Chapter 23

# LAKE HOUSTON*


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## ARTICLE I. IN GENERAL

### Sec. 23-1. Supervision and control of recreation facilities.

The city council hereby places all recreation facilities upon the waters of Lake Houston and all recreation facilities upon the shores of Lake Houston, which have been dedicated to or built by the city, under the direct supervision and control of the director of parks and recreation.
(Code 1968, § 24-1)

### Sec. 23-2. Rules and regulations authorized.

The director of parks and recreation is hereby authorized, subject to the approval of the city council, to adopt suitable rules and regulations covering the activities of the users of Lake Houston and the recreational facilities referred to in section 23-1 of this Code.
(Code 1968, § 24-2)

### Sec. 23-3. Commercial enterprises.

It shall be unlawful for any person to operate any concession, or engage in any commercial enterprise whatsoever on the waters of Lake Houston Reservoir, or upon city-owned property surrounding Lake Houston Reservoir except in the manner prescribed and at the places designated by the director of parks and recreation and approved by the city council.
(Code 1968, § 24-3)

### Sec. 23-4. Construction of structures, canals, ditches, etc., generally.

(a) Except as otherwise specifically provided in this chapter, it shall be unlawful for any person to construct, place or locate within, over or on Lake Houston or on the city's lands or easements abutting Lake Houston, any structure of any nature whatsoever, including but not limited to docks, boat houses, boat slips, pilings, trailers, houses, cabins, shacks, outhouses, toilets, privies, septic tanks, cesspools, canals, ditches, fills, causeways, channels, jetties, bridges, islands and roads (excluding from this provision, however, boats of any nature). It shall be unlawful to construct any canals, channels, ditches, boat slips or other excavation connection to Lake Houston or any of its connecting waters.

(b) It shall be unlawful for any person to erect, place or permit to stand any duck or goose blind upon Lake Houston Reservoir, its draining streams or tributaries.

(c) The city expressly reserves the right to exercise and pursue any and all legal procedures and remedies available to it to protect its property rights, including but not limited to requiring the removal of any existing structures, fill or excavation constructed or encroaching into or upon Lake Houston or any of the city's lands or easements. This express reservation of this right to the city shall be in addition to any other rights, remedies and penalties provided for in this chapter.
(Code 1968, § 24-4)

*Cross references—Parks and recreation generally, Ch. 32; pollution of reservoirs, § 47-32.

**Sec. 23-5. Deposit of earth, dirt, sand, etc., prohibited.**

It shall be unlawful for any person to deposit within the limits of Lake Houston any earth, dirt, sand, fill, concrete, rock, stone, gravel, debris, rubble or rip-rap, regardless of whether such material was originally removed from Lake Houston or originated elsewhere. Any person violating this section, upon conviction, shall be fined not less than $100.00 nor more than $2,000.00.
(Code 1968, § 24-7; Ord. No. 92-1449, § 38, 11-4-92)

**Charter reference**—Penalty for ordinance violation, Art. II, § 12.

**Cross references**—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

**Sec. 23-6. Deposit of glass, nails and other injurious substances prohibited.**

No person shall throw or deposit in or upon any waters of Lake Houston any glass bottle, glass, nails, tacks, wires, cans, or any other substance likely to injure any person, animal or vessel in or upon such waters.
(Code 1968, § 24-8)

**Sec. 23-7. Recreational activities and trespassing prohibited in canal from pumping station to purification plant.**

All swimming, fishing, boating, or other recreational activities and trespassing in any part of the canal or canal right-of-way from the Lake Houston pumping station to the Houston purification plant is hereby prohibited and made unlawful.
(Code 1968, § 24-9)

**Sec. 23-8. Recreational activities prohibited near pumping station water intake structure.**

No swimming, fishing, boating, hunting, picnicking or other recreational activities shall be permitted within one-half mile of the Lake Houston pumping station water intake structure.
(Code 1968, § 24-10)

**Sec. 23-9. Hunting or discharging firearms.**

It shall be unlawful for any person to hunt or to shoot, fire or discharge any pistol, shotgun or rifle in, on, along or across Lake Houston Reservoir or on, along or across any city property within 5,000 feet of the shore line of Lake Houston Reservoir; provided, however, the provisions of this section shall not apply to peace officers, game wardens, or other representatives of the game and fish commission in the lawful discharge of their lawful duties.
(Code 1968, § 24-11)

**Sec. 23-10. Persons disobeying rules and regulations to leave premises.**

Any person who shall willfully disobey, disregard or fail to observe any rule or regulation covering the use of Lake Houston, whether such rule or regulation is directly established by ordinance or is adopted pursuant to the authority of an ordinance, shall be required to leave the lake or recreational facilities. The director of parks and recreation, his assistants and any other person designated by the director, are hereby severally authorized, whenever any person shall willfully disobey, disregard or fail to observe any such rules or regulations, to require and instruct such person to forthwith leave the lake or recreational facility. Any person so instructed and requested to leave, who shall fail to comply with such request and instruction, shall be guilty of a misdemeanor.
(Code 1968, § 24-12)

**Sec. 23-11. Officers authorized to enforce chapter.**

The provisions of this chapter and all other ordinances applicable to Lake Houston shall be enforceable by police officers of the city, peace officers of the state, personnel of the lake patrol and park patrol of the city, and other persons holding city police commissions and/or Harris County deputy sheriff commissions, officers authorized to enforce United States navigation laws, and all other personnel designated by the director of public works and engineering, the director of planning and development or the director of parks and recreation.
(Code 1968, § 24-13; Ord. No. 90-635, § 50, 5-23-90; Ord. No. 93-514, § 34, 5-5-93; Ord. No. 98-613, § 49, 8-5-98)

**Cross reference**—Park police, § 32-9.

**Sec. 23-12. Recreational activities prohibited in cove adjacent to patrol facility.**

(a) The chief of police is authorized to cause the cove area adjacent to the Lake Houston patrol facility at 113 Atascocita Extension Road to be marked off by buoys and signage as an area that is restricted to public access.

(b) It shall be unlawful for any person to operate a vessel, fish, swim, or perform other activities within the area restricted pursuant to subsection (a). It is a defense to prosecution under this section that the actor is a peace officer engaged in official business or is otherwise engaged in the rendition of official police patrol, rescue, or emergency activities.
(Ord. No. 01-67, § 1, 1-17-01)

**Editor's note**—It should be noted that section 2 of Ord. No. 01-67, adopted January 17, 2001 states that the area described in section 23-12(a) of the Code of Ordinances, Houston, Texas, that is authorized to be restricted by the chief of police shall be generally consistent with the cove area that is illustrated in the attached photograph of the subject portion of Lake Houston. The attached photograph is not included herein but is available in the offices of the city.

**Secs. 23-13—23-30. Reserved.**

## ARTICLE II. PIERS AND VESSELS IN GENERAL*

### DIVISION 1. GENERALLY

**Sec. 23-31. Scope.**

The provisions of this article shall apply to all waters in Lake Houston, sometimes known as the San Jacinto Reservoir, in Houston, Harris County, Texas. The provisions of this article shall also apply to all adjoining inlets; tributaries; coves; canals; creeks; all other adjoining waters maintaining the same, or approximately the same, level; all publicly owned lands and easements in and adjoining the waters aforesaid; and all waters on any and all land around the lake within an area of five miles in width measured outward from the normal water's edge and within the watershed of Lake Houston.
(Code 1968, § 24-25)

**Sec. 23-32. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) *Annual vessel license* means a license issued to the owner of the vessel for the revocable privilege of operating a vessel on the waters governed by this article for a calendar year after a designated vessel has passed an inspection for sanitation.

(2) *Cabin* means the house or superstructure of metal, wood, plastic, cloth, glass, screen, mesh, or a combination thereof, on a vessel that is or can be enclosed.

(3) *Commercial pier* means all of the piers or pier and the shore of any property, any part of which is used for any of the following: A commercial boat livery; a commercial fishing camp; a public pier, beach, or camping area; a private club, an access area for the owners of nonadjacent property; property to which access may be had for the payment of an admission or membership fee; property to which vessels are moored for money or valuable consideration. The term also means any property to which more than two licensed vessels are moored.

(4) *Director* means the director of public works and engineering and his designees.

(5) *Discharge fitting* means a one and one-half-inch nipple permanently mounted in the deck or bulkhead of a vessel.

(6) *Dockage receipt* means a receipt given to a vessel owner by the operator of a commercial pier for the payment of rent or a dockage fee for the right to dock or moor in a dockage space. The dockage receipt shall show the name and pier license number as well as the dockage space number and the name and license num-

*Cross reference—Buildings generally, Ch. 10.

ber of the vessel and its owner's name. A legible facsimile copy may be displayed adjacent to the vessel license tag.

(7) *Drain* means a hose or pipe through which sewage is pumped or drained. A drain is constructed of a nonabsorbent, noncorrosive material and is permanently attached to the toilet, holding tank, or discharge fitting.

(8) *Holding tank drain* means the drain leading up from the sewage holding tank to a discharge fitting in a deck or bulkhead.

(9) *Holding tank vent* means a vent for a sewage holding tank. It must be mounted higher than the top of the tank and the top of the toilet. It is connected to the tank by a line constructed of a nonabsorbent, noncorrosive material.

(10) *Lake Houston* or *lake* means that area commonly known as Lake Houston or the San Jacinto Reservoir in northeast Harris County and described as first, second, and third parcels of Section 3 of Ordinance No. 3351, passed on fourth and final reading by the City Council of the City of Houston, Texas, on the 31st day of December, 1956, which ordinance is recorded in the annexation book and the original of which is on file, both as public records, in the office of the city secretary, in the city hall and all adjoining waters maintaining the same level.

(11) *Month vessel license* means a vessel license like an annual vessel license except that it is issued for a period of one calendar month.

(12) *Normal water's edge* means the edge of the water when the lake is at normal water level of 45 feet above mean sea level referred to the United States Engineers Datum 1936 Adjustment.

(13) *Operate* means to navigate or otherwise use a vessel.

(14) *Owner* means a person, other than a lienholder, having the property in or title to a vessel.

(15) *Peace officer* means rangers, state troopers, game wardens, sheriffs, deputy sheriffs, constables, deputy constables, city policemen, park patrolmen, and lake patrolmen.

(16) *Permit* means a building permit issued under authority of the director pursuant to the Construction Code.

(17) *Pier* means any pier, wharf, building, boat dock, boat house, gangway, or other platform or structure in or adjoining the water to which vessels may be moored, by which they may be boarded, or on which persons may walk or sit.

(18) *Pier license* means a license issued for one calendar year by the director to a landowner or his lessee for the revocable privilege of using or occupying and enjoying a pier constructed on or across the waters governed by this article or the city's land or easements adjoining such waters. This license shall be evidenced by an application therefor signed by the director.

(19) *Sanitary pier* means a pier extending from shore premises which is properly and adequately equipped with sewage and garbage facilities as provided by law.

(20) *Sanitary vessel* means a vessel that does not have on board any sewage container, sewage tank, or toilet except a flush toilet connected to a holding tank, both of which are installed and equipped as described and specified herein.

(21) *Sewage* means human wastes.

(22) *Sewage holding tank* means a tank into which sewage from a toilet is discharged through a drain.

(23) *Toilet* means a water-flushed toilet of the type generally used on boats.

(24) *Vacuum pump facility* means a pump and vacuum hose with a one and one-half inch female hose adapter capable of attaching to a discharge fitting and of emptying sewage holding tanks on vessels at licensed piers.

(25) *Vessel* means every description of water craft used or capable of being used as a means of transportation on water, including boats, rafts, barges, airplanes, and submarines.

(26) *Watershed* means all of the land, waters, and areas surrounding Lake Houston, the drainage from which is so controlled by the terrain and terrain features, or by man-made facilities, that such drainage flows either directly or indirectly into Lake Houston.

(Code 1968, § 24-26; Ord. No. 90-635, § 51, 5-23-90; Ord. No. 93-514, § 35, 5-5-93; Ord. No. 98-613, § 50, 8-5-98; Ord. No. 02-399, § 51, 5-15-02; Ord. No. 04-1015, § 12, 9-27-04)

### Sec. 23-33. Construction permit required.

It shall be unlawful to build, erect, alter, or make major repairs to any pier or vessel on or in the waters or lands covered by this article unless a permit has been issued therefor.
(Code 1968, § 24-27)

### Sec. 23-34. Alterations may be required prior to issuance of pier construction permit.

As a requirement for the issuance of a pier construction permit, the director may require that the plans therefor be altered so as to conform to the specifications for piers set out in the Construction Code, or altered so as to occupy less space on or in the waters governed by this article, or altered so as to conform to the requirements of this article or any other ordinance of the city.
(Code 1968, § 24-28; Ord. No. 02-399, § 52, 5-15-02)

### Sec. 23-35. Reserved.

**Editor's note**—Section 2 of Ord. No. 92-1045, adopted July 29, 1992, repealed § 23-35 in its entirety. Formerly § 23-35 pertained to piers prohibited in or adjacent to unrecorded or unapproved subdivisions and derived from § 24-29 of the 1968 Code.

### Sec. 23-36. Maximum piers per residential lot.

It shall be unlawful to construct, own, or use more than one pier for each residential lot in a subdivision.
(Code 1968, § 24-30)

### Sec. 23-37. Garbage and refuse receptacles.

All pier owners and operators shall maintain adequate receptacles for garbage and other refuse to receive the same from vessels using such piers. The director shall maintain receptacles for garbage and other refuse in public areas owned by the city and in other publicly owned areas where, in his judgment, such is feasible.
(Code 1968, § 24-31)

**Cross reference**—Solid wastes and litter control, Ch. 39.

### Sec. 23-38. Mooring in open water.

It shall be unlawful to moor any unattended vessel in open water, or in water away from shore or away from a pier, for a period of more than three consecutive days. If the vessel is connected to the shore or pier by a gangplank, it shall not be considered to be moored in open water within the meaning of this section.
(Code 1968, § 24-32)

### Sec. 23-39. Docking or mooring at piers.

It shall be unlawful to dock or moor more than two licensed vessels at any pier other than a commercial pier. Nothing herein shall prevent additional licensed vessels from mooring at any duly licensed pier for a period not in excess of three consecutive days, and nothing herein shall prevent a duly licensed vessel, displaying adjacent to the license tag a current dockage receipt, from mooring at any duly licensed pier for a period not in excess of 15 consecutive days.
(Code 1968, § 24-33)

### Sec. 23-40. Abandonment of vessels or other property; anchoring at prohibited anchorage.

(a) No vessel or any part thereof shall be abandoned or left in a waterlogged or sunk condition, or anchored at a prohibited anchorage. If a vessel or a portion thereof is abandoned, or left in

a waterlogged or sunk condition, or anchored at a prohibited anchorage, the director or his agents may remove such vessel or its part and recover the costs of such removal against either the owner of the vessel, the vessel, or both. Vessels may be temporarily anchored or beached while the owner or operator is engaged in recreational activity.

(b) The abandonment of any property on the land and waters covered by this article is prohibited. Property shall not be left unattended upon such land or waters.
(Code 1968, § 24-34)

**Sec. 23-41. Pontoons, barrels and other containers to be permanently attached to vessel.**

It shall be unlawful to use or place pontoons, barrels or other containers on or in the waters covered by this article unless they are permanently attached to a vessel by a mechanical device. No vessel utilizing pontoons, barrels or other containers that are not firmly attached by mechanical means shall be permitted, licensed or allowed on such waters.
(Code 1968, § 24-35)

**Sec. 23-42. Prohibited sewage disposal facilities on vessels.**

It shall be unlawful to have on board any vessel any sewage container, sewage tank, or toilet, except a flush toilet connected to a holding tank, both of which are installed and equipped as described and specified in this article.
(Code 1968, § 24-36)

**Sec. 23-43. Vessels with cabins to have flush toilet connected to holding tank.**

It shall be unlawful to own, use, operate, or occupy any vessel with a cabin unless the same has on board a flush toilet connected to a holding tank both of which are installed, connected, and equipped as described and specified in this article.
(Code 1968, § 24-37)

**Sec. 23-44. Requirements of sewage holding tanks on vessels.**

The sewage holding tank of a vessel shall be sealed except for permanent connections to a toilet or toilets, a vent, and a discharge fitting. It shall be constructed of a durable, watertight, nonabsorbent, noncorrosive material. It shall be of sufficient capacity to prevent the discharge of sewage into the water. A holding tank shall always be installed inboard and on top of or above a solid deck or floor of the vessel, and shall be maintained in good repair.
(Code 1968, § 24-38)

**Sec. 23-45. Vessel discharge fitting.**

The discharge fitting of a vessel may be recessed. A discharge fitting must always be mounted higher than the top of the toilet and the top of the sewage holding tank. It must be plated or painted to prevent absorption, corrosion, and rusting if it is not constructed of a nonabsorbent, noncorrosive material. It shall be covered with a noncorrosive cap at all times that it is not connected to a vacuum pump hose adapter on a pier.
(Code 1968, § 24-39)

**Sec. 23-46. Disposal of sewage from holding tank.**

It shall be unlawful to dispose of sewage within holding tanks except by a vacuum pump on shore emptying the sewage into an approved sewage facility.
(Code 1968, § 24-40)

**Sec. 23-47. Inspection of piers and adjacent premises.**

All piers and adjacent premises are subject to inspection and reinspection at any time by all peace and health officers of the state, county, and city, as well as by the director and his agents to determine the sanitary characteristics of such piers and adjacent premises.
(Code 1968, § 24-41)

**Sec. 23-48. Inspection of vessels.**

All vessels are subject to inspection and reinspection wherever they may be found at any time by

all peace and health officers of the state, county, and city, as well as by the director and his agents, to determine the sanitary characteristics of such vessels. The director may require that a vessel be reinspected at any reasonable time and place specified by him by notifying the owner by telephone or by mail at his mailing address.
(Code 1968, § 24-42)

**Sec. 23-49. Appeals from actions of director.**

Any person aggrieved by the refusal of the director to issue any license provided for in this article or any person aggrieved by the suspension of any such license shall have the right of appeal to the city council by filing a written notice with the city secretary within 20 days of the occurrence of the alleged grievance, setting out the time, place, date, and circumstances thereof. Such notice shall set out the names of all witnesses known to the aggrieved person and shall be sworn to.
(Code 1968, § 24-43)

**Sec. 23-50. Arrest procedures.**

(a) All officers authorized by section 23-11 of this Code to enforce this article shall be authorized to stop and board any vessel subject to this article. Officers so boarding any vessel shall first identify themselves by proper credentials. In the event such officer shall find that such person is or has been operating such vessel in a manner not in compliance with this article, such peace officer may arrest such person for violation of this article without a warrant.

(b) Any officer arresting a person for a violation of this article shall take such alleged violator to the nearest judge of the municipal court of the city where a complaint shall be filed; provided, however, that such officer may deliver to such alleged violator a written notice to appear before the nearest judge of the municipal court of the city at a certain date. When such person so arrested shall sign such written notice to appear and promises to make his appearance in accordance with the requirements of such notice, he may be released.
(Code 1968, § 24-44)

**Secs. 23-51—23-55. Reserved.**

DIVISION 2. PIER LICENSE

**Sec. 23-56. Required.**

It shall be unlawful to use, occupy, own, rent or lease a pier, unless a license has been issued therefor pursuant to this division.
(Code 1968, § 24-50)

**Sec. 23-57. Application.**

(a) Each applicant for a pier license shall fill out a duplicate application form in typewriting or legible writing showing the following information:

(1) The name of the applicant;

(2) The permanent residence address of applicant;

(3) The mailing address of the applicant at the pier;

(4) The permanent telephone number at residence;

(5) The permanent telephone number at pier;

(6) The name of the owner of the land on which the shoreward or landward end of the pier is located;

(7) The volume and page in deed records where the landowner's deed is recorded;

(8) The lot and block numbers and name of addition or number of acres and name of survey;

(9) The location on the creek, bayou, fork, or main body;

(10) The name of the body of water;

(11) The linear feet of pier and total linear feet of dockage spaces on shore.

(b) A plat showing the property lines, the layout of the pier, the designated dockage spaces, and the numbers thereof, shall be attached to the application. In case of elaborate or complicated piers and properties, the director may require a plat prepared by a surveyor or engineer showing property lines, piers, water depths, and shore used for docking or mooring vessels. Each appli-

cant for a commercial pier license shall show on the plat the number of dockage spaces and the total linear feet thereof that the applicant will rent or offer for rent in the calendar year applied for.

(c) The director may require that the applicant furnish a photocopy of the owner's deed recorded in the deed records of Harris County, Texas, and a copy of any lease from the owner to the applicant. The application shall also contain these statements:

> "The garbage and sewage facilities on this pier and on the premises adjoining the pier are approved currently by all officials of the State of Texas, Harris County, and the City of Houston concerned therewith. The applicant agrees to remove the pier or any portion thereof on ten days' written notice from the director."

(d) The application must be signed by the landowner or his guardian.
(Code 1968, § 24-51)

**Sec. 23-58. Investigation of application and inspections; fees.**

(a) When the director has received an application for a pier license, accompanied by the inspection fee as well as any other information required by him, he shall cause an investigation to be made to verify the truth of all the statements contained in the application and to ascertain that the pier and the adjacent premises are sanitary.

(b) The fees for the inspection for an initial pier license and the fee for each renewal of a pier license shall be as follows:

(1) Piers not used for any commercial purposes: $20.00 or $0.20 for each lineal foot, whichever is greater.

(2) Piers used for any commercial purpose: $100.00 or $1.00 for each lineal foot, whichever is greater.

Fees shall not be subject to a pro rata reduction if applied for or issued after the beginning of the calendar year license term, nor shall any fee be refunded if a license is not issued. No fee shall ever be charged for bulkheaded or unimproved shorelines, or portions thereof, that the owner has not designated as dockage space.

(c) A receipt for the fee paid under this section shall be attached or imprinted on the application.
(Code 1968, § 24-52; Ord. No. 82-2032, § 1, 12-21-82)

**Sec. 23-59. Alterations may be required prior to issuance.**

As a requirement for the issuance of any pier license, the director may require that the pier be altered so as to conform to the specifications for piers set out in the Construction Code, or altered so as to occupy less space on or in the waters governed by this article, or altered so as to conform to the requirements of this article or any other ordinance of the city.
(Code 1968, § 24-53; Ord. No. 02-399, § 53, 5-15-02)

**Sec. 23-60. Issuance; contents.**

When the director is satisfied that a pier and its premises are sanitary and that a license should be issued under this division, he shall issue the same by writing the license tag serial number thereon, signing the same under the words "Inspected and Approved," and delivering or mailing it to the applicant at his permanent address.
(Code 1968, § 24-54)

**Sec. 23-61. Term.**

A pier license shall be issued for one calendar year. License applications for the succeeding calendar year may be submitted on or after September 1 of each year.
(Code 1968, § 24-55)

**Sec. 23-62. License tax generally.**

When a license is issued under this division, the director shall issue and mail to the applicant a metal license tag measuring approximately two inches by four inches showing the words "City of Houston Pier License," the calendar year for which issued, and a serial number and be of a distinctive, two-color combination. A commercial pier license tag shall also have the word "Com-

mercial" thereon. In order to simplify the processing of pier license applications, the director shall, where deemed feasible by him, issue a license tag with the same serial number year after year to those commercial piers renting out dockage spaces. (Code 1968, § 24-56)

**Sec. 23-63. Display of license tag.**

It shall be unlawful to use, occupy, own, rent, or lease a pier unless there is attached to the outermost extremity thereof a license tag lawfully issued under this division. It shall be unlawful to display any illegible pier license tag.
(Code 1968, § 24-57)

**Sec. 23-64. Suspension.**

The director or his agents shall order the indefinite suspension of any pier license upon grounds that the owner of such pier license has failed to maintain a permanent telephone number and permanent address or that such pier is unsanitary or is being used in violation of any of the ordinances of the city or that the same is a hazard to navigation or that the sewage or garbage facilities on the adjacent premises are insufficient or are causing pollution. Prior to an indefinite suspension the director shall conduct a public hearing and shall provide the owner written notice by certified mail addressed to the permanent address set



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forth in the application or by other reasonable means setting forth the alleged grounds, the date, time and place of the hearing and that the owner may appear in person or by counsel to present evidence and cross-examine witnesses appearing at the hearing. The license may be temporarily suspended by the director pending the hearing if he determines that there exists an immediate and serious hazard to navigation or danger to navigation or danger of water pollution from the continued use of the pier. The director shall remove the license tag from the pier within forty-eight (48) hours after the suspension and shall not return the same until he has proof that all provisions of the law have been complied with.
(Code 1968, § 24-58)

## DIVISION 3. VESSEL LICENSE

### Sec. 23-65. Required.

It shall be unlawful for any person to float, use, occupy, operate, maintain, dock, launch, place or own any vessel equipped with a toilet sewage holding tank or cabin upon the waters governed by this article, unless a current license has been issued for such vessel under the terms of this division.
(Code 1968, § 24-64)

### Sec. 23-66. Application.

Each vessel owner desiring a vessel license shall furnish the following information in duplicate on forms provided by the director: The year or month for which application is made, the owner's name, the owner's mailing address, owner's residence address, the make or manufacture of the vessel, the greatest overall length of the vessel, the greatest overall width of the vessel, year built, manufacturer's serial number, present State of Texas or other certificate number, and the name of the government or governmental agency issuing the number, the name of the state in which the vessel is principally used, the citizenship of the owner, the hull material (whether of wood, aluminum, steel, plastic, or other to be specified), the propulsion (whether outboard, inboard, sail, paddle, or other), the fuel (whether gasoline, diesel, or other), the use (whether pleasure, commercial fishing, livery, or commercial passenger), the make, power, year built, and manufacturer's serial number of any outboard or inboard engine used or kept on board, the name and mail address of premises where the vessel is usually moored or kept, the name of the pier owner, the pier license tag serial number of the pier to which the vessel is moored when on waters governed by this article, and the dockage space number. The information shall be typewritten or clearly printed. The application shall be signed by the owner and may be filed with the director after September 1 of the preceding calendar year. The application shall be accompanied by a side-view photograph of the vessel and by payment of the fee provided for in this division.
(Code 1968, § 24-65)

### Sec. 23-67. Inspection upon receipt of application; fees.

(a) Upon receipt of an application for a vessel license, the director shall determine the time and place for the sanitation inspection of the vessel. He shall notify the owner of such time and place by telephone or mail, or the director may inspect the vessel without notice at any time or place that it may be found. The director may notify the owner of a vessel sanitation inspection by writing or telephoning the commercial pier operator where the vessel is usually moored. In such case, the owner need not be present if entry to the cabin may be had by contacting the commercial pier operator. If a vessel owner does not have his vessel present at the time and place specified by the director for inspection, the director may require that he submit another vessel license application. In inspecting the vessel, the director shall verify its identity, determine that the statements in the application correctly describe the vessel, and determine that it is equipped with a flush toilet, sewage holding tank, and related equipment and that it is sanitary.

(b) The charge for the sanitation inspection provided for in this section shall be calculated as follows: For a vessel license for one year, multiply the greatest overall length in feet times the greatest overall width in feet times five (5) cents. For any one (1) calendar month, a temporary license shall be calculated as follows: Greatest overall

length in feet times the greatest overall width in feet times three (3) cents. No fee shall be subject to a pro rata reduction if issued after the beginning of a month or year. No fee shall be refunded if a license is not issued for any reason.
(Code 1968, § 24-66)

**Sec. 23-68. Issuance; contents.**

When the director is satisfied that the vessel is sanitary and that a license should be issued, he shall issue the same by writing the license tag serial number thereon, signing the same under the words "Inspected and Approved," and delivering or mailing it to the applicant at his residence address or at the address of the pier where the vessel is usually moored.
(Code 1968, § 24-67)

**Sec. 23-69. Term.**

A license issued under this division shall be valid for the remainder of the calendar year or month for which it is issued.
(Code 1968, § 24-68)

**Sec. 23-70. Issuance, size, contents, etc., of license tag.**

When a vessel license is issued under this division, the director shall issue and deliver to the applicant a metal tag measuring approximately two inches by four inches (2" x 4") showing the words "City of Houston Inspected and Approved," the year or month for which issued, and a serial number, such tag to be of a distinctive two (2) color combination.
(Code 1968, § 24-69)

**Sec. 23-71. Display of license tag; license to be on board in certain cases.**

It shall be unlawful to float, use, occupy, operate, maintain, dock, launch, place or own any vessel equipped with a toilet, sewage holding tank, or cabin upon the waters governed by this article unless there is attached to the left side of the stern or transom of such vessel, so as to be visible from the rear, a lawfully issued, legible license tag issued pursuant to this division. It shall be unlawful to use or occupy any vessel equipped with a toilet sewage holding tank or cabin, unless the lawfully issued, legible license is on board the vessel at all times any person is on board the same.

It shall be unlawful to display an illegible vessel license or vessel license tag.
(Code 1968, § 24-70)

**Sec. 23-72. License and license tag void when illegible.**

Vessel licenses or license tags becoming illegible in any respect shall be void.
(Code 1968, § 24-71)

**Sec. 23-73. Suspension of license.**

The director or his agent shall order the suspension of any vessel license upon receipt of substantial evidence or a written inspection report showing that such vessel is on or near the water in violation of any ordinance regulating sanitation or pollution. A copy of such order shall be delivered to the owner or mailed to him at his mailing address. The owner shall thereupon surrender to the director the vessel license and license tag within forty-eight (48) hours after receipt of such notice or within forty-eight (48) hours after being notified of such order by telephone. The vessel license and license tag shall not be returned to the owner until all violations have been remedied in accordance with the provisions of the ordinances applicable thereto and all fines, if any, paid.
(Code 1968, § 24-72)

**Secs. 23-74, 23-75. Reserved.**

## ARTICLE III. BOATING REGULATIONS

**Sec. 23-76. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) *Boat livery* means a business establishment engaged in renting or hiring out of boats for profit, sometimes known as fishing camps, as well as the renting of space for the storage of boats.

(2) *Dealer* means a person engaged in the business of selling motorboats.

(3) *Director,* unless otherwise specified, means the director of the department of parks and recreation of the city.

(4) *Lake* means Lake Houston Reservoir and all streams, inlets, and tributaries thereof and thereto for a distance of five thousand (5,000) feet around Lake Houston Reservoir, such five thousand (5,000) feet measured shoreward from the average shoreline of Lake Houston Reservoir.

(5) *Motorboat* means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, but shall not include a vessel which has a valid marine document issued by the Bureau of Customs of the United States Government or any federal agency successor thereto.

(6) *Operate* means to navigate or otherwise use a motorboat or a vessel.

(7) *Owner* means a person, other than a lien holder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as a security.

(8) *Vessel* means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(Code 1968, § 24-83)

**Sec. 23-77. Scope.**

The provisions of this article shall apply to Lake Houston Reservoir in Harris County, Texas, and the inlets and tributaries thereof.

(Code 1968, § 24-84)

**Sec. 23-78. Classification of vessels.**

All vessels, including motorboats, shall be divided into the following classes for the purpose of establishing a standard of safe occupancy:

(1) Class A: Vessels less than thirteen (13) feet in length.

(2) Class B: Vessels at least thirteen (13) feet but less than sixteen (16) feet in length.

(3) Class C: Vessels from sixteen (16) feet to and including seventeen (17) feet in length.

(4) Class D: Vessels in excess of seventeen (17) feet to and including eighteen (18) feet in length.

The measurement of such motorboats shall be made from the extreme forward point of the bow of the boat in a direct line to the transom of the boat.

(Code 1968, § 24-85)

**Sec. 23-79. Maximum occupancy of vessels.**

(a) Class A vessels, as designated in this article, shall not be occupied by:

(1) More than three (3) persons over twelve (12) years of age; or

(2) More than two (2) persons over twelve (12) years of age and two (2) persons under twelve (12) years of age.

(b) Class B vessels, as designated in this article, shall not be occupied by:

(1) More than four (4) persons over twelve (12) years of age; or

(2) More than three (3) persons over twelve (12) years of age and two (2) persons under twelve (12) years of age; or

(3) More than two (2) persons over twelve (12) years of age and four (4) persons under twelve (12) years of age.

(c) Class C vessels, as designated in this article, shall not be occupied by:

(1) More than five (5) persons over the age of twelve (12) years; or

(2) More than four (4) persons over the age of twelve (12) years and two (2) persons under the age of twelve (12) years; or

(3) More than three (3) persons over the age of twelve (12) years and four (4) persons under the age of twelve (12) years; or

(4) More than two (2) persons over the age of twelve (12) years and five (5) persons under the age of twelve (12) years.

(d) Class D vessels, as designated in this article, shall not be occupied by:

(1) More than six (6) persons over the age of twelve (12) years; or

(2) More than four (4) persons over the age of twelve (12) years and four (4) persons under the age of twelve (12) years; or

(3) More than two (2) persons over the age of twelve (12) years and six (6) persons under the age of twelve (12) years.

(Code 1968, § 24-86)

### Sec. 23-80. Compliance with Coast Guard regulations and federal law.

All vessels located in or upon the waters of Lake Houston shall be equipped in accordance with and shall be subject to the regulations and requirements of the United States Coast Guard as set forth in the Coast Guard specifications and regulations as contained in the Motorboat Act of 1940, being Section 526 et seq., of Title 46, United States Code Annotated, and all amendments thereto. Such act is hereby adopted as the standard governing the regulation and equipment of all vessels located in or upon the lake.

(Code 1968, § 24-87)

### Sec. 23-81. Records to be kept by boat liveries.

The owner of a boat livery shall keep a record of the name and address of the person hiring any vessel which is designed or permitted by him to be operated as a motorboat and the time and date of departure and the expected time of return. Such record shall be kept for six (6) months.

(Code 1968, § 24-90)

### Sec. 23-82. Use of siren.

It shall be unlawful for any person on any motorboat or vessel used or operated on the lake to use a siren while on the lake. Motorboats or vessels used or operated by peace officers engaged in the enforcement of this chapter shall be exempt from this section.

(Code 1968, § 24-92)

### Sec. 23-83. Rules of the road.

All persons operating boats, rafts, and devices on Lake Houston Reservoir shall, at all times, observe the rules of the road and in particular the following rules:

(1) Right-of-way of boats, rafts and devices shall be as follows:

a. Row boats, rafts and canoes shall have the right-of-way over all power boats.
b. Sailboats shall have right-of-way over all power boats.
c. Outboard power boats shall have the right-of-way over inboard power boats.

(2) All motorboats passing within fifty (50) feet of any other boat or within fifty (50) feet of the shoreline shall be operated in such a manner so as to throw or cause a minimum wake and disturbance behind such craft and within an area fifty (50) feet on either side of the path of such craft through the water.

(3) All of the rules of the road established by the United States Coast Guard, Department of Transportation, as applicable to inland waterways, are hereby made a part hereof by reference and shall be observed at all times.

(Code 1968, § 24-93)

### Sec. 23-84. Towing persons on water skis, aquaplanes, etc.

(a) No motorboat which shall have in tow or shall be otherwise assisting a person on water skis, aquaplane or similar contrivance, shall be operated or propelled in or upon the lake, unless such motorboat shall be equipped with a rear view mirror of a size no less than four (4) inches in measurement from bottom to top or across from one side to the other. Such mirror shall be mounted firmly so as to give the boat operator a full and complete view beyond the rear of his boat at all times.

(b) No motorboat shall have in tow or shall otherwise be assisting a person on water skis, aquaplane or similar contrivance from the period of one hour after sunset to one hour prior to sunrise.

(c) All motorboats having in tow or otherwise assisting a person on water skis, aquaplane or

similar contrivance shall be operated in a careful and prudent manner and at a reasonable distance from persons and property so as not to endanger the life or property of any person.

(d) No person shall operate or manipulate any vessel, tow rope or other device by which the direction or location of water skis, aquaplane, or similar device may be affected or controlled in such a way as to cause the water skis, aquaplane, or similar device, or any persons thereon, to collide with or strike against any person or object, except ski jumps, buoys and like objects normally used in competitive or recreational skiing.

(e) It shall be unlawful for any person to water ski on the lake within a distance of less than 200 feet from any bridge, pier, anchored vessel, or from any person engaged in fishing, swimming or bathing.
(Code 1968, § 24-95; Ord. No. 75-2191, § 1, 12-16-75)

**Sec. 23-85. Operation of airboats, similar contrivances.**

(a) The term "airboat" as used herein shall mean a boat driven by air utilizing a fan-like propeller mounted above the hull.

(b) It shall be unlawful for any person to operate an airboat, or any similar contrivance, upon the waters of Lake Houston.
(Code 1968, § 24-95.1; Ord. No. 73-482, § 1, 3-14-73)

**Sec. 23-86. Regattas, races, tournaments or exhibitions.**

The director may authorize the holding of regattas, motorboat or other vessel races, tournaments or exhibitions on the lake. Whenever a regatta, motorboat or other vessel race, tournament or exhibition is proposed to be held, the person in charge thereof shall, at least 15 days prior thereto, file an application with the director for permission to hold such regatta, motorboat or other vessel race, tournament, or exhibition. The application shall set forth the date, time and location where it is proposed to hold such regatta, motorboat or other vessel race, tournament or exhibition, and it shall not be conducted without authorization of the director in writing.
(Code 1968, § 24-96)

**Sec. 23-87. Collisions, accidents and casualties.**

(a) It shall be the duty of the operator of a vessel involved in a collision, accident or casualty, so far as he can do so without serious danger to himself or his own vessel, crew and passengers, if any, to render to other persons affected by the collision, accident or casualty such assistance as may be practicable and as may be necessary in order to save them from or minimize any danger caused by the collision, accident or casualty and also to give his name, address and identification of his vessel in writing to any person injured and to the owner of any property damaged in the collision, accident or other casualty.

(b) In the case of collision, accident or other casualty involving a vessel, the operator thereof, if the collision, accident or other casualty results in death or injury to a person or damage to property in excess of $100.00, shall file with the director a full description of the collision, accident or other casualty on or before 30 days from the date of such accident or casualty.

(c) Accident reports filed under this section shall not be admissible in court as evidence, and each such report shall be confidential as to all persons except to persons directly involved in such accident or casualty, and except to agencies of the state for their official use in compiling statistics.
(Code 1968, § 24-97; Ord. No. 75-2191, § 2, 12-16-75)

**Sec. 23-88. Arrest procedure.**

(a) Officers authorized by section 23-11 of this Code to enforce this article shall have the authority to stop and board any vessel subject to this article. Officers so boarding any vessel shall first identify themselves by proper credentials. In the event such officer shall find that such person is or has been operating such boat in a manner not in

compliance with this article, such peace officer may arrest such person for violation of this article without a warrant.

(b) Any peace officer arresting a person for a violation of this article shall take such alleged violator to the nearest judge of the municipal court of the city where a complaint shall be filed; provided, however, that such peace officer may release such alleged violator upon his execution of a written promise to appear before a judge of the municipal court at a certain date and time.
(Code 1968, § 24-98)

**Secs. 23-89—23-100. Reserved.**

## ARTICLE IV. WATER SUPPLY PROTECTION

### Sec. 23-101. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates different meaning:

(1) *Control area:* That land either in the city, or in the extraterritorial jurisdiction of the city, containing waters that flow into or adjacent to the watershed of Lake Houston.

(2) *Director:* The director of public works and engineering and his designees.

(3) *Effluent:* The discharge from or contents of any sanitary sewage or waste treatment or disposal plant, septic tank or any other facility or receptacle designed or used for the receiving, treatment or disposal of human excreta, industrial waste, or any other wastes as herein defined.

(4) *Industrial waste:* Any water-borne liquid, gaseous, solid or other waste substance or a combination thereof resulting from any process of industry, manufacturing, trade or business.

(5) *Lake* or *Lake Houston:* That area commonly known as Lake Houston in northeast Harris County and described as first, second and third parcels of Section 3 of Ordinance No. 3351, passed on fourth and final reading by the city council on the 31st day of December, 1956, which ordinance is recorded in the annexation book and the original of which is on file, both as public records, in the office of the city secretary in the city hall, and all adjoining waters maintaining the same level.

(6) *Normal water level:* The level of the surface of the water of the lake when the same is at an elevation of 45 feet above mean sea level, referred to the United States Engineers' Datum, 1936, Adjusted.

(7) *Normal waters edge:* The water's edge when the lake is at normal water level.

(8) *Sewage:* Water-carried human and animal wastes from residences, buildings, industrial establishments, cities, towns or other public establishments, together with such ground water infiltration and surface waters with which it may be commingled.

(9) *Waste:* Any thing, liquid or matter of any nature that flows, drains, discharges, or is discharged, either directly or indirectly, into Lake Houston, or which reaches such lake in any manner and which, either by itself, or in conjunction with other waste causes or tends to cause, in Lake Houston, any of the conditions prohibited by this article or which are declared to be a nuisance or unlawful. The word "waste," by way of example but not by limitation, shall also include, among other things, sewage, industrial waste, effluent, garbage, refuse, decayed wood, sawdust, shavings, bark, sand lime, cinders, ashes, offal, oil, tar petroleum products and byproducts, dye stuffs, acids, chemicals, salt water, salt, and all other substances that cause or tend to cause pollution of the waters of Lake Houston.

(10) *Watershed:* All of the lands and areas surrounding Lake Houston, the drainage from which is so controlled by the terrain and terrain features, or by man-made facilities, that such drainage flows either directly or indirectly into Lake Houston.

(11) *Well* shall mean any hole or bore to any sand, formation, strata, or depth, which has been, is being, or may hereafter be drilled, bored, sunk, dug or put down for the purpose of either exploring for or ascertaining the existence of any oil, gas, liquid hydrocarbon, or any of them, or any other mineral, or for the purpose of producing and recovering any oil, gas, liquid hydrocarbon, or any mineral, or any of them.

(Code 1968, § 24-126; Ord. No. 77-545, § 1, 3-16-77; Ord. No. 90-635, § 52, 5-23-90; Ord. No. 93-514, § 36, 5-5-93; Ord. No. 97-1394, § 2, 11-5-97; Ord. No. 98-613, § 51, 8-5-98; Ord. No. 04-1015, § 13, 9-27-04)

**Sec. 23-102. Wells.**

No well shall be drilled within the control area of Lake Houston which is nearer than 1,000 feet from the normal water's edge of Lake Houston or any of its drains, streams or tributaries. In addition, no well shall be drilled within such control area at an elevation of less than 48 feet above mean sea level.

(Code 1968, § 24-127; Ord. No. 77-545, § 1, 3-16-77)

**Sec. 23-103. Septic tanks or other sewage disposal systems.**

(a) No part of any septic tank or septic tank drainfield shall be constructed, located, or operated closer than 50 feet to the normal water's edge of Lake Houston, nor shall any septic tank drainfield be constructed in any soil, the surface of which is less than 48 feet above mean sea level (referred to the United States Engineer's Datum, 1936 Adjustment) within a distance of 200 feet from the normal water's edge of Lake Houston. If any sewage disposal system is permitted to be constructed where a septic tank is prohibited in the preceding sentence, it must consist of a sealed receiving tank, without a drainfield, and all connections between the house plumbing and any such required sealed tank shall be of cast iron and leaded joints. All waste disposal facilities of the property served by such system shall discharge into such tank. Such sealed tank must be constructed in such a manner that no part of the contents thereof can escape and any accumulation of waste therein shall be removed and disposed of in a manner approved by the director. Any such sewage disposal system shall be constructed in accordance with plans and specifications approved by the director.

(b) Any portion of a sewage disposal system that is located or constructed closer than 50 feet to the normal water's edge of Lake Houston shall be constructed of cast iron pipe with leaded joints and shall discharge into either an approved sealed tank or into an approved septic tank with an approved drainfield. Inside house plumbing shall not be considered as a portion of the sewage system referred to herein.

(c) No septic tank system shall be permitted to overflow nor shall the contents thereof be permitted to reach the surface of the ground.

(d) Any person desiring to construct a septic tank or drainfield or any other sanitary sewage disposal facility or receptacle within 200 feet of the normal water's edge of Lake Houston, before constructing same shall obtain from the director plans and specifications therefor and such facilities shall be constructed in accordance with such plans and specifications and such construction shall be subject to inspection by the city to insure compliance with such plans and specifications. Before such facility is operated or used it shall be approved by the city and a permit issued authorizing its use, as provided for in this article. The plans and specifications to be complied with in the construction of septic tanks and drainfields are on file in the office of the director and are entitled "Residential Septic Tank Specifications and Design" and "Minimum Sizes of Septic Tanks and Disposal Fields Required for Various Purposes," which plans and specifications are hereby adopted as a part hereof, together with the diagrams of typical septic tank layouts also on file in the director's office.

(Code 1968, § 24-128; Ord. No. 77-545, § 1, 3-16-77)

**Sec. 23-104. Permit to use septic tank near normal water's edge.**

(a) Any person owning property on which there is located a septic tank or a drainfield that is within 200 feet of the normal water's edge of Lake

Houston shall obtain a permit from the director authorizing the continued use of such septic tank and/or drainfield. If the director finds that the septic tank and drainfield are properly constructed and are adequate to prevent pollution of Lake Houston, he shall issue a permit upon payment of the required fees.

(b) A permit issued under this section shall be valid for one year from the date of issuance, and shall be subject to suspension or termination by the director for failure of the permittee to maintain the standards or to comply with the provisions of this article, or upon conviction of a violation of this article. Such a permit shall be renewable upon application in the manner herein provided and upon payment of the prescribed fee.

(c) The initial fee for a permit under this section for a single-family or duplex dwelling shall be $20.00. For a septic tank and drainfield to serve other than a single-family or duplex building the initial permit fee shall be $20.00. The annual renewal fee for any permit issued under this section shall be $20.00.
(Code 1968, § 24-129; Ord. No. 77-545, § 1, 3-16-77; Ord. No. 82-2032, § 2, 12-21-82)

**Sec. 23-105. Privies, outhouses, etc.**

It shall be unlawful to build, construct, occupy, maintain or use a privy, outhouse, or any other open-type toilet within 200 feet of the normal water's edge or within elevation 48 (mean sea level), whichever is greater.
(Code 1968, § 24-130; Ord. No. 77-545, § 1, 3-16-77)

**Sec. 23-106. Permits not transferable; appeals from decisions of city officials.**

Permits issued under any provision of this article shall not be transferable. Any refusal by the director to grant any consent or permit provided for in this article may be appealed to the city council.
(Code 1968, § 24-131; Ord. No. 77-545, § 1, 3-16-77)

**Sec. 23-107. Penalty.**

Any person violating any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than $100.00 nor more than $2,000.00. Each day that any such violation continues shall constitute a separate offense and be punishable as such. This penalty shall be in addition to and supplemental of any other remedies available to the city to suppress and abate the acts and conditions prohibited under the provisions hereof.
(Code 1968, § 24-132; Ord. No. 77-545, § 1, 3-16-77; Ord. No. 92-1449, § 39, 11-4-92)

**Charter reference**—Penalty for ordinance violation, Art. II, § 12.

**Cross references**—Assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

**Sec. 23-108. Discharges to comply with other laws; civil actions to enforce.**

All discharges within the control area shall be in conformance with the laws, statutes, regulations, permits and orders of the United States of America and the state that regulate the discharge of waste into Lake Houston or its control area. The city attorney is authorized to file and maintain all necessary civil legal action to enforce the provisions of the laws, statutes, permits and orders regulating the discharge of waste into Lake Houston or its control area.
(Code 1968, § 24-133)

**Secs. 23-109—23-135. Reserved.**

## ARTICLE V. DREDGING OR EXCAVATING OPERATIONS*

### DIVISION 1. GENERALLY

**Sec. 23-136. Inspection of facilities.**

The building official and the utility official shall be authorized to enter upon and inspect the

*Cross reference—Buildings generally, Ch. 10.

facilities used in any dredging or excavation operations conducted under a permit issued pursuant to this article.
(Code 1968, § 24-148; Ord. No. 91-478, § 1, 4-10-91)

**Sec. 23-137. Penalty.**

Any person violating any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than $100.00 nor more than $500.00.
(Code 1968, § 24-149; Ord. No. 92-1449, § 40, 11-4-92)
**Charter reference**—Penalty for ordinance violation, Art. II, 12.

**Secs. 23-138—23-145. Reserved.**

DIVISION 2. PERMIT

**Sec. 23-146. Required.**

It shall be unlawful for any person to perform or cause to be performed any dredging or excavation in Lake Houston without first having obtained a permit from the building official authorizing such dredging or excavation.
(Code 1968, § 24-155; Ord. No. 90-635, § 53, 5-23-90; Ord. No. 91-478, § 2, 4-10-91)

**Sec. 23-147. Application.**

Any person desiring a permit required by this division shall deliver to the building official, on forms provided by the building official, a signed and verified application containing the following:

(1) A statement of the place in Lake Houston from which the applicant proposes to dredge or excavate material.

(2) A brief statement of the machinery and methods proposed to be used for such dredging or excavation.

(3) A statement of the approximate amount of material proposed to be dredged or excavated.

(4) An express statement that no part of the dredged or excavated material will be redeposited in Lake Houston.

(5) A description identifying the site where it is proposed that the dredged or excavated material will be redeposited.

(Code 1968, § 24-156; Ord. No. 90-635, § 53, 5-23-90; Ord. No. 91-478, § 2, 4-10-91)

**Sec. 23-148. Bond.**

Each applicant for a permit under this division shall deliver to the building official a bond signed by the applicant, as principal, and a corporate surety authorized to do business in Texas, as surety, in the penal sum of $10,000.00 conditioned, first, that the applicant will indemnify and save harmless the city from all loss or liability, including claims for damage to the person or property of third parties, in any way arising from the conduct of the dredging and excavation operations to be conducted by the applicant in Lake Houston and, second, that all dredged and excavated material will be redeposited outside the limits of Lake Houston.
(Code 1968, § 24-157; Ord. No. 90-635, § 53, 5-23-90; Ord. No. 91-478, § 2, 4-10-91)

**Sec. 23-149. Fee.**

The fee for a permit required by this division shall be $100.00, such fee to be paid to the building official.
(Code 1968, § 24-158; Ord. No. 90-635, § 53, 5-23-90; Ord. No. 91-478, § 2, 4-10-91)

**Sec. 23-150. Issuance.**

Upon receipt of the application, bond, and fee required by this division, if the building official finds that they are in proper form and duly executed and the utility official further finds that the proposed dredging or excavation will not damage or interfere with the operation of the city's water supply or its storage or distribution facilities, the building official shall issue a permit to the applicant.
(Code 1968, § 24-159; Ord. No. 90-635, § 53, 5-23-90; Ord. No. 91-478, § 2, 4-10-91)
**Cross reference**—Refund of permit fees, § 47-49.

**Sec. 23-151. Contents.**

A permit issued under this division shall be signed by the building official and shall show on

its face the date of issuance, the name of the permittee, the location of the authorized dredging or excavation operation and the approximate amount of material authorized to be removed.
(Code 1968, § 24-160; Ord. No. 90-635, § 53, 5-23-90; Ord. No. 91-478, § 2, 4-10-91)

**Sec. 23-152. Possession and display.**

It shall be unlawful for any person to participate in performing any dredging or excavation operation in Lake Houston unless the person in charge of such operation at the location thereof has in his possession a permit issued under the terms of this division authorizing such operation. Upon request of any authorized representative of the city, the person in charge of such operation shall exhibit the permit for such operation.
(Code 1968, § 24-161)

**Sec. 23-153. Expiration and renewal.**

Each permit issued under this division shall expire 60 days from its date and a new permit based on a new application will be necessary thereafter.
(Code 1968, § 24-162)

**Sec. 23-154. Exceptions.**

This division shall not apply to operations conducted by any person under a permit or contract issued pursuant to some other valid ordinance or law of the city, the state, or the United States, to the extent, but only to the extent that such operations are expressly or by necessary implication authorized by such permit or contract. In any prosecution under this division, it shall not be necessary to negate the exception contained in this section but the same shall constitute a matter of defense.
(Code 1968, § 24-163)

**Secs. 23-155—23-164. Reserved.**

## ARTICLE VI. AIRCRAFT REGULATIONS*

**Sec. 23-165. Generally.**

It shall be unlawful for any person to land, operate or take-off an aircraft from or on the waters of Lake Houston, also known as the San Jacinto Reservoir, as that body of water is defined in section 23-76 of this Code; provided however, that this section shall not apply to emergency situations wherein such landing, operation or takeoff is necessary to preserve life and protect property.
(Code 1968, § 24-170; Ord. No. 73-202, § 1, 1-31-73; Ord. No. 73-1555, § 1, 8-14-73)

**Sec. 23-166. Low level flying.**

It shall be unlawful for any person to operate any aircraft below the level of 500 feet above the waters of Lake Houston except in an emergency situation wherein such low level operation becomes necessary to preserve life and protect property.
(Code 1968, § 24-171; Ord. No. 73-202, § 1, 1-31-73)

*Cross reference—Aviation generally, Ch. 9.

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