or operating a boat or other watercraft on Lake Naconiche shall permit the boat or watercraft to be occupied by more than the rated capacity of such boat or other watercraft, nor shall any person owning or operating a watercraft on the lake permit the watercraft to be loaded with passengers or cargo beyond its safe capacity, taking into consideration weather and other operating conditions.

Sec. 114-104. - Life preservers.

Every boat or watercraft operating on Lake Naconiche must be equipped with one life preserver per person. Life preservers shall be of an approved type, adequate to sustain afloat any occupant of the boat. Children twelve (12) and under must wear a life preserver at all times while the boat is in motion on the lake.

State law reference--- Life Preservers, V.T.C.A., Parks and Wildlife Code § 31.066.

Sec. 114-106. - Muffling devices.

It is unlawful to use a boat propelled by gas, gasoline, or naphtha on Lake Naconiche unless the boat is provided with a stock factory muffler, underwater exhaust or water exhaust manifold capable of adequately muffling the sound of the engine. The term "adequate muffling" shall mean that the motor's

exhaust at all times be so muffled or suppressed as not to create excessive or unusual noise. However, the County Court of Commissioners, in its sole discretion, may permit the operation of competition-type motorboats without muffling devices and subject to such restrictions and regulations as the lake officer or his assistants may direct.

Sec. 114-107. - Fire extinguishers.

Fire extinguishers are required in all boats as prescribed by the State Water Safety Act, V.T.C.A., Parks and Wildlife Code § 31.067.

State Law Reference--- Fire extinguishers, V.T.C.A., Parks and Wildlife Code § 31.067.

Sec. 114-108. - Carburetors.

Carburetors on all engines of motorboats used on Lake Naconiche, other than outboard motors, shall be fitted with a U.S. Coast Guard approved device for arresting backfire.

State Law Reference--- Flame arrestors, backfire traps, V.T.C.A., Parks and Wildlife Code § 31.068.

Sec. 114-109. - Ventilators.

On Lake Naconiche, all inboard motorboats using fuel having a flashpoint of 110 degrees Fahrenheit or less shall have at least two ventilators fitted with cowls or their equivalent for the purpose of properly and efficiently ventilating the bilge of every engine and fuel compartment in order to remove any inflammable or explosive gases. Some motorboats so constructed as to have the greater portion of the bilge under the engine and fuel tanks opened and exposed to the natural atmosphere at all times need not be required to be fitted with such ventilators.

State Law Reference--- Ventilators, V.T.C.A., Parks and Wildlife Code § 31.069.

Sec. 114-110. - Toilet facilities.

No boat or other watercraft shall be placed, operated, or kept on Lake Naconiche if equipped with toilet facilities unless it is a contained porta potty.

Sec. 114-111. - Sirens.

No person other than a duly authorized police officer or other person authorized by the County shall equip, own or operate a boat or other watercraft on Lake Naconiche which is equipped with a siren.

State Law Reference--- Whistles and bells, V.T.C.A., Parks and Wildlife Code § 31.065.

Sec. 114-112. - Searchlights.

No person other than a duly authorized peace officer or other person authorized by the County shall flash searchlights on the bridge of a boat or other watercraft being operated on Lake Naconiche.

Sec. 114-113. - Intoxication.

Any person who is under the influence of intoxicating liquor, narcotic drugs or barbiturates or any person who is a habitual user of intoxicating liquor, narcotic drugs or barbiturates shall not operate or occupy or be in physical control of any boat or other watercraft on Lake Naconiche, nor shall the owner of any boat or other watercraft or any person in charge or in control authorize or knowingly permit the boat or watercraft to be operated by any person who is under the influence of intoxicating liquor, narcotic drugs or barbiturates or by any person who is a habitual user of intoxicating liquor, narcotic drugs or barbiturates.

State Law Reference--- Operation of a vessel while intoxicated, V.T.C.A., Penal Code § 49.06.

Sec. 114-114. - Houseboats prohibited.

No person shall place, operate, or keep any houseboat on Lake Naconiche. For the purposes of this section, cabin or cruisers shall not be deemed to be houseboats, but any other watercraft capable of being occupied as living or camping quarters is prohibited. Airboats shall not be placed, operated or kept on Lake Naconiche.

Sec. 114-115. - Restricted Lake Use

When, in the opinion of designated law enforcements officials, severe weather or hydrologic conditions and/or other conditions that present risk are forecasted or when weather conditions on Lake Naconiche are such as to render boating, fishing, or other activities hazardous, the designated law enforcement officials shall have the authority to order all persons, boats, and other watercraft to shore, under such terms and conditions that are deemed necessary for the protection of life, limb, and property.

Sec. 114-116. - Removal of boats.

(a) The designated law enforcement officials may require the removal of any boat or other watercraft from Lake Naconiche when, in their opinion, such boat or other watercraft is in an unsafe operating condition or if the boat or watercraft or its operator is in violation of any of the applicable sections of this article.

(b) Any person refusing to so remove any boat or watercraft under this section shall be deemed guilty in violation.

Sec. 114-117. - Abandoned boats.

Any boat or watercraft found abandoned or adrift on Lake Naconiche or any unlicensed boat or other watercraft thereon or any boat or watercraft not in use, found not anchored or grounded in compliance with this division shall be deemed to be derelict and shall be taken up by the designated law enforcement officials, which shall be done at the owner's risk and without any liability whatsoever on the part of the County, and the County shall have a lien on the boat or watercraft for all unpaid fees.

Sec. 114-118. - Boat ramp Area. (See Attached Diagram B as well as the provisions below.)

The following shall govern the boat ramp and that portion of Lake Naconiche adjacent to the boat ramp:

(1) There is created a no swimming/no wake zone that extends outward to 100 feet from the boat launching area, the swimming area, and the courtesy dock with a maximum boat or other watercraft speed of five miles per hour except for those who are actively engaged in scuba diving activities. The area between the west shoreline and the dive platform is a no swim/no wake zone area except for those who are actively engaged in scuba diving activities.

(2) Fishing, boating, skiing, surf boarding, swimming or any other activity shall not be permitted within the no swimming/no wake zone of the Lake Naconiche Park area. This shall not apply to boats and personal watercraft having ingress and egress by the most direct route, from the loading ramps.

Sec. 114-119. - Obstruction of boat launching facilities.

No person shall anchor a boat or other watercraft for fishing or other purposes on Lake Naconiche in such a position as to obstruct the entrances or exits to the boat launching facilities.

State Law Reference--- Obstructing passage, V.T.C.A., Parks and Wildlife Code § 31.101.

Secs. 114-120 - 114-145. - Reserved.

DIVISION 4. - FISHING

Sec. 114-146. - Applicability of state law.

Sec. 114-147. - Fishing methods.

Sec. 114-148. - Fishing tournaments.

Sec. 114-149. - Areas where fishing prohibited.

Secs. 114-150 - 114-175. - Reserved.

Sec. 114-146. - Applicability of state law.

General laws of the state, as enacted or as they may be amended or enacted, save and except as specifically provided through proper regulations passed by the County, shall control the taking of fish from Lake Naconiche.

Sec. 114-147. - Fishing methods.

The state water safety act and other state statutes, rules and regulations shall govern fishing methods on Lake Naconiche. Juglines, trotlines and throwlines on Lake Naconiche are prohibited by a March 29, 2012, rule adoption by the Texas Parks and Wildlife Commission.

Sec. 114-148. - Fishing tournaments.

(a) Fishing tournaments may be held on Lake Naconiche upon issuance of a County fishing tournament permit. Applications may be secured from the Commissioner's Court office.

(b) A County fishing tournament permit may be obtained from and is granted by the County Parks Board and upon subsequent approval by the County Commissioner's Court upon acceptance of an application and payment of a permit fee as may be set from time to time by the County Parks Board and

upon subsequent approval by the County Commissioner's Court.

- (c) A permit must be obtained for all tournaments.
- (d) Activities in noncompliance of the conditions as set out in the application and/or permit will result in automatic revocation of the permit.
- (e) Revocation of a County fishing tournament permit or any violation of the sections of this article or such rules, regulations, and policies as from time to time may be adopted by the County Parks Board to monitor or administer fishing tournaments shall be unlawful and shall constitute a misdemeanor. Each day that the violation continues shall constitute a distinct and separate violation offense.

Sec. 114-149. - Areas Where Fishing Prohibited

No fishing is permitted in the swimming area, off of the courtesy dock, from the boat ramp, from the dam or within the no swimming/no wake zone of Lake Naconiche Park.

Secs. 114-150 - 114-175. - Reserved.

DIVISION 5. - DOCKS, PIERS AND OTHER STRUCTURES

Sec. 114-176. - Docks, Piers and Other Structures.

Sec. 114-177. - Ski jumps and similar structures.

Sec. 114-178. - Buoys, signs and markers.

Secs. 114-179 - 114-210. - Reserved.

Sec. 114-176. - Docks, Piers and Other Structures. (See Attached Diagram B as well as the provision below.)

Private docks. At this time, no private docks, boathouses or other structures, fixed or floating, are permitted or allowed on Lake Naconiche or County owned property adjacent to Lake Naconiche. A private dock is defined herein as any boat dock or structure, fixed or floating, placed upon the waters of Lake Naconiche or County owned property adjacent to Lake Naconiche.

There is one fishing pier on Lake Naconiche. No boat shall be allowed within 100 feet of the fishing pier.

Sec. 114-177. - Ski jumps and similar structures.

At this time, no ski jumps or structures of such nature shall be constructed or placed upon Lake Naconiche.

Sec. 114-178. - Buoys, floating signs and markers.

No permanent buoys, floating signs, or markers may be placed in Lake Naconiche without prior approval of the Parks Board and subsequent review and approval by the County Commissioner's Court unless said buoy, floating sign or maker is being used for scuba diving within the designated scuba diving area. A buoy, floating sign, or marker remaining in Lake Naconiche for more than seven (7)

consecutive days shall be considered permanent and subject to immediate removal by the lake officer, any authorized peace officer or any authorized County representative.

Secs. 114-179 - 114-210. - Reserved.

DIVISION 6. - RESTRICTED AREAS

Sec. 114-211. - Dam area.

Sec. 114-212. - Other restricted areas.

Secs. 114-213 - 114-240. - Reserved.

Sec. 114-211. - Dam area. (See Diagram C as well as the provisions below.)

The following shall govern the dam and that portion of Lake Naconiche adjacent to the dam:

(1) No person shall be permitted upon any dam, spillway, intake structure or any concrete structure for any purpose.

(2) There is created a no swimming/ no wake zone that extends 100 feet outward from the dam with a maximum boat speed of five miles per hour.

(3) Fishing activities shall be allowed within the no wake zone.

(4) No person or activity shall be permitted within 100 feet of the intake structure.

Sec. 114-212. - Other restricted areas.

No person shall engage in any activity on Lake Naconiche or around the lake in an area which has been designated by the County as a restricted area and which has been plainly marked with signs that such is a restricted area.

Secs. 114-213—114-240. - Reserved.

DIVISION 7. - HUNTING, FIREARMS, CAMPING AND FIREWORKS

Sec. 114-241. - Hunting Areas.

Sec. 114-242. - Means and Methods.

Sec. 114-243. - 400 Foot Buffer.

Sec. 114-244. - Hunting Blinds.

Sec. 114 - 245. - Legal Game/Seasons.

Sec. 114 - 246. - Camping.

Sec. 114 - 247. - Grilling, Ground Fires and Barbeques.

Sec. 114 - 248. - Fireworks.

Secs. 114-249 - 114-260. - Reserved.

Sec. 114-241. - Hunting Areas.

Areas:

Approximately 750 acres at Lake Naconiche, Nacogdoches County are available for public waterfowl hunting. Hunting is not the exclusive use of these areas. Some areas may be used by hikers, researchers, fishermen, bird watchers, etc, so exercise caution. While some of the boundary is fenced and marked, most areas are not. It is the hunter's responsibility to become familiar with the area and the limits of public lands. Hunting on public land does not give any person the right to cross or enter private property.

Hunting Location on the Naconiche Branch of Lake Naconiche: (See Attached Diagram D as well as the provisions below.)

Waterfowl hunting is allowed on Nacogdoches County owned land within certain areas. No hunting is allowed below applicable buoy or sign markers. Hunting is allowed in the areas designated above Farm to Market Road 2435 on the Naconiche Branch of Lake Naconiche. Said area begins 400 feet north of FM 2435. (See Attached Diagram).

Hunting Location on the Telesco Branch of Lake Naconiche: (See Diagram E as well as the provisions below.)

Waterfowl hunting is allowed on Nacogdoches County owned land within certain areas. No hunting is allowed below applicable buoy or sign markers. Hunting is allowed in the areas designated above County Road 137 on the Telesco Branch of Lake Naconiche. (See Attached Diagram).

Sec. 114-242. - Means and Methods.

Hunting is restricted to waterfowl only. Shotguns only are allowed. Anyone hunting may not use or possess any shot larger than #2. The use of non-toxic USFW approved shot is required for waterfowl hunting. All weapons must be unloaded when transported to or from or between hunting sites. Target practice or the "sighting in" of any weapon is prohibited. Rifles, handguns, muzzleloaders and all archery equipment are prohibited at Lake Naconiche.

Sec. 114-243. - 400 Foot Buffer.

Hunting is prohibited anywhere signs are posted (by Nacogdoches County) stating "No Hunting" as well as within 400 feet of private homes, roads, fishing piers, outlet structures, and the boundary of developed parks.

Sec. 114-244. - Hunting Blinds.

No permanent blinds shall be allowed on Lake Naconiche. Boat blinds are permissible.

Sec. 114-245. - Legal Game/Seasons.

Waterfowl only. Hunting seasons and bag limits are determined by the State of Texas. All state hunting laws apply on Lake Naconiche managed lands. Furbearers, game and non-game species shall not be hunted or taken.

Except as may be authorized by the County from time to time, the possession and/or discharge of rifles or pistols, which shall be firearms capable of discharging solid projectiles, on Lake Naconiche is prohibited. The possession and discharge of shotguns is permitted only under the following terms and conditions:

- (1) Hunting with shotguns in the reservoir area will be permitted in accordance with federal and state laws regulating the hunting of game and wildlife.
- (2) Hunting will be permitted only in areas specifically designated by the designated law enforcement officers. (See Attached Diagram).

Sec. 114-246. - Grilling, Ground Fires and Barbeques.

Grilling and barbecuing permitted in swimming area, around the pavilion and in primitive camping areas. Open fires allowed only in designated fire rings/pits of primitive camping areas. No fires permitted within or under any structures.

Sec. 114-247. - Fireworks.

No fireworks are permitted on Lake Naconiche or within Lake Naconiche Park except by permit from the Parks Board and subsequent review and approval by the County Commissioner's Court.

Sec. 114-248 - 114-260. Reserved.