

WILLOW FORK DRAINAGE DISTRICT RULES AND REGULATIONS

WHEREAS, Willow Fork Drainage District (the “District”) operates a drainage system to provide service to residential and commercial establishments within the District (the “System”); and

WHEREAS, it is the District’s intent to adopt and enforce reasonable rules and regulations to preserve the sanitary condition of all water controlled by the district, prevent waste or the unauthorized use of water controlled by the district, and regulate privileges on any land or any easement owned or controlled by the district; and

WHEREAS, the Board of Directors deems it necessary to adopt these rules and regulations (“Rules and Regulations”); Now, Therefore,

BE IT ORDERED BY THE BOARD OF DIRECTORS OF WILLOW FORK DRAINAGE DISTRICT THAT:

Section 1: Definitions.

(a) “Person” includes an individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

(b) “Property owner” means a person who owns property within the District.

(c) “Renter” means a person who leases or rents property within the District.

Section 2: Drainage Facilities and Unauthorized Materials. For the purpose of providing drainage capacity and services to drain the land located within its boundaries, the District has constructed, owns and operates drainage ditch and storm sewer system (collectively, the “Drainage Facilities”). It is essential that the District maintain the Drainage Facilities and ensure that they are kept clear of any objects or debris that may block them and interfere with their intended purpose or affect the quality of the storm water discharged by the District. The District’s Drainage Facilities are solely allowed to carry storm water rainfall and anything deposited into such system shall be unauthorized. Anyone who disposes, or is responsible for the disposal of any substance other than storm water, including but not limited to, trash, household or other hazardous materials, construction materials or debris, dirt, sediment chemicals, other debris, or grass, tree and yard clippings, or anything else prohibited under regulations implemented pursuant to the Clean Water Act, the Federal Water Pollution Control Act or any state equivalent act, or that might potentially impede the free flow of storm water runoff or affect the quality of storm water discharged by the District in the Drainage Facilities or the District’s Rights-of-Way (“Unauthorized Materials”) will be responsible for (1) removing such Unauthorized Materials and restoring the Drainage Facilities to their prior condition or (2) reimbursing the District for all costs of removal and restoration if the District opts, at its sole discretion, to perform such work. In addition to or in place of the foregoing, the District may assess a penalty against the violator as set forth in the section entitled Penalties for Violation. A person’s first violation of this section shall result in a warning from the District rather than the imposition of a penalty as set forth in the section entitled Penalties for Violation. However, such

a warning shall not relieve the person who violated this section from the person's responsibility for removing the Unauthorized Materials and restoring the drainage facilities or reimbursing the District for performing the removal and restoration, if the District opts, in its sole discretion, to perform the work.

Section 3: Damage to District Facilities. Any person who damages any of the District's facilities, property or easements directly or indirectly must pay to the District the District's cost for repairing such District facilities, property or easements. If the District's facilities, property or easements are damaged by a person hired by a builder, property owner or renter in connection with the provision of services to the builder, property owner or renter, the builder, property owner or renter will be responsible for paying to the District the cost of repairing such District facilities, property or easements. Additionally, any person who damages District facilities, property or easements and any builder, property owner or renter who hires a person who creates such damage is subject to the penalties described in the section entitled Penalties for Violation.

Section 4: Unauthorized Operation of Motor Vehicles On or Near Public Facilities. The unauthorized operation of any motor vehicle, as defined in section 49.217, on a levee, in a drainage ditch, or on land adjacent to a levee, canal, ditch, exposed conduit, pipeline, pumping plant, storm water facility, or other facility for the transmission, storage, treatment or distribution of storm water owned or controlled by the District is prohibited. Any person who operates a motor vehicle in violation of this section shall pay the District the cost of repairing any damage done to the District's facilities, property or easements. Any person who violates this section is subject to the penalties described in the section entitled Penalties for Violation. Pursuant to Section 49.217 of the Texas Water Code, the violation of this section may also result in a Class C misdemeanor, except that subsequent offenses may result in a Class B misdemeanor.

Section 5: Responsibilities of Individuals Engaged in Construction or Maintenance Activities.

- a. Construction Debris and Street Cleaning. The builder, developer and property owner will be responsible for ensuring that the street in front of their lots stays free from the accumulation of trash, sediment, dirt, and all other debris that result from construction and maintenance activities. The builder, developer, and property owner are responsible for observing all signs and for enforcing the District's Rules and Regulations with all employees, suppliers, contractors and subcontractors. Washing sediments into the street, drainage ditches, sewer inlets or any other storm water facility ("Drainage Facilities") or a driveway or sidewalk that drains into a Drainage Facility is prohibited by the District and the EPA. Street cleaning will be done by street scraping or by using a vacuum sweeper. The accumulation of any such trash, sediment, dirt or any other debris or the washing of trash, sediment, dirt, and all other debris into a Drainage Facility is considered a violation of these Rules and Regulations.
- b. Concrete Wash-Out Site. Each builder will provide a single, dedicated concrete wash-out site on one of the builder reserved lots, for use during construction. The site selected will be reviewed with the District, and an identification sign must be erected on the site by the builder prior to use.

The builder will clean and maintain the site as necessary and is responsible for the proper and legal disposal of concrete. Silt fencing must be installed along the curb in front of the wash-out site as well as an access pad.

The builder will inform its subcontractors of the location and purpose of the concrete wash-out site.

- c. Other Builder Responsibilities. The builder, developer, and property owner are responsible for observing all signs and for enforcing the District's Rules and Regulations with all employees, suppliers, contractors and subcontractors. Builders are responsible for conducting regular inspections of their erosion control measures to insure they are functioning properly.
- d. Failure to Comply. Failure to comply with the terms of this section will be considered a violation of these Rules and Regulations and will subject the violator to the penalties set forth in the section entitled Penalties for Violation. Further, the District, at its sole option, may perform or have performed any clean-up necessitated by the violation of this section and backcharge the builder for the cost of the clean-up. A person's first violation of this section shall result in a warning from the District rather than the imposition of a penalty as set forth in the section entitled Penalties for Violation. However, such a warning shall not relieve the person who violated this section from the person's responsibility for performing any clean-up necessitated by the violation of this section or reimbursing the District for such clean-up, if the District opts, in its sole discretion, to perform the work.

Section 6. Prohibition of Dumping. The unauthorized dumping of trash, sediment, dirt, and all other debris in or on District facilities, property, easements and rights-of-way is prohibited. A person who violates this section and developers, builders and property owners who hire such a person are subject to the penalties described in the section entitled Penalties for Violation. In addition, the District reserves the right to remove the unauthorized materials and backcharge the person who dumped such material and the builder, developer or property owner who hired such person the cost of removing such unauthorized material.

Section 8: Violations and Penalties for Violation. Any person, corporation or other entity who:

- A. Violates any section of these Rules and Regulations; or
- B. Makes unauthorized use of District facilities; or
- C. Causes damage to District facilities by using such facilities in a manner or for a purpose contrary to the purpose for which such facilities were designed; or
- D. Disposes unauthorized material into the District's storm sewer system;

shall be subject to a penalty of up to \$5,000 for each breach of the foregoing provisions. Each day that a breach of any provision hereof continues shall be considered a separate violation.

This penalty shall be in addition to the other penalties, fees and charges provided by these Rules and Regulations and the Laws of the State of Texas and any other legal rights and remedies of the District as may be allowed by law.

In addition to the civil penalties described in this section, the violation of a regulation adopted by the District may result in a Class C misdemeanor.

Section 9: Payment Method. All payments required by these Rules and Regulations must be made by check, automatic bank draft, cashier's check, or money order unless otherwise specified in these Rules and Regulations.

Section 10: Assessment of Penalties. Any person who violates any provision of these Rules and Regulations shall be subject to the penalties set forth in the section entitled Penalties for Violation; provided, however, that prior to assessing penalties for such violation, the District shall give written notice, by first class United States mail or otherwise, to such person of the pending assessment of a penalty and shall give such person the opportunity to be represented by counsel and contest, explain, or correct the violation of these Rules and Regulations at a meeting of the Board of Directors of the District. The notice shall be deposited, postpaid, in a post office or official depository under the care and custody of the United States Postal Service at least ten (10) days prior to the date of the scheduled meeting of the Board of Directors. A written statement by the District's operator or other District consultant that the notice was so mailed and a certificate of mailing by the United States Postal Service shall be prima facie evidence of delivery of same. If the person appears before the Board in person or in writing at the scheduled meeting specified in the notice, the Board shall hear and consider the matter and inform the person of the Board's determination by sending written notice by first class United States mail to the person at the address to which the notice was mailed.

Section 11: Appeal. Any determination by the District's operator or the District's Engineer or any authorized agent of the District or any dispute regarding the terms and provisions of these Rules and Regulations may be appealed to the Board of Directors of the District, which shall conduct a hearing on the matter. The District's operator and/or attorney shall provide the customer with information regarding the appeals and hearing procedures upon the customer's request.

Section 12: Amendments. The District's Board of Directors has and specifically reserves the right to change, alter or amend any rate fee or provision of these Rules and Regulations at any time.

Section 13: Provisions Severable. The provisions of these Rules and Regulations are severable, and if any provision or part of these Rules and Regulations or the application thereof to any person or any circumstance shall ever be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of these Rules and Regulations and the application of such provision or part of these Rules and Regulations to other persons or circumstances shall not be affected thereby.

Effective Date. These Rules and Regulations are effective as of the date of adoption.

4/7/03

ADOPTED this ____ day of _____, 20__.

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