

RULES & REGULATIONS

DeWitt County Drainage District No. 1



DeWitt County Drainage District No. 1

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Approved and adopted at a regular meeting on June 17, 2019.

Effective Date: June 18, 2019.

Updated October 1, 2019, December 16, 2019

I. ORDER ON ADOPTION

ORDER NO. 2019-02

ORDER ADOPTING MASTER DRAINAGE PLAN, RULES & REGULATIONS AND DRAINAGE CRITERIA MANUAL

WHEREAS DeWitt County Drainage District No. 1, ("District") is lawfully and duly constituted, operates under applicable articles of the Texas Constitution, State Statutes, including but not limited to the Texas Water Code ("TWC"), special legislation, and rules and regulations duly adopted by the District's Board of Directors; and

WHEREAS the District is mandated by the State of Texas to manage drainage and protect lives and property within its jurisdiction; and

WHEREAS a decided need exists for adoption, promulgation, application, and enforcement of uniform standards and Rules & Regulations affecting development within the boundaries of the District; and

WHEREAS the District has developed a Master Drainage Plan, Rules & Regulations and a Drainage Criteria Manual according as authorized by TWC §49.211; and

WHEREAS the District posted notices on June 5, 2019 and June 12, 2019 in a newspaper of general circulation in the area that it would hold public hearings on June 14, 2019; and

WHEREAS the District made its Master Drainage Plan, Rules & Regulations and Drainage Criteria Manual available on its website in advance of said public hearings; and

WHEREAS the District held two public hearings on June 14, 2019, at which time said Master Drainage Plan, Rules & Regulations and Drainage Criteria Manual were presented to the public for review and comment;

WHEREAS said Rules & Regulations are readily available to the public and all persons who may be affected by the same; and

WHEREAS said Rules & Regulations are reasonably related to the provision of adequate drainage and flood control for the citizens of and property within the District; and

WHEREAS said Rules & Regulations regulate the impact of man-made drainage from any private property into the District's facilities to ensure that the District's facilities are capable of handling said artificial runoff and to avoid harm to the District's facilities and pre-existing property and / or persons; and

Rules & Regulations

DeWitt County Drainage District No. 1

WHEREAS said Master Drainage Plan and Rules & Regulations use generally accepted engineering criteria as outlined in its component unit entitled DeWitt County Drainage District No. 1 Drainage Criteria Manual; and,

WHEREAS Director Mary Alice Perales made the following motion at the regular meeting of the District on June 17, 2019,

"I move that the DeWitt County Drainage District No. 1 documents entitled "Master Drainage Plan", "Rules & Regulations" and "Drainage Criteria Manual" be adopted by the District; that the date of adoption is June 17, 2019 and the effective date will be June 18, 2019; provided that any project which was fully submitted for platting or permitting consideration to the City of Cuero or to DeWitt County prior to the effective date of June 18, 2019 will not be required to conform to these Rules and Regulations, unless a substantial revision of that project is submitted to the City of Cuero, DeWitt County or the District for review and approval on or after June 18, 2019.

WHEREAS Director Doug Sethness seconded the motion and a quorum of the Directors voted "AYE"; now therefore:

IT IS ORDERED that the District's Master Drainage Plan, Rules & Regulations and Drainage Criteria Manual, together with and its appendices and future amendments as authorized by Section 49.211 of the Texas Water Code and shall become effective and enforceable within the District's jurisdictional boundary on June 18, 2019.

THIS ORDER IS ENACTED AND APPROVED AT A PUBLIC MEETING OF THE DEWITT COUNTY DRAINAGE DISTRICT NO. 1, HELD IN COMPLIANCE WITH CHAPTER 551 OF LOCAL GOVERNMENT CODE (TEXAS OPEN MEETINGS ACT), ON THIS THE 17th DAY OF JUNE 2019.

Doug Sethness, President

ABSENT

Emily Montgomery, Vice President

SEAL HERE

Mary Alice Perales, Secretary

Ryan Parker
Records Management Officer

TABLE OF CONTENTS

I. ORDER ON ADOPTIONi

II. PREFACE..... 1

III. INTRODUCTION..... 4

 A. POLICY STATEMENT 5

 B. MAP OF DISTRICT 6

 C. DISTRICT MEETINGS 7

IV. PERMITS 8

 A. DRAINAGE PLAN & PLAT 10

 B. TRACT DEVELOPMENT WITHOUT PLATTING..... 17

 C. UTILITY, PIPELINE, AND CABLE CROSSINGS..... 20

 D. PRIVATE AND PUBLIC CROSSINGS..... 23

 E. DRAINAGE CONNECTIONS WITHOUT LAND USE CHANGES 26

 F. ADDITIONAL PERMIT REQUIREMENTS & CONDITIONS..... 29

V. REVIEW AND APPROVAL..... 35

 A. FEES 38

 B. DENIAL 39

 C. VARIANCES 40

VI. OTHER CONDITIONS AND REQUIREMENTS 41

 A. ENFORCEMENT & COMPLIANCE..... 43

 B. PENALTIES 45

 C. SAVINGS, REPEALER, SEVERABILITY & EFFECTIVE DATE 48

VII. GLOSSARY..... 49

II. PREFACE

(1) FINDINGS

The DeWitt County Drainage District No. 1 makes the following findings:

1. Because of the generally flat terrain throughout the region, areas within the boundaries of the Drainage District No. 1 are subject to accumulation of stormwater and the overflow and flooding from existing watercourses and drainage facilities.
2. Increased growth and development, which change the characteristics of the surface of the land, can create stormwater and flooding problems or exacerbate existing problems.
3. The existing drainage facilities under the jurisdiction of the Drainage District No. 1 require continuous maintenance and, at times, redesign to provide drainage capacity for stormwater runoff.
4. Drainage District No. 1 collects an ad valorem tax from property owners within its jurisdiction to defray the costs of providing drainage facilities and for maintenance of drainage facilities.
5. A comprehensive and coordinated approach for the review and approval of subdivision proposals and development proposals is an effective and efficient approach to address existing and future needs.

(2) AUTHORITY AND PURPOSE

These regulations are adopted pursuant to the authority set forth in the Texas Water Code §49.211.

It is the purpose of these regulations to protect, maintain and enhance public health, safety and general welfare, and to minimize the impacts of increases in stormwater runoff and flooding, by providing for the review and approval of the drainage plans and proposals for management of stormwater and flooding associated with certain development proposals, and to establish minimum requirements and efficient procedures by which these regulations are to be administered and enforced.

It is the intent of these regulations that stormwater runoff within the boundaries of subdivisions and developments, and the stormwater runoff that flows from subdivisions and developments, be conveyed safely, that these flows have flow paths to the most appropriate District outfalls, that along the flow paths property is not adversely impacted by these flows, and that it be demonstrated that the receiving District outfalls and ditches have the capacity to convey the additional flows without increasing downstream flooding.

(3) JURISDICTION

These regulations shall apply to all land located within the boundaries of the DeWitt County Drainage District No. 1 (the District), as those boundaries are amended from time to time. Further certain regulatory jurisdiction extends to land outside the District but draining into the District as provided by the Texas Water Code §56.141.

(4) APPROVALS REQUIRED, COMPLIANCE, AND EXEMPTIONS

The approvals required, compliance and exemptions are as follows:

1. **District Approvals Required.** Except as exempted in this Section, no person, property owner, property developer, or subdivider shall undertake any development or subdivide any land within the District’s jurisdictional boundary without obtaining the District’s approval, if such development or subdivision:
 - a. requires plat approval by DeWitt County or the City of Cuero,
 - b. is development for a residential purpose not exempted by “5a” below
 - c. is development for a non-residential purpose not exempted by “5b” below
 - d. is located adjacent to or within a District easement or facility (includes fencing)
 - e. includes a drainage connection to District facilities
 - f. is located within the 100-year floodplain
 - g. imports fill or in any manner changes the existing topography of the site
 - h. changes the volume or velocity of drainage flow on or off the site
2. **District Approvals Encouraged.** Persons, property owners, property developers, utilities, and subdividers proposing activities that are not required to obtain approvals are encouraged to contact the District Engineer for information on drainage conditions, flood hazard areas, and recommendations to minimize or avoid drainage problems and exposure to flooding.
3. **Local Jurisdiction Approvals.** The Applicant/Owner is responsible for submission to and satisfaction of the requirements of the applicable local jurisdiction.
4. **Compliance.** Persons, property owners, property developers, subdividers, utilities, and any and all entities performing work on behalf of those entities, whether or not for compensation, shall carry out the proposed development work in accordance with the Approval issued by the District and the plans attached thereto.
5. **Exemptions.** The following activities are exempt from the requirement to submit a drainage plan; however, a site plan and plat (if applicable) and an as-built drawing must be submitted for approval by the District:
 - a. Development of single-family residential homes on individually-owned lots, including building additions or appurtenant structures thereto, where the total impervious coverage area is less than 10,000 square feet (including all pavement, rooftops, driveways, sidewalks, and concrete) and less than twenty (20) percent of the total land area of the development,
 - b. Utility projects, unless within 100 feet of District easements or facilities.
 - c. Demolition Only Projects – Demolition only project are exempt from the development of a drainage plan but will require a permit and a Sediment Control Plan.

Rules & Regulations

DeWitt County Drainage District No. 1

6. **Fencing.** Approval for fencing is subject to the District's approval process; however, fees are not required.
- a. To allow for proper flow of water and to minimize damage to the District's facilities, the District requires the following:
 - b. Proposed fencing changes along the boundaries of the District's easement must be discussed with the District before work begins. The District does not require permit applications for this review **but does require that fencing installed does not pose any hazards** to the proper operation of the District's facilities. To allow for maintenance of District facilities, fencing is not allowed within 20 feet of top of bank without the express written consent of the District.
 - c. No fencing is permitted inside the District's easement (other than authorized water gates – see below). Any unauthorized fencing placed inside the District's easement will be removed by the District.
 - d. Water gates installed across District channels may only be done by permit (no fee) and must conform with the District's water gate design criteria. Water gates may also be removed by the District as needed for the protection of life and property, at the District's sole discretion.
7. **Administrative Approvals.** Exemptions as listed in 5 above may be approved administratively by the District's General Manager.
- a. The General Manager is authorized to issue temporary development permits for time periods not longer than 21 days at his/her sole discretion, prior to board approval of a development project.

III. INTRODUCTION

DeWitt County Drainage District No. 1 is a political subdivision of the State of Texas. Its mission is to control and distribute the storm and floodwaters within its jurisdiction pursuant to Article XVI, Section 59 of the Texas Constitution, Chapters 49 and 56 of the Texas Water Code and all special legislation pertaining to the District.

The District's Board of Directors is charged with the responsibility of developing policies and enacting resolutions to facilitate the intent as well as implement the laws of the State of Texas and the District's Master Drainage Plan, entitled Master Drainage Plan, DeWitt County Drainage District No. 1 ("Master Drainage Plan") as authorized by Section 49.21 1 (c) of the Texas Water Code.

The Rules & Regulations and its appendices shall constitute a component part of the District's Master Drainage Plan and the District's Master Drainage Plan shall constitute a component part of the District's Rules & Regulations. Likewise, the following Rules & Regulations and its appendices shall constitute a component part of the District's Drainage Criteria Manual and the District's Drainage Criteria Manual shall constitute a component part of the District's Rules & Regulations.

The Rules & Regulations apply within the jurisdictional boundaries of the District, which extend to land outside the District but draining into the District as provided by the Texas Water Code §56.141, and address, among other subjects, the preparation of Drainage Plans for development within the District's jurisdiction, taking into consideration waters flowing from the property as a result of said development and the impact these waters have on the District's drainage facilities beyond what was experienced in the property's pre-development state.

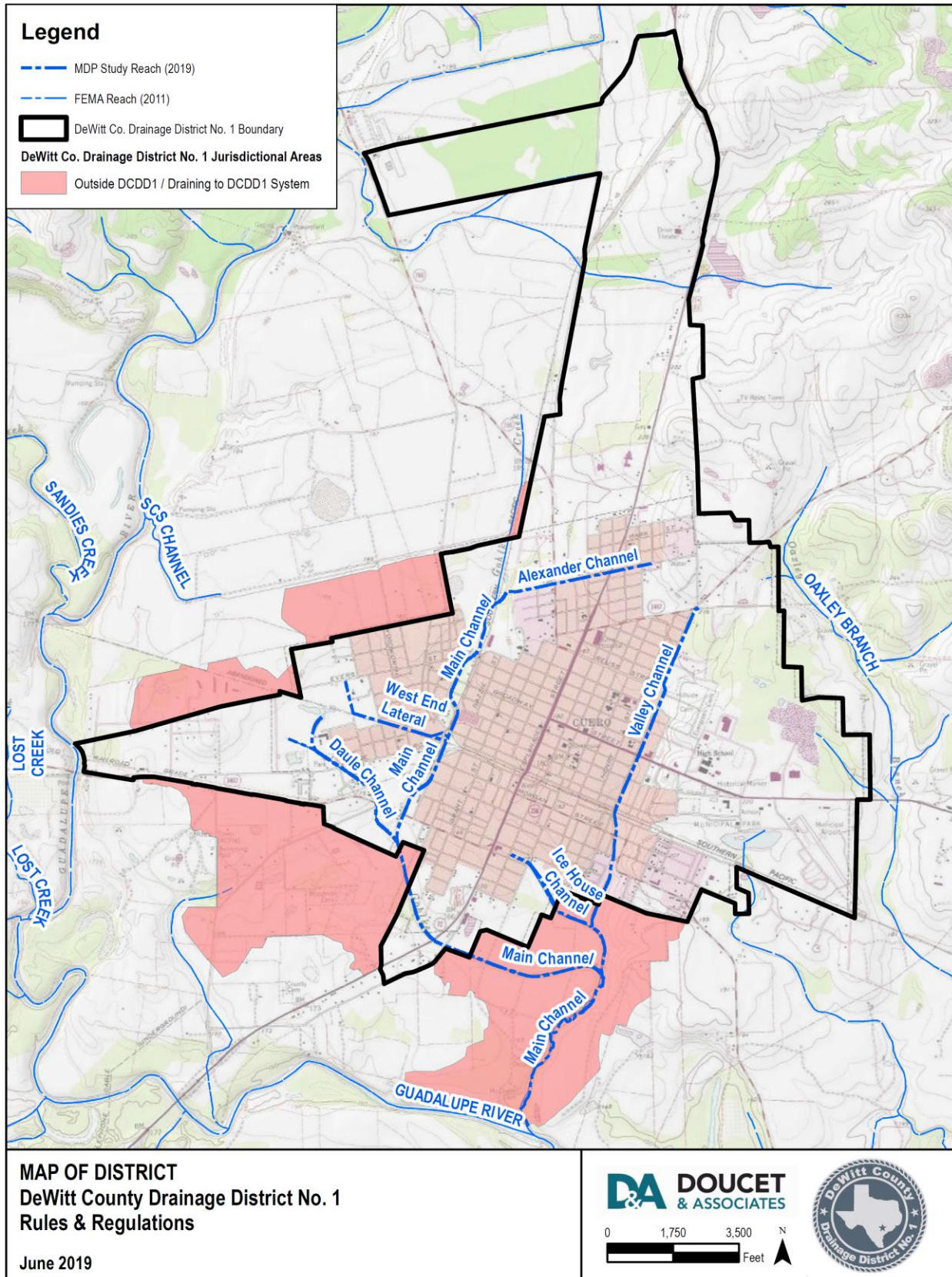
The purpose of the Rules & Regulations is to a) provide for the efficient, consistent and orderly development of drainage facilities within the District's jurisdiction by applying generally accepted engineering criteria, and b) establish factual and scientific data required for planning and designing future drainage facilities, in order to achieve adequate retention, detention, and conveyance of storm and flood waters through the District's jurisdiction.

These Rules & Regulations provide the Developer and the Developer's Engineer information and instruction necessary for creating drainage plans that will promote the Developer's interests and objectives while protecting the health and safety of citizens and property within the District's jurisdiction.

A. POLICY STATEMENT

The District, by these Rules & Regulations, assumes and exercises its authority as provided by law and does not in any way infringe upon the express or implied rights or obligations of any other governmental entity which shares concurrent jurisdiction with the District. It is not the District's intent to usurp the powers or authority of any other governmental entity by exercising its own authority.

B. MAP OF DISTRICT



C. DISTRICT MEETINGS

(1) SUBMITTAL

The Board of Directors shall hold such regular and special meetings at the District's office as deemed necessary for the proper conduct of the District's business. Completed applications with all supporting documentation shall be submitted to the District and the District's Engineer allowing an adequate amount of time for these items be reviewed for compliance with the District's Rules & Regulations. Only after this review has been completed will the submittal be placed on the agenda for final review and approval by the Board at the next scheduled meeting.

(2) PROCEDURE

During the meeting of the Board of Directors of the District, District personnel and / or District Consultants will report on the status of review for the Drainage Plan (and Plat if required) to the Directors for review and discussion. The Developer may participate in the discussion and offer any additional information the Developer deems necessary to assist the Board of Directors in making its decision.

(3) APPROVAL

An affirmative vote of a majority of the Directors is required to obtain plan and / or plat approval.

IV. PERMITS

The District controls certain activities within the boundaries of the District. The District grants permits and requires on-site availability of such permits.

Permits granted for activity within the District shall list the specific activities for which the permit was issued. Activities shall be limited to those shown on the permit.

(1) PRE-DEVELOPMENT PROCEDURES

Thirty (30) days prior to the regularly scheduled Board Meeting of the District at which approval is desired, the Applicant shall submit to the District the required submittal materials for each desired permit. Each submittal shall include: (see District for number of copies to be submitted along with originals)

1. An electronic copy of all submittal materials.
2. Completed District Application Form (blank forms furnished by the District).
3. Drawings providing details of proposed activity. Drawings shall include both a plan and profile view, the limits of the District's easement, survey name and abstract number, and physical location.
4. Copies of the drainage calculations for the sizing of all proposed improvements or modifications, and drainage calculations and support data describing the impact of the proposed development on District drainage channels. Drainage calculations and support data shall be in accordance with the District's Design Criteria Manual.
5. Application Processing Fee.
6. Sediment Control Plan / Trash Control Plan

Sediment Control Plans are required on **all** projects to control and prevent sediment from leaving the development site by any means other than in a container designed for that purpose. Such plan will list controls to be in place around the perimeter of any area of disturbed or loose earthen material, at points of vehicular entry/exit, and near any storm sewer or drainage channel inlet within a reasonable distance downstream of the project site. Plans should specify the onsite person (and contact phone number) responsible for ensuring that sedimentation controls continue to operate as designed, throughout the life of the project.

Trash containers and/or enclosures must be used to ensure that no litter from the site is allowed to be deposited by the elements or otherwise, upon any adjacent public or private property.

Rules & Regulations**DeWitt County Drainage District No. 1**

The District and its Engineer shall review the submitted materials, as described in the Review & Approvals Section, and may request additional data, analysis, or modification of development plans to find better understand the impact of the development or to investigate alternative solutions which better meet the Districts goals and objectives.

A. DRAINAGE PLAN & PLAT

The Developer shall prepare or have prepared a Drainage Plan for each development that requires plat approval by DeWitt County or the City of Cuero, and for all other development types which are otherwise not exempt from this requirement. The Drainage Plan shall outline the method proposed for, and impacts resulting from modifications to drainage patterns caused by the development. The Drainage Plan shall contain the detailed design of all drainage improvements as specified in the following sections, the rainfall runoff information pertaining to potential adverse offsite impacts, and any special notes on the Plat, including deed restrictions. This plan shall be submitted to the District for review and approval to ensure that adverse drainage or flooding conditions will not be created along any drainage artery or adjacent property as a result of the proposed development. The Drainage Plan must be prepared by a Professional Engineer registered by the State of Texas.

(1) DATUM

The Developer's Drainage Plan elevations shall correspond with and be the datum used on the latest FEMA Floodplain Maps, as amended.

(2) CONTENTS OF DRAINAGE PLAN

Scale: Use standard engineering scales, properly identified on each drawing. The required sheet size is 24" X 36".

Drainage Plans for all new construction or developments are required to show the following as a minimum:

1. Firm name, address, phone number, and contact name for the Engineer that prepared the plan. Put this information on the cover sheet.
2. Firm name, address, phone number, and contact name of the Owner/Developer. Put this information on the cover sheet.
3. Provide the date on all submittals and all subsequent revisions, including month, day, and year.
4. Scale of drawing. Standard Engineering scale required. A preferred scale of 1"=20' is encouraged; a maximum scale of 1"= 100' is allowed.
5. Location or vicinity map drawn to a scale. Clearly show the limits of the project boundary in relation to nearby streets.
6. Benchmark and reference benchmark with datum and year of adjustment. All projects must be tied vertically and horizontally to the same datum as the current FEMA flood map.

Rules & Regulations

DeWitt County Drainage District No. 1

7. The standard District notes. The applicant shall contact the District office at (361) 275-9995 to obtain the current required District notes.
8. Copies of additional documents as required to show permission, licenses, permit, consent, etc., to cross privately held easements and fee strips as applicable. Provide copies of any easement requests and subsequent approvals to the District and the District Engineer with the Drainage Plan submittals.
9. Signature lines for the District's Board of Directors and the District Engineer. The applicant shall contact the District office at (361) 275-9995 to obtain the current required signature information.
10. Provide contour lines for the existing topography of the site. A sufficient number of contour lines shall be provided at the intervals required to adequately convey the existing slopes of the subject tract and the immediately adjacent property. Typically, half foot contours of the entire developed area and some portion of the adjacent area are sufficient to comply with this requirement.
11. Cross-section of existing and / or proposed detention pond(s). Include top of bank, 100-year design water surface elevation, freeboard, and average depth on the cross section.
12. Cross-section of existing and / or proposed swales and ditches. Additionally, calculations shall be provided to demonstrate that the swales and / or ditches have adequate capacity for the proposed site conditions.
13. Drainage area divides for the project area, including off-site areas, with peak runoff rates for each inlet, drainage structure, or drainage area.
14. Location and dimensions of all existing and proposed drainage easements and fee strips. Contact the District office regarding required dedications to the District.
15. Locations and dimensions of all other rights-of-way and easements within or immediately adjacent to the project limits.
16. Location of all District drainage arteries adjacent to or crossing the development as determined by actual ground survey by the Developer's surveyor including filing information and the District identifying information for the ditch/channel. Survey shall have been completed within the past 12 months and shall show the stream alignment two hundred (200) feet upstream and downstream of development. This shall include identifying the static water level (if any).
17. Detention calculations in accordance with the applicable provisions of sections of the Rules & Regulations, including volumetric calculations of detention required and detention provided. Calculations shall include the allowable release rate, proposed release rate, and restrictor sizing analysis. The detention service area, rate of detention, detention required, and detention provided shall be shown on the plans. For detention ponds serving multiple projects, a ledger shall be shown

Rules & Regulations

DeWitt County Drainage District No. 1

on the plans showing the amount of detention provided, the commitment of detention to each project phase, and the surplus detention remaining for future development. This ledger shall be a "living document" which will be updated for each subsequent phase of development.

18. Drainage area map of receiving system if discharging to existing storm sewer system or the drainage area of receiving channel if discharging to open ditch or channel. Provide calculations to prove available capacity.
19. Show the limits of the floodway and the 100-year floodplain scaled from the current FIRM. If none exists within the project limits, add a note on the Drainage Plan stating that the entire project is outside of the regulatory floodplain.
20. Location of all existing and proposed buildings, structures, paving or other impermeable cover within the site or development.
21. Location of all planned drainage improvements proposed for moving runoff water from the development to the point(s) of release from the site.
22. Points at which structures or pipelines will cross any and all drainage improvements, ditches, streams, etc., within the development.
23. Location of structures or other physical features on the subject tract to provide orientation as required during field inspection of the site.
24. Location and size of all existing drainage structures, pipelines and other underground features on the property. All sanitary sewer and storm sewer within or crossing the subject tract shall be labeled with flowline information at the upstream and downstream ends.
25. Names of adjacent property owners and / or adjoiner data.
26. Provide a copy of Corps of Engineers issued approvals and / or permits if applicable. Provide copies of any USACE permit requests to the District with the Drainage Plan submittals. For project where a Nationwide permit will be used, a separate letter shall be provided from a qualified professional describing how the proposed improvements meet the qualifications for a Nationwide permit.
27. Provide a copy of TxDOT issued approvals and / or permits if applicable for proposed driveways, utility tie-ins, and drainage.
28. A Professional Engineer registered in the State of Texas shall sign, seal, and date the plans.
29. Provide a lot grading plan showing the proposed grading on site which allows for the uninterrupted passage of existing off-site sheet flow from adjacent property. The plans and plat shall include a

Rules & Regulations

DeWitt County Drainage District No. 1

table specifying the minimum finish floor height for each residential lot or commercial building. Lowest floors shall be at least 2 feet above the 100-year base flood elevation and at least 2 feet above natural ground. Elevations shall be based on the nearest FEMA or District-approved benchmark.

30. A 100-year drainage analysis that demonstrates direct accessibility to the detention facility or main outfall during extreme events. Show the extreme event overflow swale. A concrete lined overflow swale is required when the release will be into a District facility and is strongly recommended when discharging to privately maintained facilities. For projects with multiple ponds in series, this analysis must show how the extreme event will be conveyed from one pond to each pond downstream.
31. Plans for any bridges (temporary or permanent), which span any District creek, bayou, stream, gully, or ditch. Place a prominent note on the plans specifying the party responsibility for maintenance of such structures.
32. Provide detailed information for the proposed outfall(s) and slope paving per the District's requirements. No outfall shall be less than 24 inches in diameter without permission from the District.
33. An erosion control (SWPPP) plan and a permanent storm water quality plan acceptable to the District and the Texas Commission on Environmental Quality (TCEQ). The District shall receive copies of all submittals to the (TCEQ).
34. The plans must include an analysis which shows that the existing 100- year flows from adjacent properties will not be adversely impacted by the proposed development. This shall include (as required) the design of a diversion ditch around the project including calculations showing the amount of off-site flow and demonstration that the ditch has capacity for this flow. Alternatively, the Engineer may route these off- site flows through the development. At a minimum, the Engineer shall certify in a statement on the plans that the drainage of adjacent site(s) will not be adversely affected by the proposed development in a 100- year event.
35. The Engineer shall provide copies of requests to the District when making submittals to FEMA requesting Letter of Map Revisions.

(3) CONTENTS OF PLAT

Other governmental entities within the jurisdictional boundaries of the District require property to be platted in certain circumstances. In these instances, a Plat must be submitted to the District simultaneously with the Drainage Plan. In addition to the requirements of the other governing entity, the District requires the following minimum information on the Plat:

1. Firm name, address, phone number, and contact name for the surveyor that prepared the Plat.

Rules & Regulations

DeWitt County Drainage District No. 1

2. Firm name, address, phone number, and contact name of the Owner / Developer.
3. Provide the date on all submittals and all subsequent revisions, including month, day, and year.
4. Scale of drawing. Standard Engineering scale required. A preferred scale of 1" = 20' is encouraged; a maximum scale of 1" = 100' is allowed.
5. Location or vicinity map drawn to a scale. Clearly show the limits of the project boundary in relation to nearby streets.
6. Benchmark and reference benchmark with datum and year of adjustment. All projects must be tied vertically and horizontally to the same datum as the current FEMA flood map.
7. The standard District notes. The applicant shall contact the District office at (361) 275-9995 to obtain the current required District notes.
8. Copies of additional documents as required to show permission, licenses, permit, consent, etc., to cross privately held easements and fee strips as applicable.
9. Signature lines for the District's Board of Directors and the District Engineer. The applicant shall contact the District office at (361) 275-9995 to obtain the current required signature information.
10. Location and dimensions of all existing and proposed drainage easements and fee strips. Note - The District has a preference to obtain their dedications in fee. It is recommended that these dedications be made by separate instrument early in the process to avoid delays with the platting process.
11. Locations and dimensions of all other rights-of-way and easements within or immediately adjacent to the project limits.
12. Location of all District drainage arteries adjacent to or crossing the development as determined by actual ground survey by the Developer's surveyor. Survey shall have been completed within the past year and shall show the stream alignment two hundred (200) feet upstream and downstream of development. This shall include identifying the static water level (if any).
13. Show the limits of the floodway and the 100-year floodplain scaled from the current FIRM. If none exists within the project limits, add a note on the Plat stating that the entire project is outside of the regulatory floodplain.
14. Location and size of all existing drainage structures, pipelines and other underground features on the property. All sanitary sewer and storm sewer within or crossing the subject tract shall be labeled

Rules & Regulations

DeWitt County Drainage District No. 1

with flowline information at the upstream and downstream ends. This information is required only for the first submission and may be removed on subsequent submissions.

15. Names of adjacent property owners and / or adjoiner data.
16. A Professional Land Surveyor registered in the State of Texas shall sign, seal, and date the Plat.
17. All Plats not intended to be recorded must conform to the Texas Board of Professional Land Surveying Rule 663.18.

(4) NOTES FOR DRAINAGE PLANS AND PLATS

The drainage plans, preliminary plats, final plats, and construction plans, as applicable, shall include notes that are pertinent to the development. Applicant shall contact the District office at (361) 275-9995 to obtain notes required for their project.

(5) APPLICANT'S MASTER DRAINAGE PLAN OR DRAINAGE PLANS WITH VARIANCES

Individual sections of larger planned developments will be considered on an individual basis. However, the entire planned development will also have to be evaluated, on the basis of the Applicant's Master Drainage Plan, at the time that the first phase is submitted. The required drainage study must show the impacts of the entire planned development as well as its various individual phases.

For any Master Drainage Plan, Drainage Plans (and Plats if required) submitted with a request for variance from these Rules & Regulations, the variance must be approved by the Board of Directors prior to the Master Drainage Plan, Drainage Plan, or Plat receiving Board approval.

(6) AS-BUILT DRAWING REQUIREMENTS FOR APPLICATIONS WHERE DRAINAGE PLAN OR PLATS ARE REQUIRED

Unless a variance is received in writing from the District, As-built drawings are required within 60 days of completion on all projects.

Applicant shall provide the District with As-Built Drawings of the completed development which meet the following requirements:

1. Physical copies of as-built drawings are required to print to scale on 11 x 17 paper. Project application will specify number of physical copies to be submitted along with an electronic copy.
2. As-built drawings must be completed on the same drawings as approved by the District.
3. An updated Engineer's Seal with the following statement must be on the as-built drawing.
 - a. "I certify, based on field inspection and verification, this set of as-built plans accurately and completely reflects the condition as they exist on the property. I further certify as follows;

Rules & Regulations

DeWitt County Drainage District No. 1

- i. The development is constructed substantially in accordance with the approved grading and drainage plans and improvement plans.
 - ii. The Drainage System shall function as designed and permitted.
4. Spot elevations throughout the site are required on a 10-foot (one foot tolerance) grid density, with a not to exceed ½ inch (0.04 foot) vertical tolerance for each spot elevation provided. Spot elevations to be based upon an identified site benchmark derived from either mean sea level elevations or an assumed elevation.
5. For areas of the site occupied by structures or buildings, a first floor finished floor elevation is required for each structure in lieu of spot elevations throughout each structure. Perimeter spot elevations at 10-foot intervals (one foot tolerance) are required around each structure or building perimeter.
6. For areas of the site with prominent grade breaks (natural or constructed) in excess of 0.5 feet, additional spot elevations are required to locate and reflect the grade breaks.
7. Wherever applicable, elevations should demonstrate the length, width, depth, storage, conveyance capacity, and other hydraulic characteristics.
8. Surveyor's seal shall be on all pages containing as-built elevations.
9. Clearly show type and extent of all impervious cover and the type or classification of impervious cover on the development site

If the required as-build drawings are not provided to the District within 60 days of substantial completion of the development, the District shall obtain the required drawings at the Applicant's expense.

B. TRACT DEVELOPMENT WITHOUT PLATTING

Any tract development that does not involve the filing of a subdivision plat shall comply with the following:

(1) PRE-DEVELOPMENT REQUIREMENTS

1. The filtered drainage runoff from the tract shall be directed to an existing public right-of-way or an existing drainage easement. If the District determines that the tract being developed does not have access to an existing public right-of-way or an existing drainage easement, the District may consider approval of a drainage plan based on replication of existing sheet flow drainage conditions with the following conditions:
 - a. The peak runoff rates for the proposed (post-development) conditions for the design storms listed in these rules shall Not exceed the peak runoff rates for existing (pre-development) conditions.
 - b. The applicant shall provide the District with written documentation regarding the efforts to secure drainage easements to an existing public right-of-way or an existing drainage easement, concurrently with its application.
 - c. The applicant shall secure written consent for the sheet flow drainage from the adjacent downstream property owner.
 - d. At such time as a drainage easement becomes available, the applicant shall abandon the sheet flow drainage and tie the drainage from the property into said drainage easement.
 - e. The applicant's Texas Registered Professional Engineer shall provide a certification in a form acceptable to the District stating that the sheet flow drainage from the tract shall not exceed the existing sheet flow conditions and that the sheet flow drainage from the property will not adversely impact adjacent and downstream property owners.
 - f. The applicant shall provide the District, on or before the anniversary date of the permit approval, with an Annual Inspection Certificate prepared by a Texas Registered Professional Engineer stating that the permitted drainage facilities conform to the plans and specifications contained in the approved permit.
 - g. The applicant shall enter into an agreement with the District, in a form acceptable to the District, reflecting the above conditions which shall state the covenants and restrictions running with the property for the purpose of insuring the proper storm water drainage and detention.

Rules & Regulations

DeWitt County Drainage District No. 1

2. The District may approve alternate detention facilities in lieu of conventional detention basins on a case-by-case basis. Any alternate detention facility shall meet the same requirements for peak runoff release rates.
3. Drainage design and support calculations and models shall in accordance with the District's Drainage Criteria Manual, now existing or hereafter adopted.
4. The Applicant shall provide the District with two (2) business days' notice prior the start of construction of tract development.
5. If proposed work requires enlargement or modification to an existing District facility, all work must comply with the District's Drainage Criteria Manual, now existing or hereafter adopted. The Applicant shall pay for all materials and labor related to the work required to enlarge or modify any District property or facilities.
6. The Applicant shall provide Record (As-Built) Drawings, both in hard copy form and in an electronic format acceptable to the District, of the construction, along with the engineer's certification that the construction was in accordance with the approved Permit.
7. The applicant shall enter into an agreement with the District, in a form acceptable to the District, providing for the maintenance and operation of any detention facilities which shall state the covenants and restrictions running with the property for the purpose of ensuring proper storm water drainage and detention.

(2) AS-BUILT DRAWING REQUIREMENTS FOR TRACT DEVELOPMENT WITHOUT PLATTING

Unless a variance is received in writing from the District, As-built drawings are required within 60 days of completion on all projects.

Applicant shall provide the District with As-Built Drawings of the completed development which meet the following requirements:

1. Physical copies of as-built drawings are required to print to scale on 11 x 17 paper. Project application will specify number of physical copies to be submitted along with an electronic copy.
2. As-built drawings must be completed on the same drawings as approved by the District.
3. An updated Engineer's Seal with the following statement must be on the as-built drawing.
 - a. "I certify, based on field inspection and verification, this set of as-built plans accurately and completely reflects the condition as they exist on the property. I further certify as follows;
 - i. The development is constructed substantially in accordance with the approved grading and drainage plans and improvement plans.
 - ii. The Drainage System shall function as designed and permitted.

Rules & Regulations

DeWitt County Drainage District No. 1

4. Spot elevations throughout the site are required on a 10-foot (one foot tolerance) grid density, with a not to exceed ½ inch (0.04 foot) vertical tolerance for each spot elevation provided. Spot elevations to be based upon an identified site benchmark derived from either mean sea level elevations or an assumed elevation.
5. For areas of the site occupied by structures or buildings, a first-floor finished floor elevation is required for each structure in lieu of spot elevations throughout each structure. Perimeter spot elevations at 10-foot intervals (one foot tolerance) are required around each structure or building perimeter.
6. For areas of the site with prominent grade breaks (natural or constructed) in excess of 0.5 feet, additional spot elevations are required to locate and reflect the grade breaks.
7. Wherever applicable, elevations should demonstrate the length, width, depth, storage, conveyance capacity, and other hydraulic characteristics.
8. Surveyor's seal shall be on all pages containing as-built elevations.
9. Clearly show type and extent of all impervious cover and the type or classification of impervious cover on the development site

If the required as-built drawings are not provided to the District within 60 days of substantial completion of the development, the District shall obtain the required drawings at the Applicant's expense.

C. UTILITY, PIPELINE, AND CABLE CROSSINGS

All utilities, pipelines, and cables, either publicly or privately owned, shall obtain a permit from the District prior to any construction to cross any District drainage facility or disturb land within 100 feet of a District held easement.

All utilities, pipelines, and cables shall cross District facility within 20 degrees of perpendicular to that facility. No utility, pipeline, or cable shall be located within and parallel to a District easement and or facility. Aerial crossings of utilities, pipelines, and/or cables are not allowed.

A private irrigation line servicing a single landowner shall comply with all Rules and Regulations except for the depth which shall be at 30 inches below grade.

(1) REQUIREMENTS

1. Top of utility, pipeline, or cable shall be a minimum of five (5) feet below the existing invert of the channel being crossed, or five (5) feet below the projected invert of the channel as provided by the District's Drainage Criteria Manual, now existing or hereafter adopted. Proposed utility, pipeline, or cable must stay at this depth for the entire width of existing easement, and then may be sloped towards the ground surface at a slope not to exceed 3: 1.
2. All pipelines with a working pressure exceeding 200 pounds per square inch shall be constructed with a concrete pad over the line. Pad shall extend one (1) foot on either side of edge of pipeline for the total length of the District's easement and shall be twelve (12) inches thick. Top surface of pad shall be a minimum of five (5) feet below the existing invert of the channel being crossed, or five (5) feet below the projected invert of the channel as provided by the District's Drainage Criteria Manual, now existing or hereafter adopted. District may release requirement for concrete pad if pipeline is directionally drilled under easement and is at least ten (10) feet below the existing invert of the channel being crossed, or ten (10) feet below the projected invert of the channel as provided by the District's Drainage Criteria Manual, now existing or hereafter adopted.
3. The Applicant shall provide the District with two (2) business days' notice prior the start of construction of crossing.
4. Upon completion of crossing, the Applicant shall install markers on either end of crossing, at the right-of-way limits of the District's easement. Said markers shall be approved by the District and shall be in place prior to release of bond or letter of credit. It shall be the Applicant's responsibility to maintain condition of markers. In addition, the Applicant shall provide as-built drawings, both in hard copy form and in an electronic format acceptable to the District, of the construction, along with the Developer's Engineer's certification that the construction was in accordance with the access permit granted.

(2) ACCESS PERMIT

In applying for a permit for access to a District easement for the purpose of installing or constructing a conveyance typical of a utility, pipeline, or cable, the Applicant shall provide the district with an evaluation of the hydraulic and wind influences on the constructed utility, pipeline, or cable under the conditions of a 2-year, 10-year, 25-year, 50-year, 100-year, and 500-year flood and a 135 mph sustained wind at the site of the utility, pipeline, or cable crossing and explain the impact of a failure of the utility, pipeline, or cable under these conditions

No utility, pipeline, or cable will be allowed to be installed in the confines of a drainage channel or below the 500-year flood elevation at the site of the crossing except as further described in Section IV, C, (1).

Upon approval of application by Board, the District shall prepare an Access Permit for execution by the District and the Applicant, granting the Applicant the privilege to cross the District facility. The Applicant shall deliver executed Access Permit, along with a check made payable to the District for County recording fee and certified copy of permit. The District shall be responsible for recording of Access Permit and will return original to the Applicant. The District shall retain a certified copy of permit. Access permits shall have no force or effect upon easements or rights-of-way granted by others to the District unless an easement or right-of-way is also granted to the Applicant by the owner of the tract of land in question.

Maintenance of the permitted facilities shall be the responsibility of the Applicant. The District reserves the right to require any changes, maintenance, or repairs as necessary to provide protection of life and property. The District may require the Applicant or Owner of the permitted facility to relocate the permitted facility by giving thirty (30) days written notice.

(1) AS-BUILT DRAWING REQUIREMENTS

The District requires as-built drawing submittals for all utility, pipeline, and cable projects.

Applicant shall provide the District with As-Built Drawings of the completed development which meet the following requirements:

1. Physical copies of as-built drawings are required to print to scale on 11 x 17 paper. Project application will specify number of physical copies to be submitted along with an electronic copy.
2. As-built drawings should be completed on the same drawings as approved by the District.
3. An updated Engineer's Seal with the following statement must be on the as-built drawing.
 - a. "I certify, based on field inspection and verification, this set of as-built plans accurately and completely reflects the condition as they exist on the property. I further certify as follows;
 - i. The development is constructed substantially in accordance with the approved grading and drainage plans and improvement plans.

Rules & Regulations

DeWitt County Drainage District No. 1

- ii. The Drainage System shall function as designed and permitted.
4. Three-dimensional location data are required on a 10 foot (one foot tolerance) grid density, with a not to exceed ½ inch (0.04 foot) tolerance for each location provided. Spot location data to be based upon an identified site benchmark derived from either mean sea level elevations or an assumed elevation.
5. For areas of the site with prominent grade breaks (natural or constructed) in excess of 0.5 feet, additional spot elevations are required to locate and reflect the grade breaks.
6. Wherever applicable, hydraulic influences on the constructed utility, pipeline, or cable will be noted for the 2-year, 10-year, 25-year, 50-year, 100-year, and 500-year flood.
7. Surveyor's seal shall be on all pages containing as-built elevations.
8. Clearly show type and extent of all impervious cover and the type or classification of impervious cover on the development site

If the required as-built drawings are not provided to the District within 60 days of substantial completion of the development, the District shall obtain the required drawings at the Applicant's expense.

D. PRIVATE AND PUBLIC CROSSINGS

All new crossings of District's facilities shall be governed by and shall meet the requirements stated herein.

(1) REQUIREMENTS

1. Construction and maintenance of bridges are the responsibility of the person or entity who constructed the bridge.
2. Bridges shall not impede flow upstream or downstream of the bridge.
3. Bridges shall not increase the water surface elevation upstream or downstream of the bridge.
4. Plans for all bridges must be approved by the District.
5. Piers may be placed in the bottom of the channel, but NO pier shall be placed in the center of the channel.
6. Guardrails and abutments shall not prevent access to the channel for maintenance. Additional access easements may be required. It is highly recommended that the Engineer submit a basic one-line plan for the bridge to the District prior to commencing with detailed construction drawings.
7. The bottom of the low chord of the bridge should be twenty-four (24) inches above the 100-year water surface elevation.
8. Culverts shall be bedded and backfilled with suitable material to prevent settlement and washouts. Concrete rip-rap, or other suitable erosion prevention material, may be required by Board after review of application.
9. Bridges or other similar structures may require additional erosion prevention material, as determined by the Board, to protect the channel from erosion. NO wooden bridges shall be allowed by the District.
10. The Applicant shall provide the District with two (2) business days' notice prior the start of construction of the crossing.
11. Based on the District's review of the application, the District may participate in the installation of the crossing. The Applicant shall pay for all materials related to the proposed work.
12. Any crossing within a public right-of-way or easement shall have the approval of the City, County, State, or other governmental entity having jurisdiction over the right-of-way or easement before District approval is granted.

Rules & Regulations

DeWitt County Drainage District No. 1

13. Should permitted facility become damaged by the property owner, Applicant or others, the Applicant or person damaging the facility shall pay for the replacement, repair, and/or removal of the crossing, including all materials, labor, and equipment costs. Should the District, due to either safety concerns or by agreement with the property owner, undertake the replacement, repair, and/or removal of a damaged crossing, the property owner shall reimburse the District for all materials, labor, and equipment costs incurred in replacing, repairing, and/or removing the structure. Should the permitted facility be damaged by the District equipment and personnel during normal District operations, the District will use its equipment and personnel to replace, repair, and/or remove the crossing.
14. Should permitted facility deteriorate from natural causes, the property owner shall pay for replacement and/or removal of the crossing, including all materials, labor, and equipment costs. Should the District, due to either safety concerns or by agreement with the property owner, undertake the replacement and/or removal of a deteriorated crossing, the property owner shall reimburse the District for all materials, labor, and equipment costs incurred in replacing or removing the structure.
15. Should the crossing be located within a public right-of-way or easement, the City, County, State or other governmental entity having jurisdiction in the area shall be responsible for the maintenance, operation, repair, and/or removal of the crossing once the right-of-way or easement, including all public infrastructure contained therein, has been accepted by said entity.
16. If proposed work requires enlargement or modification to an existing District facility, all work must comply with the District's Drainage Criteria Manual, now existing or hereafter adopted. The Developer shall be responsible for all construction costs for such modifications.
17. The Applicant shall provide Record Drawings, both in hard copy form and in an electronic format acceptable to the District, of the construction, along with the engineer's certification that the construction was in accordance with the access permit granted.

(2) ACCESS PERMIT

Upon approval of application by Board, the District shall prepare an Access Permit for execution by the District and the Applicant, granting the Applicant the privilege to cross the District facility. The Applicant shall deliver executed Access Permit, along with check made payable to the District for County recording fee and cost of certified copy. The District shall be responsible for recording of Access Permit and will return original to the Applicant. The District shall retain a certified copy of permit. The permit shall be termed as permanent or temporary. Access permits shall have NO force or effect upon easements or rights-of-way granted by others to the District unless an easement or right-of-way is also granted to the Applicant by the owner of the tract of land in question.

Maintenance of the permitted facilities shall be the responsibility of the Applicant. The District reserves the right to require any changes, maintenance, or repairs as necessary to provide protection of life and

Rules & Regulations

DeWitt County Drainage District No. 1

property. The District may require the Applicant or Owner of the permitted facility to relocate the permitted facility by giving thirty (30) days written notice.

(3) EXISTING FACILITIES (UNPERMITTED)

Should an existing facility (one installed prior to the effective date of this rule) become damaged by the property owner or others, the property owner or person damaging the facility shall pay for replacement materials, and shall reimburse the District for all labor and equipment costs incurred in replacing or repairing the structure. Should the existing facility be damaged by the District equipment and personnel during normal District operations, the District will use its equipment and personnel to repair, replace or remove the facility.

Should an existing facility (one installed prior to the effective date of this rule) deteriorate from natural causes, and the property owner (or predecessor in title) initially paid the costs of the materials, the property owner shall pay for replacement materials only. The District shall use its own labor and equipment in replacing the structure.

Should an existing facility (one installed prior to the effective date of this rule) deteriorate from natural causes, and the District initially paid the costs of the materials, the District shall pay for the replacement and/or removal of the facility.

Should the land use change on the property either accessed by or containing an existing facility, the District shall not be responsible for the improvement, replacement, and/or removal of the facility.

(4) ABANDONMENT OF PERMIT

Permit shall be considered permanent until such time facility is declared abandoned by the Applicant/Owner or is unused for a period of five (5) years. If the Applicant/owner discontinues use of the crossing for a period of 5 years or more, the District reserves the right to remove any improvements and restore area to original condition. Any such pipe material salvaged by the District will remain the property of District. Upon abandonment of permit, a release shall be signed by Applicant and recorded in DeWitt County Deed Records.

E. DRAINAGE CONNECTIONS WITHOUT LAND USE CHANGES

All drainage connections to District's facilities from properties not changing existing land uses shall be governed by and shall meet the requirements stated herein.

(1) REQUIREMENTS

1. Open ditch connections to existing channels are prohibited. The Applicant shall use pipe of approved material and size to connect drain or ditch to existing channel.
2. Construction of pipe drain into channel shall require pipe to be bedded and backfilled with suitable material to prevent settlement and wash-outs. Downstream end of pipe shall be NO higher than one (1) foot above invert of channel, and pipe shall be oriented downstream in the channel. Concrete riprap, or other suitable erosion prevention material, may be required by Board after review of application.
3. The Applicant shall provide the District with two (2) business days' notice prior the start of construction of the connection.
4. Based on the District's review of the application, the District may participate in the installation of the connection. The Applicant shall pay for all materials related to the proposed work.
5. Should permitted facility become damaged by the Applicant or others, the Applicant or person damaging the facility shall pay for the replacement, repair, and/or removal of the crossing, including all materials, labor, and equipment costs. Should the District, due to either safety concerns or by agreement with the Applicant/property owner, undertake the replacement, repair, and/or removal of a damaged crossing, the property owner shall reimburse the District for all materials, labor, and equipment costs incurred in replacing, repairing, and/or removing the structure. Should the permitted facility be damaged by the District equipment and personnel during normal District operations, the District will use its own equipment and personnel to replace, repair, and/or remove the facility.
6. Should permitted facility deteriorate from natural causes, the property owner shall pay for replacement and/or removal of the connection, including all materials, labor, and equipment costs. Should the District, due to either safety concerns or by agreement with the property owner, undertake the replacement and/or removal of a deteriorated connection, the property owner shall reimburse the District for all materials, labor, and equipment costs incurred in replacing or repairing the structure.
7. If proposed work requires enlargement or modification to an existing District facility, all work must comply with the District's Drainage Criteria Manual, now existing or hereafter adopted. The Developer shall be responsible for all construction costs for such modifications.

Rules & Regulations

DeWitt County Drainage District No. 1

(2) EXISTING FACILITIES (UNPERMITTED)

Should an existing facility (one installed prior to the effective date of this rule) become damaged by the property owner or others, the property owner shall pay for replacement materials, and shall reimburse the District for all labor and equipment costs incurred in replacing or repairing the structure. Should the existing facility be damaged by the District equipment and personnel during normal District operations, the District shall bear all costs associated with the replacement or repair of the facility.

Should an existing facility (one installed prior to the effective date of this Rule) deteriorate from natural causes, and the property owner (or predecessor in title) initially paid the costs of the materials, the Applicant/owner shall pay for replacement materials only. The District will use its own labor and equipment in replacing or removing the structure.

Should an existing facility (one installed prior to the effective date of this Rule) deteriorate from natural causes, and the District initially paid the costs of the materials, the District shall bear all material, labor, and equipment costs incurred in replacing or removing the structure.

Should the land use change on the property containing an existing facility, the District shall not be responsible for the improvement, replacement, and/or removal of the facility.

F. DEVELOPMENT WITHIN THE 100-YEAR (REGULATORY) FLOODPLAIN

Modifications or improvements are required to meet or exceed the following standards for the preparation of drainage reports and drainage plans for subdivision and development proposals for activities in flood hazard areas as defined by these regulations, unless otherwise approved by the District. These standards are in addition to those required by any other jurisdiction:

1. Buildings shall have their lowest floor, including basement, elevated at least twenty-four (24) inches above the higher of the following:
 - a. The flood of record based on records maintained by the District; or
 - b. The base flood elevation specified on Flood Insurance Rate Maps or in Flood Insurance Studies for flood hazard areas shown on Flood Insurance Rate Maps; or
 - c. The flood elevation determined by the District.
2. For subdivisions that propose buildings in flood hazard areas, the drainage plans and the final plat shall show the base flood elevation (for each lot?) and the minimum elevation of the lowest floor for each such building.
3. An elevation certificate based on Construction Drawings is required prior to issuance of development permit by the District. An elevation certificate based on Finished Construction must be provided to the District within 60 days of finish of construction. Elevation certificates must bear the seal and signature of a Registered Professional Land Surveyor or Professional Engineer licensed in the State of Texas.
4. Modification or improvement shall be designed so that complete inundation for a significant period of time shall not in any way increase hazard or risk to the safety of human life. (I thought this note was for utilities pipelines cable crossings only)

G. ADDITIONAL PERMIT REQUIREMENTS & CONDITIONS

(1) GENERAL CONDITIONS

The District requires the following conditions on any project:

1. **Permit Posting** – All permits must be posted on the job site in a location visible from a public roadway. Permits must be posted throughout construction and shall not be removed until the District issues final approval.
2. **Limits of Approvals** – All approvals of the District shall be valid for a period not to exceed three hundred sixty-five (365) calendar days beginning after the date of approval. Failure to commence construction of an approved project or to make full use of approvals granted within that time period shall make such approvals null and void. All fees shall be forfeited and will not be returned to the applicant. A request for a one-time extension, for a period not to exceed one hundred eighty (180) days, may be granted by the District, at its discretion, provided good cause is shown and the request for the extension is made prior to the expiration of the original approval.
3. **Bond** – The Applicant may be required to provide to the District a bond, cash, or irrevocable letter of credit, in an amount to be determined by the District, prior to the issuance of a permit. The bond or irrevocable letter of credit must be made payable to the District and shall be on a form acceptable to the District. Cash may be in the form of a certificate of deposit to be placed with the District. The bond or irrevocable letter of credit shall be in force for a period not less than one (1) year from the date on the permit. The District shall release said bond, cash, or irrevocable letter of credit after an inspection of the construction site is made by the District after one (1) year from date on the permit, and the District has issued final approval that the site has been restored to acceptable conditions.
4. **Proof of Construction According to Approved Plan** – within 60 days of completion of construction, applicant must provide proof to the District that the permitted activity was constructed materially in accordance with the plan approved by the District. As-built requirements may vary by project, and elevation certificates on completed construction are required for any structures in the regulatory floodplain. Failure to provide as-built and/or elevation certificates will result in the District obtaining the same at the expense of the Applicant.
5. **Adequate controls on sedimentation and litter/refuse on all worksites** – District staff will make the final determination on sufficiency of worksite controls on sedimentation and litter/refuse. As a general rule, no sediment shall leave the worksite, areas where vehicles enter and leave sites must be protected from silt transfer, and litter shall be prevented at all times from being deposited by the elements or otherwise upon any adjacent public or private property.

Rules & Regulations

DeWitt County Drainage District No. 1

(2) INSPECTIONS

The District shall have the right to enter upon the property and construction site and inspect the installation of all improvements or modifications to the storm drainage and detention facilities. Upon completion of said inspection the District shall issue a letter noting deficiencies and / or that the facilities have been completed in accordance with the approved plans. Noted deficiencies must be rectified prior to issuance of Final Approval Letter.

All concrete pours on detention systems and District facilities require a minimum of forty-eight (48) hours (two working days) written notice to the District and an inspection appointment before the pour begins. Failure to properly coordinate an on-site inspection before concrete is poured will cause portions of concrete to be broken out at the Applicant's expense to prove to the District's inspector that construction complies with District Rules & Regulations.

All final inspections shall be performed by the District and / or their designees to ensure compliance with the District's Rules & Regulations.

Once all deficiencies are corrected, the District will issue a Final Approval Letter.

The District may also enter upon the property to inspect the facilities after Final Approval, to ensure that the facilities are functioning and being maintained properly. If deficiencies are noted, the Applicant must rectify the deficiencies immediately.

(3) EASEMENTS & FEE STRIPS

The District requires fee strips or easements in all developments within its jurisdiction for the purpose of allowing the District to access & inspect privately-owned drainage facilities and maintain District-operated facilities.

1. Easements or fee strips (as required) shall be provided for the access points to drainage facilities from public rights-of-way.
2. Buildings, fences, structures, and other permanent improvements shall not be erected in drainage easements, fee strips, or access points.
3. Aerial overhang of a drainage fee strip or easement shall be prohibited unless specifically approved in writing by the District. Trees overhanging a drainage fee strip or easement will be trimmed at the District's discretion.
4. Drainage easements or fee strips shall be provided around privately maintained detention facilities.
5. Instruments conveying easements and fee strips to the District must be acceptable to the District in form and content. The Developer or their designated agent is required to submit a metes and bounds

Rules & Regulations

DeWitt County Drainage District No. 1

description for the fee strip or easement to the District so that the District's Attorney can prepare this document.

6. For projects requiring a fee strip or easement dedication to the District, the dedication documents shall be finalized prior to the Drainage Plan or the Plat receiving approval by the District.

(4) WORK WITHIN DISTRICT EASEMENTS AND / OR RIGHTS-OF-WAY

Any failure by Applicant to construct modifications or improvements which meet or exceed the District's Rules and Regulations or Design Criteria may subject the developer to penalties outlined in these Rules & Regulations. The District does not assume any liability or responsibility for damages occasioned by the exercise of its rights, obligations and powers stated herein.

(5) DETENTION POND REQUIREMENTS

Drainage runoff from a tract shall be directed to an existing public right-of-way or an existing drainage easement.

If a Detention Pond is to be accepted by the District, the District shall have the authority to request an as-built survey prepared and sealed by a Professional Land Surveyor registered in the State of Texas as deemed necessary by the District to verify elevations and detention volumes.

For detention facilities that include dams applicable to the TCEQ dam safety regulations as defined in the Texas Administrative Code Title 30, Chapter 299, §299.1, the developer shall ensure compliance with all TCEQ regulations.

(a) OWNERSHIP AND MAINTENANCE RESPONSIBILITIES

The District shall not be responsible for the operation and maintenance of any detention basin, unless specifically approved by the District. All detention facilities constructed by a property owner or Developer shall be maintained by the property owner or Developer, their legal heir(s), grantee(s), successor(s) or assignee(s).

The District shall be provided with a copy of the legal documents for the creation of any quasi-public entity responsible for the operation and maintenance of a detention basin. The District shall also be provided with a copy of a projected expense and revenue budget for adequate maintenance of the detention basin.

The Owner of any detention basin, not specifically approved by the District as being maintained by the District, shall execute an agreement for the maintenance and operation of the detention basin in a form

Rules & Regulations

DeWitt County Drainage District No. 1

acceptable to the District. The agreement shall obligate the Owner, heirs and assigns, to maintain the detention basin in compliance with the approved permit and plans.

(b) NEWLY CONSTRUCTED DETENTION FACILITIES

The District, at its option, may accept for maintenance newly constructed detention facilities provided:

1. The Developer/Owner conveys the land area of the detention facility to the District by General Warranty Deed, in a format acceptable to the District. This conveyance of property shall include an access way from the detention pond to a public right-of-way.
2. The detention facility is constructed in accordance with Drainage Plans approved by the District.
3. The District is furnished a set of "As-Built" drawings, sealed by a surveyor registered in the State of Texas.
4. The detention facility has a concrete pilot channel per the District details.
5. The detention facility is a "dry" facility and not an amenity or private recreational facility. Amenity ponds shall be defined as any pond in which land area has been deeded to the Homeowners Association / Landowners. These ponds shall include "wet ponds" and ponds used for recreational purposes.
6. The Owner has paid to the District the appropriate maintenance fee as reflected in the District's Fee Schedule.
7. The Developer/Owner provides to the District:
 - a) An owner's title policy for the property conveyed based upon the fair market value as determined by an appraisal, including a tax search,
 - b) A warranty, regarding the quality and performance of the facility, including but not limited to engineering, design, construction and operation, and,
 - c) An indemnification and hold harmless agreement for any and all claims, actions and demands, including costs and attorneys' fees, the cause of which originated prior to conveyance.
 - d) All required documents must be acceptable to the District in form and content.
8. The pond shall have been constructed with adequate backslope swales and interceptor structures that were constructed to District standards.

9. The detention facility, maintenance berms and access ways are not obstructed by any other easements, rights-of-way, or permanent improvements.

(c) PREVIOUSLY CONSTRUCTED DETENTION FACILITIES

The District, at its option, may accept for maintenance previously constructed detention facilities provided that:

1. The pond is returned to the standards of the District in force at the time the District approved the Drainage Plan. If the pond existed prior to the District's initial adoption of Rules & Regulations, the pond must be brought into compliance with the standards of the original Rules & Regulations.
2. The District is provided access to inspect the facility and provide the Developer/Owner/homeowners association on with a list of items that must be corrected. The District is allowed to inspect the facility after corrective measures are completed to ensure compliance.
3. A concrete pilot channel is constructed per the District's details.
4. An unobstructed access way to a public street is provided in accordance with the requirements of the Drainage Criteria Manual.
5. Upon request, the District will provide the Developer/Owner/homeowners association an estimated cost to correct the deficiencies and add the concrete pilot channel. Upon agreement by the parties, the District will provide the necessary construction in exchange for a fee based upon the estimated cost of repairs or upgrades as determined by the District.
6. The Developer/Owner conveys the land area of the detention facility and the access way from the detention pond to the public right-of-way to the District by General Warranty Deed, in a format acceptable to the District.
7. The Developer has paid to the District the appropriate maintenance fee as reflected in the District's Fee Schedule.
8. The Developer/Owner provides to the District:
 - a) An owner's title policy for the property conveyed based upon the fair market value as determined by an appraisal, including a tax search.
 - b) A warranty, regarding the quality and performance of the facility, including but not limited to engineering, design, construction, and operation.

Rules & Regulations

DeWitt County Drainage District No. 1

- c) An indemnification and hold harmless agreement for any and all claims, actions and demands, including costs and attorneys' fees, the cause of which originated prior to conveyance.
 - d) Each of these documents must be acceptable to the District in form and content.
9. The detention facility, maintenance berms and access ways are not obstructed by any other easements, rights-of-way, or permanent improvements.
10. The detention facility is designed to be a "dry" facility and not an amenity or private recreational facility. Amenity ponds shall be defined as any pond in which land area has been deeded to the Homeowners Association / landowners. These ponds shall include "wet ponds" and ponds used for recreational purposes.

For newly constructed and previously constructed detention ponds, the following additional restrictions apply:

1. NO detention pond under two (2) acres will be accepted by the District for maintenance.
2. Detention facilities must be located adjacent to an existing District facility. Alternatively, the District shall have an approved access point from a public right-of-way.
3. Side slopes must be greater than 4: 1 or shallower.
4. A note in the acceptance agreement will state that mowing will be only performed on the normal District mowing schedule, which is typically less frequent than a mowing schedule for an HOA.
5. Hand maintenance must be minimal, and the extent should be identified in the agreement.
6. The acceptance fee may be waived only if accepting the maintenance responsibilities is of substantial benefit to the District.
7. Any variance granted to the facility must be considered as part of the acceptance criteria.
8. The District will not accept pumped detention systems.

V. REVIEW AND APPROVAL

Review and approval of permits by the District shall be accomplished as follows:

1. Submittal Requirements - The following items must be submitted before the review and approval process will commence.
 - a. Review Fee - Contact the District Office at 361-275-9995 to determine the amount of the review fee. Checks shall be made payable to DeWitt County Drainage District No. 1. NOTE - No submission will be reviewed until the required review fee has been paid to the District office.
 - b. Initial Submittal Materials to District
 - (1) One (1) Original and (# varies, see application per development type) copies of application form and all supporting documentation. Packet containing originals shall be clearly marked as such.
 - (2) For Review - Three (3) paper sets of plans NO smaller than 24" x 36" in size shall be delivered to the District office. Additionally, one (1) PDF set of the same plans shall be delivered to the District office on CD-ROM or a thumb drive. The PDF file shall contain a "sheet set" i.e., all pages of the plan are contained within a single PDF file.
 - (3) For Signature - It is the responsibility of the Applicant to deliver archival-quality paper sheet(s) to the District and to obtain signatures by the District. It is highly recommended that the Applicant attend the District meeting and provide the archival-quality paper sheet(s) on the date of the District meeting. Failure to attend the District meeting as prescribed above may result in delays in obtaining signatures. If the Applicant fails to attend the District meeting, the sheet(s) should be dropped off at the District office. The District will sign the sheet(s) as soon as the required parties are able to stop by the District office.
 - c. Final Submittal Materials to District
 - (1) As-Built Drawings - One (1) paper set of plans 24" x 36" in size shall be delivered to the District office upon completion of the permitted activity. Additionally, one (1) PDF set of the same plans shall be delivered to the District office on CD-ROM or a thumb drive. The PDF file shall contain a "sheet set" i.e., all pages of the plans are contained in a single PDF file. The plan set will be noted as "as-built" in the drawing revision block.
 - (2) Recorded Plat – _____ (of originals required by other platting authority (City or County), plus one more original to be returned to the District with recording

Rules & Regulations

DeWitt County Drainage District No. 1

information) paper set of plans in size shall be delivered to the District office. Additionally, one (1) PDF set of the same plans shall be delivered to the District office on CD-ROM or a thumb drive. The PDF file shall contain a "sheet set" i.e., all pages of the plans are contained in a single PDF file.

- d. Additional Items (as required) - In some instances, additional items may be required. Contact the District office at 361-275-9995 to determine if this will be required. District staff may be unable to make this determination before reviewing the application or other documentation.
2. Review Process - Review and approval of all permit applications by the District will be performed coincident with other proper approval authorities, as nearly as possible. The review process will be performed by District personnel and the District's designated consultants.
 3. Approval Process - Final approval decisions are made by the District's Board of Directors at scheduled public meetings which may take place only once per month. The applicant is advised to take this into consideration when setting his / her schedule for the project.
 4. Overall Master Plan - Larger projects (over 100 acres in size) will be subject to additional requirements as follows:
 - a. The Developer or his / her designee shall request a pre-development meeting to review the overall project with the District's General Manager and Engineer. This high-level discussion will include the conceptual plan, required drainage easement takings, and proposed modeling methodology.
 - b. The Developer or his / her designee will submit an overall master plan to the District (details above) for review and approval. This master plan shall show the overall development scheme, approximate roadway locations, sections of development, detention locations, and all District facilities including existing and proposed easements widths.
 - c. Future submissions of detailed construction plans shall be in general conformance with the approved overall master plan.
 - d. The Developer is encouraged to obtain an approved overall master plan for all of the contiguous acreage; however, smaller portions of the overall acreages (at least 100 acres in size) may be done in phases. The Developer should keep in mind that future overall master plans must meet the minimum requirements of the latest version of this criteria manual. Therefore, developing large projects in phases potentially exposes the Developer to more stringent requirements when seeking approval of overall master plans for future phases.

The following key considerations will be used by the District in determining whether or not the proposed Drainage Plan (and Plat if required) will be approved:

Rules & Regulations

DeWitt County Drainage District No. 1

1. There is NO increase in the 2-, 10-, 25-, and 100-year peak discharge from the site and NO increase in the 2-, 10-, 25-, and 100-year flow or water surface elevation in nearby drainage ways; or
2. Adequate provisions are made to detain the peak discharge to eliminate any increases in the 2-, 10-, 25-, and 100-year site runoff discharge rate, as well as the 2-, 10-, 25-, and 100-year peak discharge or water levels in the affected drainage artery; or
3. The deficiencies of nearby drainage ways are corrected or improved, at the Developer's expense and in accordance with District requirements, to carry the projected additional load resulting from the proposed development to a regional detention facility without adverse impact to neighboring property.

Rules & Regulations

DeWitt County Drainage District No. 1

A. FEES

1. All permit applications submitted to the District for approval must be accompanied by a check made payable to the District for an amount specified in the Schedule of Fees as determined by resolution of the Board of Directors. Said fee schedule is kept on file at the District's office and copies are available upon request. The applicant is required to contact the District office at (361) 275-9995 to confirm the fee amount prior to making any submissions.
2. No applications, plans, plats or variance requests will be reviewed until the required fee has been paid.
3. Should costs expended by the District exceed the fee collected for the processing of any application or review of any construction work associated with any application governed by these Rules and Regulations, the District will bill the Applicant for the additional costs. Said costs shall be paid within thirty (30) days of presentation. If not paid, said costs shall bear maximum interest allowable under the law. If the District employs an attorney to collect the same, the District shall be entitled to reasonable attorney fees and all costs of court to enforce these Rules and Regulations. All fees must be paid in full before the project is added to the agenda for consideration.

B. DENIAL

In the event the District denies approval of any permit application, plan or plat; the District (or designee) shall notify the applicant of the specific areas of non-compliance with the District's Master Drainage Plan or Rules & Regulations, within a reasonable time after said denial.

(1) APPEAL

In the event the District denies approval of any application, plan or plat, the Developer may appeal such denial in accordance with the procedures set forth herein.

C. VARIANCES

The District may grant a variance to these Rules & Regulations based upon written application by Developer / Owner. This variance application shall be filed with the District along with sealed engineering reports, drawings, etc., and presented during a meeting of the District's Board of Directors and must show substantial credible engineering evidence that:

1. There is NO available alternative or option that would allow compliance with the Rules & Regulations in lieu of a variance; and
2. There are special circumstances or conditions affecting the applicant's land involved such that the strict application of the provisions of these Rules & Regulations would deprive the applicant of all reasonable use of his land; and
3. The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
4. The granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area; and
5. The granting of the variance will not increase the 100-year floodplain base flood elevations on private property upstream or downstream of the applicant's property; and
6. The granting of the variance will not have the effect of preventing the orderly development of other land in the area in accordance with the provisions of these Rules & Regulations.

The District may grant a variance to the Rules & Regulations if it determines, based upon the evidence presented, that an undue hardship may result from strict compliance with said Rules & Regulations. Monetary hardship to the Developer, standing alone, shall not be deemed to constitute undue hardship.

A variance may be granted so that substantial justice is done, and the public interest secured, provided that such variance shall not have the effect of nullifying the intent and purpose of these Rules & Regulations.

Each variance shall be evidenced by a resolution made by the Board of Directors, setting forth specific facts upon which findings are made and said resolution will be referenced in the minutes of the meeting of the Board of Directors.

VI. OTHER CONDITIONS AND REQUIREMENTS

In granting any Approval pursuant to these regulations, the District may impose such additional conditions and requirements as may be reasonably necessary to protect public health, safety and welfare, to preserve and maintain the District's drainage system, to achieve substantial conformance with the intent of these regulations, and to prevent creation of nuisances or unreasonable hazards to persons and property.

(1) MISUSE OF DISTRICT PROPERTY

The specific objective of these Rules and Regulations is to ensure the facilities of the District are efficient and effective in their use as water drainage facilities for the purpose of protection of the health and safety of the residents of the District. The cost of damage to the facilities and property of the District is ultimately paid for by the taxpayers of the District. Therefore, in the interest of our community, the District regulations for all drainage channels, easements, and facilities within its jurisdictional boundary are as follows:

- a. Pursuant to TWC §49.217(b), operation of a motor vehicle is not permitted 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 water, sewage or storm water owned or controlled by the District (motor vehicle, in this section, is defined as a self-propelled device by which a person or property may be transported or drawn on a road or highway). A person who operates a motor vehicle in violation of this section commits a Class C misdemeanor, except that if a person has been convicted of an offense under this section, a subsequent offense is a Class B misdemeanor.
- b. Pursuant to TWC §49.228, A person who willfully destroys, defaces, damages or interferes with District property is guilty of a Class B misdemeanor.
- c. Pursuant to TWC §56.128, any person who willfully fills, cuts, injures, destroys or impairs the usefulness of any canal, drain, ditch, watercourse or other work constructed, repaired or improved by a District to drain and protect from overflow of water, upon conviction is punishable by confinement in the county jail for not more than two months or by a fine of not more than \$1,000.
- d. Pursuant to Texas Health & Safety Code §365.012(a), a person commits an offense if the person disposes or allows or permits the disposal of litter or other solid waste at a place that is not an approved solid waste site, including a place on or within 300 feet of a public highway, on a right of way, on other public or private property, or into inland or coastal water of the state. Offenses under this section may be punishable by fine, confinement in jail or both.
- e. Unauthorized operation of any type of motorized vehicle is prohibited within District easements, property, facilities and access roads (whether for transportation, recreation, or any other purpose).
- f. Unauthorized entry onto District easements, facilities or access roads for any reason is prohibited. This includes swimming, walking, running, skateboarding, roller skating (or use of other wheeled recreational devices), sliding, or playing of any kind.

Rules & Regulations

DeWitt County Drainage District No. 1

- g. Use of District easements, facilities or access roads for fishing, camping or hunting is strictly prohibited. The District cooperates fully with Texas Parks and Wildlife to ensure prosecution of unlawful activities.
- h. Fires or incendiary devices of any kind (including firecrackers) are prohibited.
- i. Littering, discarding, or storage of any item whether waste, refuse, any other discarded material or substance, or the unauthorized temporary placement of any item in District facilities or easements are prohibited.
- j. Failure to secure items in such a manner as to reasonably prevent them from unwanted entry into a district facility is prohibited.
- k. Any unauthorized activity listed in this section may be subject to District fines or civil penalties in addition to any other penalty under Texas law.

(2) AMENDMENTS

The District's Rules & Regulations may be amended from time to time pursuant to state law.

(2) CONFLICTING REGULATIONS

DeWitt County Drainage District No. 1 acknowledges that there are other authorities with jurisdictions that overlap with the DeWitt County Drainage District No. 1.

Although the District has made an effort to be consistent with those authorities, it recognizes that these regulations might not be the same as the regulations in those other authorities. With this in mind, if two sets of regulations have conflicting requirements, those requirements which are more stringent, or which impose higher standards shall prevail.

A. ENFORCEMENT & COMPLIANCE

The enforcement and compliance requirements are as follows:

1. The Developer of a tract of land within the District shall submit a Drainage Plan prepared by a Professional Engineer registered by the State of Texas for any development within the District as provided in these Rules & Regulations.
2. If the property is being platted, the Drainage Plan must be submitted with a Plat, as required, in accordance with these Rules & Regulations.
3. NO person shall commence the development of any property within the jurisdiction of this District without first securing the District's approval of a Drainage Plan as provided in these Rules & Regulations.
4. A Developer who submits plans, which are approved by this District, shall construct all drainage systems in strict compliance with said plans.
5. After construction of ditches and detention reservoirs the Developer's Engineer shall submit to the District a set of "As-Built" drawings signed by the Engineer along with verification that all drainage structures have been constructed to the specifications contained in the Drainage Plan approved by the District. The Engineer shall submit the verification in writing to the District within thirty (30) days after the completion of the project.
6. In addition to the inspection set forth in these Rules & Regulations and pursuant to Section 49.221 of the Texas Water Code, the Directors, engineers, attorneys, operators, agents, and employees of the District have the right to go on any land to inspect, survey, or perform tests upon said property to determine the condition, value, or usability of the property with reference to the proposed location of flood control works, improvements, plants, facilities, equipment, or appliances.
7. In addition to the inspection guidelines set forth in the District's Rules & Regulations and pursuant to Section 49.221 of the Texas Water Code, the Directors, engineers, attorneys, operators, agents, or employees of the District are entitled to enter any public or private property within the boundaries of the District or adjacent to any reservoir or other property owned by the District at any reasonable time for the purpose of inspecting and investigating conditions relating to the quality of water in the state or the compliance with any rule, regulation, permit, or other order of the District.
8. Pursuant to Section 49.221 of the Texas Water Code, the Directors, engineers, attorneys, operators, agents, or employees of this District who enter private property shall observe the establishment's rules and regulations concerning safety, internal security and fire protection, and shall notify any occupant or management of their presence and exhibit proper credentials.

Rules & Regulations

DeWitt County Drainage District No. 1

9. All requirements contained in these Rules & Regulations are mandatory unless specifically stated otherwise or unless a variance is granted by the District. The use of the term "Guidelines" herein does not affect the mandatory nature of these Rules & Regulations.

10. For purposes of calculating any day or period of time under these rules, the day that the written notice is deposited into the United States mail or hand delivered to the person against whom penalties are to be assessed, shall not be included in the period of time. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period of time runs until the end of the next day which is not a Saturday, Sunday, or a legal holiday. All other Saturdays, Sundays, and legal holidays shall be counted when computing this time period.

B. PENALTIES

(1) CIVIL PENALTIES

1. Pursuant to Section 49.004 of the Texas Water Code, the District may assess reasonable civil penalties for the violation of the District's Rules & Regulations.
2. A penalty under this section is in addition to any other penalty provided by law and may be enforced by filing complaints in an appropriate court having jurisdiction over the matter.
3. The District may seek to recover reasonable attorneys' fees, reasonable expert witness fees, interest, and other reasonable costs incurred by the District in conjunction with the prosecution of said penalties, in addition to the penalty assessed.
4. The District may assess a separate penalty for each and every separate violation of its rules.

(2) HEARINGS ON CIVIL PENALTIES

Before assessing a civil penalty pursuant to this section, the District shall meet the following procedural requirements:

1. Provide written notice to the person against whom penalties are sought by certified mail, return receipt requested. If the identity of the Developer or Owner of the property in question is not known, the District may provide written notice by placing such a written notice on the property itself in a manner intended to attract the attention of the Owner or Developer of the property.
2. The written notice shall be mailed or delivered to the Owner or Developer of the property in question at least fourteen days prior to the open meeting at which the assessment of civil penalties will be considered.
3. The written notice shall advise the person, against whom penalties are sought, of the following:
 - a. The rule or regulation of the District allegedly violated
 - a. A general statement of the grounds for the civil penalty, providing reasonable notice of the nature of the violation (e.g., failure to file a plan or failure to construct the plan approved by the Board of Directors).
 - b. Date, place and time of the hearing;
 - c. Maximum amount of penalties which may be assessed by the District.

Rules & Regulations

DeWitt County Drainage District No. 1

- d. He/she has the right to appear at the hearing before the Board of Directors concerning the penalties in question either in person or through a duly authorized agent;
 - e. He/she has the right to address the Board of Directors on the subject of penalties in question either in person or through a duly authorized agent;
 - f. He/she has the right to have legal counsel present if he/she so desires;
 - g. He/she has the right to present witnesses at the hearing or written data relevant to the subject matter of the hearing.
4. All civil penalties assessed by the District must be authorized by a majority vote of Directors present and voting.
 5. In the event that the District assesses any civil penalties against any person, the District shall provide written notice by certified mail, return receipt requested, advising the person subject to civil penalties of the following:
 - a. The nature of the violation;
 - b. The amount of the civil penalties;
 - c. The date by which payment of the civil penalty is due.
 6. Payment of all civil penalties assessed by the District is due and owing thirty (30) days following written notice by certified mail, return receipt requested, that the civil penalty is due and payable.

(3) CUMULATIVE REMEDIES

Nothing in this Section shall or shall not be deemed to prevent, prohibit, or limit any other remedy at law or in equity otherwise available to the District.

(4) APPEAL

Any person or entity against which civil penalties are such assessed may appeal such assessment in accordance with the procedures set forth herein.

(5) APPELLATE PROCEDURES

In the event the District makes an adverse ruling, the District shall provide written notice of its adverse decision to the Developer which shall state the following:

Rules & Regulations

DeWitt County Drainage District No. 1

1. The Developer has the right to place an adverse decision on the agenda of a future open meeting as provided in this section.
2. The Developer may appear in person or by an authorized agent at the hearing.
3. The Developer may submit additional relevant data at the hearing, in either oral or written form.
4. The Developer may request an appellate hearing before the Board of Directors, provided that the Developer requests such a hearing within fourteen (14) days of the date of receipt of the written communication from the District. A request for an appellate hearing must be in writing.
5. The District shall provide the Developer with at least ten (10) days' notice in writing of the date of the appellate hearing. The District shall schedule the hearing within thirty (30) days of the Developer's written request, if practical.
6. During the appellate hearing, the Board of Directors shall receive any additional relevant data presented by Developer or his/her authorized agent, after which time, a majority of the Directors present, and voting may vote to change, modify, revise or uphold the District's earlier ruling. The ruling of the Board of Directors during the appellate hearing shall be the final ruling of the District.

C. SAVINGS, REPEALER, SEVERABILITY & EFFECTIVE DATE

The saving, repealer, severability and effective date are as follows:

1. **Savings:** All rights and remedies that have accrued in favor of the District under these Rules & Regulations and amendments thereto shall be and are preserved for the benefit of the District.
2. **Repealer:** All resolutions, actions, policies, and procedures of the District that are inconsistent herewith or in conflict with state laws and regulations are hereby repealed, but only to the extent of such inconsistency or conflict.
3. **Severability:** If any section, subsection, paragraph, sentence, clause, phrase, word, or portion of these Rules & Regulations or amendments thereto, is, for any reason, held invalid, unconstitutional, or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof, which remaining portions shall continue in full force and effect and be binding upon all parties.
4. **Effective Date:** These Rules & Regulations became effective on June 18, 2019 and have been amended from time to time thereafter, and shall continue in force and effect until further amended or repealed.
5. **Interpretation.** In their interpretation and application, the provisions of these regulations shall be held to be the minimum necessary for promotion of the public health, safety and welfare with respect to stormwater runoff, drainage, and reduction of flood hazards.
6. **Conflict.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute, or other provision of law. Where any provision of these regulations impose restrictions different from those imposed by DeWitt County or the City of Cuero, whichever provisions are more restrictive or impose higher standards shall control.
7. **Liability.** Neither the issuance of an Approval under these regulations nor the compliance with such Approval or compliance with any condition imposed by the District shall relieve any Applicant/Owner from responsibility for damage to persons, property, drainage systems, living resources, or the general environment nor impose any liability upon the District for damages to persons or property.

VII. GLOSSARY

2-YEAR DISCHARGE	The annual peak discharge that has a fifty percent (50%) chance of occurring or being exceeded in any given year.
10-YEAR DISCHARGE	The annual peak discharge that has a ten percent (10%) chance of occurring or being exceeded in any given year.
25-YEAR DISCHARGE	The annual peak discharge that has a four percent (4%) chance of occurring or being exceeded in any given year.
100-YEAR DISCHARGE	The annual peak discharge that has a one percent (1%) chance of occurring or being exceeded in any given year.
AERIAL OVERHANG	Any obstruction which extends into the easement or right-of-way by crossing the vertical plane extended skyward from the edge of the easement or right of way. Limbs of trees which grow across this plane are aerial overhang and shall be trimmed or removed as needed by the District.
APPLICANT/OWNER	Any person, group of persons, firm or firms, subdivider, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided or developed and who is seeking approval pursuant to these regulations; the Applicant/Owner may designate an authorized representative in writing.
APPROVAL	Written notice issued by the District pursuant to the District Engineer's review of a property developer's drainage report, drainage plans, and plats for a proposed subdivision or development, that the drainage report, drainage plans, plats, and supporting documentation have been determined to conform to the District's Master Drainage Plan, the requirements of these regulations, and the drainage criteria manual adopted by the District
BACKSLOPE DRAIN	A drain or swale that collects overland peak discharge from channel overbanks and other areas not draining into the storm sewer collection system. These may be designed to prevent unplanned runoff from entering a detention system or from entering a drainage ditch. They are also used to prevent excessive overland peak discharge from eroding the sides of a ditch or pond.

Rules & Regulations

DeWitt County Drainage District No. 1

BASE FLOOD ELEVATION	Water surface elevation of the flood that has a one-percent chance of being equaled or exceeded in any given year (commonly called the 100-year flood).
BENCHMARK	A point of known exact elevation set and used by surveyors to start from to obtain elevations on other points of unknown elevation. The known elevation is usually based on "mean sea level".
BOARD	The Board of Directors of DeWitt County Drainage District No. 1.
CFS	Cubic feet per second.
CMP	Corrugated metal pipe.
ROUGHNESS COEFFICIENT	A number used to measure and compare the roughness of pipe interior or open channel sides and bottom.
COMMERCIAL	Development of real estate for any purpose other than "residential" as defined herein.
CONDUIT	Any open or closed device for conveying flowing water.
CONSTRUCTION COMMENCEMENT	The breaking ground of a planned or designed project.
CONSTRUCTION	The building of a planned or designed project.
CONTOUR LINE	A line on a map, chart or plan that follows a continuous line of a certain known elevation.
CULVERT	One or more pipes that carry the discharge of water from one point in a ditch or channel to another point in a ditch or channel.
GENERAL WARRANTY DEED	An instrument that transfers legal title to real property from one to another in which grantor covenants to warrant and defend the title against all claims and demands.
DEMOLITION	The safe and efficient tearing down of buildings and other man-made structures which generally involve the preserving of valuable elements of the site for reuse purposes. Demolition is sometimes the first step in development leading to the eventual construction of a new building or structure.

Rules & Regulations

DeWitt County Drainage District No. 1

DESIGN STORM EVENT	The rainfall intensity and / or depth upon which the drainage facility will be sized.
DETENTION FACILITY	A reservoir, dam, pond or other area, serving primarily as a collection device and not as a transmission system, where stormwater collects and is held. The collected stormwater is released at a calculated rate through a control structure.
DETENTION RESERVOIR CONTROL STRUCTURE	The low flow outlet pipe and high-level spillway that limits the discharge from a detention facility.
DEVELOPER	A person who engages in development as defined herein.
DEVELOPMENT	The improvement or subdivision of a tract of land exclusive of land being used for agricultural purposes. Improvement of land includes grading, paving, building structures, or otherwise changing the runoff characteristics of the land.
DEVELOPER'S ENGINEER	A Registered Professional Engineer licensed in the State of Texas who is performing work for a Developer.
DEVELOPER'S SURVEYOR	A Registered Professional Land Surveyor or Licensed State Land Surveyor licensed in the State of Texas who is performing work for a Developer.
DISTRICT	The Board of Directors and / or staff of DeWitt County Drainage District NO. 1.
DISTRICT DRAINAGE FACILITY	Any and all drainage arteries, tributaries, channels, creeks, bayous, streams, gullies, ditches, lakes or ponds owned, operated, maintained, utilized, or controlled by the District.
DISTRICT ENGINEER	A Registered Professional Engineer licensed in the State of Texas who is reviewing Drainage Plans or Plats under the direction and authority of the District.
DRAINAGE AREA MAP	Area map of watershed which is subdivided to show each area served by each storm drainage subsystem.
DRAINAGE ARTERIES	Natural or man-made ditches or channels that intercept and carry storm water to a larger creek, bayou, or stream.

Rules & Regulations

DeWitt County Drainage District No. 1

DRAINAGE PLAN	An engineering representation of the peak discharge of rainfall runoff on or onto a particular area, and off of that same area. It may also include systems that will be used to detain or control runoff and provide flood control for a development, subdivision, or structure.
DRAINAGE SYSTEM	A series of swales, storm sewers, ditches, and creeks which function to collect and convey stormwater runoff in a watershed.
EASEMENT	A land area conveyed for a specific use, such as drainage, while the underlying fee title to the property remains the property of the Owner out of which it is a part.
FEMA	Federal Emergency Management Agency which administers the National Flood Insurance Program.
FEE STRIP	A strip of land or real property in which legal title is conveyed to the District by General Warranty Deed.
FIRM	Flood Insurance Rate Maps published by FEMA.
FIS	Flood Insurance Study prepared by FEMA for purposes of developing the FIRM.
FLOOD HAZARD AREA	Any land area that is susceptible to being inundated by water from any source. Flood hazard areas include areas shown on Flood Insurance Rate Maps and other areas that are known and documented by the District to be subject to periodic flooding, or that have experienced a flood of record.
FLOOD OF RECORD	The greatest flood recorded (documented) for a location.
FLOODPLAIN ADMINISTRATOR	The person identified by the governing municipality or county who is responsible for administering the National Flood Insurance Program for the City or County in accordance with guidelines established by FEMA. DeWitt County and the City of Cuero within the District administer the Flood Insurance Program in the District and therefore, each has their own designated Flood Plan Administrator.
FLOODWAY	The channel of a waterway and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a height designated in the Flood Insurance Studies of the respective jurisdiction.

Rules & Regulations

DeWitt County Drainage District No. 1

HDPE	High Density Polyethylene pipe.
HEC-HMS	"Hydrologic Modeling System" computer program written by U.S. Army Corps of Engineers similar to HEC-1. Intended to replace HEC-1.
HEC-RAS	"River Analysis System" computer program written by U.S. Army Corps of Engineers similar to HEC-1. Intended to replace HEC-2.
HYDRAULIC ANALYSIS	The study and / or definition of the movement of storm water through a drainage system.
HYDRAULIC GRADE LINE	A line representing the pressure head available at any given point within the drainage system.
HYDROLOGIC ANALYSIS	The study and / or definition of the properties, distribution and circulation of stormwater runoff over land or in the soil.
HYDROMULCHING	A process of spraying grass seeds on an exposed slope to seal the surface and seed it with vegetation to prevent or help prevent erosion of the soil.
IMPACT	The effect of a proposed development on the hydrology or hydraulics of a subarea or watershed as defined by an increase or decrease in peak discharges or water surface elevations.
IMPACT DATA	Data required to support the Developer's Engineer in proving that the proposed development will not have a negative impact on the rainfall runoff rates, rainfall concentration times, and the surface level of the affected creek, stream, gully, or ditch into which proposed development runoff drains.
IMPERVIOUS COVER	A land surface cover which does not allow the passage of storm water into the underlying soil. Used in hydrologic analysis to calculate the amount of storm water runoff from an area.
IN-FILL DEVELOPMENT	Development of open tracts of land in areas where the storm drainage infrastructure is already in place and takes advantage of the existing infrastructures as a drainage outlet.

Rules & Regulations

DeWitt County Drainage District No. 1

LOWEST FLOOR	For buildings in flood hazard areas, the lowest floor (including basement); unfinished or flood-resistant enclosures below the lowest floor must comply with FEMA Technical Bulletin 1 “Openings in Foundation Walls and Walls of Enclosures” and other NFIP regulations.
MASTER DRAINAGE PLAN	The plan, adopted by the Board of Directors pursuant to the powers granted to the District in the Texas Water Code § 49.211, and any revisions thereto
METERING DEVICE	A device or structure containing pipe, V-Notch weir, slots and other configurations designed to measure or regulate the outflow.
MITIGATE	To lessen or eliminate the impact of a proposed development on the hydrology or hydraulics of a subarea or watershed.
MODIFIED RATIONAL FORMULA	A modification of the Rational Formula ($Q = CIA$) used to compute the runoff rate from an area, either undeveloped or developed.
MSL	Mean Sea Level, pertaining to base elevations.
OUTFALL STRUCTURE	A structure made to contain the outfall pipe or peak discharge, with necessary weir, slope paving, or other methods to control velocity and prevent erosion and may contain the metering device.
OUTFALL	The necessary conveyance from the development's drainage system into another or existing drainage system.
OUTFLOW	The total peak discharge from the development's drainage system into another or existing drainage system.
OVERFLOW	The peak discharge that will not pass through the design pipe or structure and must go over a weir or some other relief structure.
PEAK DISCHARGE	The maximum rate of stormwater runoff from a tract of land or in a ditch or channel, as determined from the maximum point in cubic feet per second of the calculated hydrograph for the study area.
PLAT	A map of a piece of land with actual or proposed features and improvements which may be filed with the appropriate regulatory authority prior to the land being legally subdivided.

Rules & Regulations

DeWitt County Drainage District No. 1

RAINFALL DATA	Data pertaining to the amount of rainfall in a certain area and occurring over a certain specified period of time.
RAINFALL FREQUENCY	The probability of a rainfall event of defined characteristics occurring in any given year. Information on rainfall frequency is included in the District's Drainage Criteria Manual.
RAINFALL RUNOFF	That portion of precipitation that does not soak into the land or evaporate and ultimately reaches the drainage system.
RATIONAL FORMULA	A method for calculating the peak runoff for a storm drainage system.
REDEVELOPMENT	A change in land use that alters the impervious cover from one type of development to either the same type or another type and takes advantage of the existing infrastructure in place as a drainage outlet.
RCP	Reinforced Concrete Pipe.
REGIONAL DETENTION FACILITY	A detention facility that collects and holds stormwater from more than one development or tract of land, or from one of the major drainage arteries in the District.
RESIDENTIAL	Pertaining to single family detached dwelling(s) not including multi-family townhomes, condominiums, duplexes or apartments.
RIGHT OF WAY	A strip of land that is set aside and reserved for certain purposes including drainage and maintenance, and possibly future widening of a drainage channel.
ROADSIDE DITCH	A ditch made adjacent to and along the road to carry storm water from the road and adjacent land along the road rather than from other areas.
RUNOFF	That part of rainfall on property that does not soak in or evaporate, and ultimately reaches drainage arteries.
RUNOFF COEFFICIENT	A comparative measure of different soils, slopes and growths for their capability of allowing the peak discharge of water to move along and over them.
SEDIMENT CONTROL PLAN	A carefully constructed plan for the prevention of sediment or debris leaving the site of development whether construction or demolition.

Rules & Regulations

DeWitt County Drainage District No. 1

SHEET FLOW	Overland storm runoff that is not conveyed in a defined conduit and is typically in excess of the capacity of the conduit.
SITE	A space of ground occupied or to be occupied by a building or development.
SPILLWAY	The part of the outfall structure that allows and controls the "overflow" that does not go through the structure.
SUBDIVISION	A tract of land which has been separated from surrounding tracts and has been defined into building lots and approved by the appropriate governmental entity.
SWALE	A very shallow ditch that usually has very long sloping sides, in some cases not much more than a small depression that allows water to flow in a somewhat controlled manner.
TRIBUTARY CHANNEL	A smaller contributing channel or ditch to a larger channel or ditch.
UNDERGROUND STORM SEWER	A continuous pipe sewer constructed underground with adequate grade and drainage for carrying storm water to a major drainage system.
VARIANCE	An exception granted by the District to a Developer or property owner, in limited instances, to allow departure from the literal requirements of the District's Rules & Regulations.
WATERSHED	A region or area bounded peripherally by a ridge of higher elevation and draining ultimately to a particular watercourse or body of water.
WEIR	A notch of regular form through which water flows.

Illustrative items referenced but not included herein may be obtained at the District's office.