

REGULATION 2016-001

A REGULATION AMENDING CHAPTER 32 BY AMENDING SECTION 32-47, RATES AND CHARGES, OF THE CODE OF REGULATIONS, HOLIDAY ISLAND SUBURBAN IMPROVEMENT DISTRICT NO. 1; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Section 1: Chapter 32, Sec. 32-47, Rates and Charges, of the Code of Regulations, Holiday Island Suburban District No. 1 is amended to read as follows:

Sec. 32-47. - Rates and charges.

(d) *Application and cash-deposit.* The district shall ~~may~~ require, at the time of application or at reestablishment of service any time from any customer or prospective customer, a one hundred dollar cash deposit intended to ensure payment of current bills. ~~such deposit not to exceed an estimated 90-days bill of such customer.~~ The deposit will be refunded at the termination of the account after all utility charges and fees have been paid.

- (1) *New customers:* A person or organization becomes a customer by first applying for service and paying a deposit to the Utility. Each applicant for service shall sign an application form provided by the Utility giving the date of application, location of the premises to be served, the date the applicant desires services to begin, and the address to which bills are to be sent. By signing the application, the customer agrees to abide by the rules and regulations of the utility, and to pay the fees established by the utility for the services requested.
- (2) *Customers receiving service at the time the regulation was enacted:* Customers receiving services at the time the provisions of this regulation were enacted are not required to submit an application, but will be presumed to accept the rules and regulations of the utility, including the fees established for the services provided. Customers who subsequently have services disconnected for non-payment must submit an application for service and are subject to the cash deposit before services are restored.

Section 2: Severability Clause: The sections, paragraphs, sentences, clauses, and phrases of this Regulation are severable, and if any phrase, clause, sentence, paragraph, or section of this Regulation, or its application to any persons or circumstances, shall be declared unconstitutional, invalid, or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Regulation or their application.

Section 3: All regulations or parts of regulations conflicting with any of the provisions of this regulation are hereby repealed to the extent of such conflict.

Section 4: Effective date.

This regulation shall become effective immediately upon passage.

First Reading: May 16, 2016

Second Reading: May 23, 2016

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2016

Signed:

Holiday Island Suburban Improvement District No. 1

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Commissioner Bill Noonan, Chair

Attest:

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Commissioner Dan Kees, Secretary

REGULATION 2016-002

A REGULATION AMENDING CHAPTER 2 BY AMENDING SECTION 2-33, MEETINGS, OF THE CODE OF REGULATIONS, HOLIDAY ISLAND SUBURBAN IMPROVEMENT DISTRICT NO. 1; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Section 1: Chapter 2, Sec. 2-33, Meetings, of the Code of Regulations, Holiday Island Suburban District No. 1 is amended to read as follows:

Sec. 2-33. - Meetings.

(h) *Order of business.* The order of business of the regular meetings of said board shall be as follows:

- (1) Call to order.
- (2) Pledge of allegiance.
- (3) Roll call.
- (4) Declaration of a quorum.
- (5) Approve agenda.
- (6) Approve minutes.
- (7) Ceremonial (introductions, recognitions, proclamations, and in memoriam)**
- ~~(7 8) Comments from public, restricted to agenda items (3 minute time limit).~~
- ~~(8 9) Reports.~~
- ~~(9 10) Business.~~
- ~~(10 11) Announcements.~~
- (11 12) Comments from public, any topic.**
- ~~(11 13) Commissioner comments~~
- ~~(12 14) Commissioner agenda scheduling.~~
- ~~(13 15) Adjournment.~~

Section 2: Severability Clause: The sections, paragraphs, sentences, clauses, and phrases of this Regulation are severable, and if any phrase, clause, sentence, paragraph, or section of this Regulation, or its application to any persons or circumstances, shall be declared unconstitutional, invalid, or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Regulation or their application.

Section 3: All regulations or parts of regulations conflicting with any of the provisions of this regulation are hereby repealed to the extent of such conflict.

Section 4: Effective date.

This regulation shall become effective immediately upon passage.

First Reading: May 16, 2016 \*Regulation was read and referred to staff for edits. Regulation was postponed until the May 23, 2016 Board of Commissioners' meeting.

\*First Reading: May 23, 2016

Second Reading: \_\_\_\_\_

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2016

Signed:

Holiday Island Suburban Improvement District No. 1

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Commissioner Bill Noonan, Chair

Attest:

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Commissioner Dan Kees, Secretary

REGULATION 2016-003

A REGULATION AMENDING CHAPTER 8 BY AMENDING SECTION 8-47, EXCEPTIONS, OF THE CODE OF REGULATIONS, HOLIDAY ISLAND SUBURBAN IMPROVEMENT DISTRICT NO. 1; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Section 1: Chapter 8, Sec. 8-47, Exceptions, of the Code of Regulations, Holiday Island Suburban District No. 1 is amended to read as follows:

**Sec. 8-45. - Purpose.**

It is the purpose of this regulation to promote and protect the public health, safety, and general welfare by providing for a prohibition of the use of fireworks within the Holiday Island Suburban Improvement District.

**Sec. 8-46. - Prohibition.**

Except as hereinafter provided, no person shall use or explode fireworks within the Holiday Island Suburban Improvement District.

**Sec. 8-47. - Exceptions.**

(a) On the dates of July 1 through July 7 of each year, between the hours of 11:00 a.m. and 11:00 p.m., the use of fireworks shall be permitted, with the exception of any aerial fireworks device including, but not limited to, bottle rockets, roman candles, torpedoes, skyrockets, missiles, helicopters, and comets.

~~The use of aerial fireworks, as described above, shall be permitted only during the dates and times described above at the public use area commonly known as "The Point", which is located at the intersection of Woodsdale Drive and Shields Drive; aerial fireworks shall be directed away from all structures, including the marina.~~

(b) With the exception of fireworks used or exploded by the district for purposes of a public display, no fireworks shall be used or discharged on any district-owned property.

(c) No fireworks shall be used or exploded on private property without the property owner's consent.

(d) The fire chief shall permit the use of fireworks for a public display when all provisions of the state fire code are met and after all necessary permits have been issued. If any such permit is issued, any such display shall be handled by a competent operator approved by the fire chief, and shall be of such character and so located, discharged and fired so as not to be hazardous to property or endanger any person. No such permit shall be authorized except between the hours of 11:00 a.m. and 11:00 p.m. on July 1 through July 7 of any year.

(e) The district manager or his designee shall be authorized to suspend the discharge of fireworks permitted under this regulation if in the opinion of the fire chief, the suspension of the discharge of fireworks is necessary to maintain public safety.

Section 2: Severability Clause: The sections, paragraphs, sentences, clauses, and phrases of this Regulation are severable, and if any phrase, clause, sentence, paragraph, or section of this Regulation, or its application to any persons or circumstances, shall be declared unconstitutional, invalid, or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Regulation or their application.

Section 3: All regulations or parts of regulations conflicting with any of the provisions of this regulation are hereby repealed to the extent of such conflict.

Section 4: Effective date.

This regulation shall become effective immediately upon passage.

First Reading: May 23, 2016

Second Reading: \_\_\_\_\_

Passed this \_\_\_\_ day of \_\_\_\_\_, 2016

Signed:

Holiday Island Suburban Improvement District No. 1

\_\_\_\_\_  
Commissioner Bill Noonan, Chair

Attest:

\_\_\_\_\_  
Commissioner Dan Kees, Secretary

**327.13 Explosives, firearms, other weapons and fireworks.**

(a) The possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons is prohibited unless:

- (1) In the possession of a Federal, state or local law enforcement officer;
- (2) Being used for hunting or fishing as permitted under 327.8, with devices being unloaded when transported to, from or between hunting and fishing sites;
- (3) Being used at authorized shooting ranges; or
- (4) Written permission has been received from the District Commander.

(b) Possession of explosives or explosive devices of any kind, including fireworks or other pyrotechnics, is prohibited unless written permission has been received from the District Commander.

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US Army Corps of Engineers – Rules and Regulations Governing Public Use of Engineers Water Resources Development Projects can be viewed @ <http://www.usace.army.mil/Portals/2/docs/EP1165-2-316.pdf> and a copy follows.





these portions of the navigable waters of the United States where this provision is applicable and post notices of this designation in the vicinity of the appropriate Manager's office.

(c) Permit for non-floating structures (Issued under the authority of Sec. 327.30) of any kind constructed, placed in or affecting waters of water resources development projects where such waters are deemed navigable waters of the U.S. shall be issued under the provisions of section 10 of the Rivers and Harbors Act approved March 3, 1899 (33 U.S.C. 403). If a discharge of dredged or fill material in these waters is involved, a permit is required under Section 404 of the Clean Water Act (33 U.S.C. 1344). (See 33 CFR parts 320 through 330)

(d) Permit for non-floating structures (Issued under the authority of Sec. 327.30) of any kind constructed, placed in or affecting waters of water resources development projects where such waters are deemed navigable waters of the U.S. shall be issued under the provisions of section 10 of the Rivers and Harbors Act approved March 3, 1899 (33 U.S.C. 403). If a discharge of dredged or fill material in these waters is involved, a permit is required under Section 404 of the Clean Water Act (33 U.S.C. 1344). (See 33 CFR parts 320 through 330) Water quality certifications may be required pursuant to Section 401 of the Clean Water Act (33 U.S.C. 1341).

(e) Shoreline Use Permit to authorize private shoreline use facilities, activities or development (Issued under the authority of section 327.30) may be issued in accordance with the Project Shoreline Management Plan. Failure to comply with the permit conditions issued under Section 327.30 is prohibited.

#### 327.20 Unauthorized structures.

The construction, placement, or existence of any structure (including, but not limited to, racks, rafts, signs, non-permissible hunting stands or blinds, boxes, docks, or lampposts) on any land under, upon, or over the project lands, or waters is prohibited unless a permit, lease, license or other appropriate written authorization has been issued by the District Commander. The design, construction, placement, existence or use of structures in violation of the terms of the permit, lease, license, or other written authorization is prohibited. The government shall not be liable for the loss of, or damage to, any private structures, whether authorized or not, placed on project lands under the authority of the District Commander. Portable building stands, climbing devices, steps, or blinds that are not nailed or screwed into boxes and are removed at the end of a day's hunt may be used.

#### 327.21 Special events.

(a) Special events including, but not limited to, water carnivals, boat regattas, fishing tournaments, music festivals, stamp presentations or other special events, shall be held on project lands or waters only if authorized by the District Commander. Where appropriate, District Commanders can provide the state a blanket letter of permission to permit fishing tournaments while administering the scheduling and details of tournaments with individual projects. An appropriate fee may be charged under the authority of Sec. 327.23.

(b) The public shall not be charged any fee by the sponsor of such event unless the District Commander has approved in writing (and the sponsor has properly posted) the permit conditions. The permit conditions shall include the date, time, and location of the event, the sponsor's name, and the sponsor's agreement to comply with terms and conditions of the permit/permission or the regulations in this part 327.

#### 327.22 Unauthorized occupation.

(a) Occupying any lands, buildings, vessels or other facilities within water resource development projects for the purpose of maintaining the same as a full- or part-time residence without the written permission of the District Commander is prohibited. The provisions of this section shall not apply to the occupation of lands for the purpose of camping, in accordance with the provisions of Sec. 327.7.

(b) Use of project lands or waters for agricultural purposes is prohibited except when in compliance with terms and conditions authorized by lease, license or other written agreement issued by the District Commander.

#### 327.23 Recreation use fees.

(a) In accordance with the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601) and the Omnibus Budget Reconciliation Act of 1993, Pub. L. 103-46, the Corps of Engineers collects by use fees, special recreation use fees and/or special permit fees for the use of specialized sites, facilities, equipment or services related to outdoor recreation furnished at Federal expense.

(b) Where such fees are charged, the District Commander shall insure that clear notice of fee requirements is prominently posted at each area, and at appropriate locations therein and that the notice be included in publications distributed at such areas. Failure to pay authorized recreation use fees as established pursuant to Pub. L. 86-578, 78 Stat. 5777, as amended (16 U.S.C. 4604-66), is prohibited and is punishable by a fine or not more than \$100.

(c) Failure to pay authorized day use fees, and/or properly display applicable receipt, permit or pass is prohibited.

(d) Any Golden Age or Golden Access Passport permittee shall be entitled, upon presentation of such a permit, to utilize special recreation facilities at a rate of 50 percent of the established use fee at Federally operated areas. Fraudulent use of a Golden Age or Golden Access Passport is prohibited.

#### 327.24 Interference with Government employees.

(a) It is a Federal crime pursuant to the provisions of sections 111 and 1114 of Title 18, United States Code, to forcibly assault, resist, oppose, impede, intimidate, or interfere with, attempt to do so, or willfully obstruct or hinder the official duties, or in account of the obligations engaged in by the official duties, of any Federal or State employee, or of any Federal employee engaged in the performance of official duty. Such acts of interference with a Federal employee while carrying out the regulations in this part are also a violation of such regulations and may be a state crime pursuant to the laws of the state where they occur.

(b) Failure to comply with a lawful order issued by a Federal employee acting pursuant to the regulations in this part shall be considered as interference with that employee who is engaged in the performance of their official duties. Such interference with a Federal employee engaged in the performance of official duties is prohibited, with a minimum criminal penalty for identification upon request of the Federal employee, when that employee is authorized by the District Commander to issue citations in the performance of the employee's official duties.

#### 327.25 Violations of rules and regulations.

(a) Any person who violates the provisions of the regulations in this part, other than for a failure to pay authorized recreation use fees as separately provided for in Sec. 327.23, may be punished by a fine of not more than \$5,000 or imprisonment for not more than six months or both and may be tried and sentenced in accordance with the provisions of section 3401 of Title 18, United States Code. Persons designated by the District Commander shall have the authority to issue a citation for violation of the regulations in this part, requiring any person charged with the violation to appear before the United States Magistrate within whose jurisdiction the affected water resources development project is located (16 U.S.C. 4604).

(b) Any person who commits an act against any official or employee of the U.S. Army Corps of Engineers that is a crime under the provisions of section 111 or section 1114 of Title 18, United States Code or under provisions of pertinent state law may be tried and sentenced as further provided under Federal or state law, as the case may be.

#### 327.26 State and local laws.

(a) Except as otherwise provided in this part or by Federal law or regulation, state and local laws and ordinances shall apply on project lands and waters. This includes, but is not limited to, state and local laws and ordinances governing:

- (1) Operation and use of motor vehicles, vessels, and aircraft,
  - (2) Hunting, fishing and trapping,
  - (3) Use or possession of firearms or other weapons,
  - (4) Civil disobedience and criminal acts,
  - (5) Littering, sanitation and pollution, and
  - (6) Alcohol or other controlled substances
- (b) These state and local laws and ordinances are enforced by those state and local enforcement agencies established and authorized for that purpose.

#### 327.27 (Reserved)

#### 327.28 (Reserved)

#### 327.29 (Reserved)

#### 327.30 Shoreline Management on Civil Works Projects

(a) Purpose. The purpose of this regulation is to provide policy and guidance on management of shorelines of Civil Works projects where 36 CFR Part 327 is applicable.

(A complete copy of 327.30 is available at the Resource Manager's Office, District Office, District Office or from HQUSACE CECW-ON, Washington, DC 20314-1000.)

A violation of the provisions of this regulation shall subject the violator to a fine of not more than \$5000.00 or imprisonment for not more than 6 months, or both.

In the interest of more effective resource management and to increase the overall enjoyment of the visitor experience available at Corps of Engineers water resources development projects, the preceding rules and regulations have been established. Your observance of these rules while a visitor to these projects will make your visit and the visits of others more pleasant and enjoyable.