

**RULES OF
CAMERON COUNTY DRAINAGE DISTRICT NO. 3**

1. GENERAL

1.1 Cameron County Drainage District No. 3 is a governmental unit of the State of Texas, created as San Benito Cameron County Drainage District No. 3 by an election held on May 9, 1912, pursuant to Article III, Section 52 of the TEXAS CONSTITUTION, and Acts 1911, 32nd Leg., Reg. Sess., Gen. Laws. ch. 118, pgs. 245-264 (name changed effective May 29, 1998, Volume 5053, Pages 134-136, Official Records of Cameron County, Texas), hereinafter usually referred to as Drainage District or District. Effective February 19, 1929, the Texas Legislature converted the District to a district operating under Article 16, Section 59 of the TEXAS CONSTITUTION, Acts 1929, 41st Leg., Reg. Sess., Gen. & Spec. Laws, ch. 45, pg. 91, re-codified as Section 6613, TEXAS SPECIAL DISTRICT LOCAL LAWS CODE. The District is vested with all rights, powers, privileges, and duties conferred and imposed by the Texas Constitution and the General Laws of the State of Texas applicable to drainage districts, primarily Chapters 56 and 49 of the TEXAS WATER CODE.

1.2 District Boundary and Drains.

(a) Maps showing the District's boundary and generally showing the District's drains may be viewed on Drainage District's website at: www.cddd3.org*

*These maps are provided for general reference only

(b) The map showing the boundary of the District as of January 1, 2014, is recorded in the Map Records of Cameron County, Texas, at:

Sheet 1 Cabinet 1, Page/Slot 3229

Sheet 2 Cabinet 1, Page/Slot 3230

Sheet 3 Cabinet 1, Page/Slot 3231

Sheet 4 Cabinet 1, Page/Slot 3232 (La Feria Grant-west of Harlingen)

(c) Land annexed since January 1, 2014:

1) 0.230 acre out of Partition Shares 5, 6, & 7, in the Partition of the Upper or Western One-Third of the San Pedro de Carricitos Grant, Volume 20751, Pages 48-54, Official Records of Cameron County, Texas (re-subdivided as part of Lot 2, Block 2, Resaca Del Monte Subdivision).

2) 22.71 acres out of Tracts 3, 4, & 5, Alfredo Garza Heirs Partition, in Share 22, Espiritu Santo Grant [Volume 176, pg. 339, Deed Records], Vol. 22106, pgs. 88-95, Official Records of Cameron County, Texas.

3) 15.145 ac. out of Block 95, Lon C. Hill Subdivision [Volume 2, Page

25, Map Records], Volume 24215, Pages 123-134, Official Records of Cameron County, Texas (re-subdivided as Oak Estates Subdivision, Cabinet 1, Page/Slot 4009, Map Records).

- 4) 1,197.92 ac. out of Share 22, Espiritu Santo Grant, recorded January 16, 2024, as Document 2024-1556, Official Records of Cameron County, Texas.
 - 5) 28 ac. in Tracts/Strips "Y and Z" of the William Esparza Tract, San Pedro de Carricitos Grant, as recorded in Volume 8, Page 98, Map Records of County, Texas, recorded July 11, 2024, as Document #24481, Official Records of Cameron County, Texas, re-subdivided as San Pedro Estates Subdivision
- 1.3 The primary purpose of the District is to drain stormwater run-off from the land within the District. To accomplish this purpose, the District has constructed and maintains open drains that collect stormwater run-off and convey it away, primarily to the Arroyo Colorado, but also the Laguna Atascosa and the Rio Grande River. The topography of the District is a relatively flat river delta, traversed by resacas, highways and streets, irrigation canals, and railroad beds. It is the goal of any drainage system to prevent the flooding of homes and businesses and prevent property loss. However, regardless of the capacity of the drainage system, there will always be rain events that exceed the capacity of the system.
- 1.4 The District is a Phase II Municipal Separate Storm Sewer System (MS4) entity under the provisions of the Clean Water Act. As such, the District is required to detect and eliminate illicit discharges into its drainage system. That is, existing and future federal and state laws will impact the quality and quantity of stormwater that can be discharged into the District's drainage system.
- 1.5 It is the policy of this District that nothing that may restrict or impede the flow of water in District's drains should be placed in the District's drains, and nothing that may impede or interfere with the District's maintenance of its drains and/or endanger the safety of the District's employees, shall be placed in, under, or over, any District right-of-way or land owned by the District.
- 1.6 However, the District recognizes that public and private roadways and private and public utilities, including communications, electric power, water, gas, oil, petroleum products, sewer, potable water, irrigation, and similar facilities are essential to modern life and must cross the District's drains. Utilities can be underground, at surface level, or overhead. Activities related to utility facilities include the placement of new facilities, the extension of existing facilities, the replacement and/or upgrading of existing facilities, and maintenance. Refer to Section 3 LICENSE AGREEMENTS AND PERMITS for procedures to obtain approval to use and/or cross District rights-of-way.
2. The District has assembled, under one cover, the rules and guidance applicable to discharges of water into the District's drainage system, crossings of the District's drains, and the platting of subdivisions. These rules are adopted pursuant to TEXAS WATER CODE § 49.211 and TEXAS GOVERNMENT CODE Chapter 2007-Private Real Property Rights Preservation Act, to regulate discharges into the District's drainage system, regulate the crossing of District drains, ensure that the District can protect and maintain its drainage system, and protect its employees, vehicles, and equipment.

3. DRAINAGE RIGHTS-OF-WAY / EASEMENTS: GENERALLY

- 3.1 Most, but not all, of Drainage District's drains are in rights-of-way that are restricted to Drainage District's use for drainage purposes. For drainage purposes, the terms right-of-way and easement are synonymous and interchangeable. The term right-of-way shall usually be used hereinafter.
- 3.2 Where the Drainage District owns a right-of-way, Drainage District's use of its right-of-way is limited to drainage purposes. Accordingly, where Drainage District does not own the fee simple title to the land on which a drain is situated, even though Drainage District is willing to allow (by written license agreement or permit) the requested use of Drainage District's right-of-way for a non-drainage purpose, Drainage District cannot, does not, and will not warrant, guarantee, or otherwise represent that only its permission to cross and/or use its right-of-way for a non-drainage purpose is required. Rather, it shall be requestor's responsibility to also obtain the permission of the owner(s) of the underlying fee title.
- 3.3 Many of Drainage District's easements are "blanket" rights-of-way. That is, the document granting the right-of-way does not fix the width and location of the right-of-way. In some cases, a drain was constructed but for reasons now unknown no document granting a right-of-way has been found filed of record. Also, in some cases a right-of-way of a fixed width was granted, but the need for a strip along and adjacent to the channel was not considered, and Drainage District needs and is using more than just what was granted. In such cases, Drainage District acquired a right-of-way by acquiesce. That is, the landowner allowed the construction of the drain and or the use of land outside the granted right-of-way. In such cases, the drainage right-of-way consists of the drain channel and a strip adjacent and parallel to each side of the drain channel for placement of soil and spoil and operation of Drainage District's vehicles and equipment. Drainage District needs a strip adjacent and parallel to the drain channel: 1) 25 feet in width, or 2) extending from the outer edge of the drain channel to toe of the berm, whichever is farther, for the placement of soil and spoil and operation of Drainage District's vehicles and equipment (where a drain is adjacent and parallel to an irrigation canal, the width of the strip on the canal side of the drain is limited to the berm between the drain and the canal). No excavation is allowed within the Drainage District's right-of-way.
- 3.4 From time to time, Drainage District cleans and maintains its drains with excavators and other long reach equipment. No improvements, including but not limited to manholes, transformers, substations, transmission line poles and towers, guy wires, fences, and buildings, shall be constructed or placed in Drainage District's right-of-way, except as expressly provided by a license agreement or permit issued by Drainage District. Where Drainage District 1) owns a "blanket" right-of-way or 2) there is less than 25 feet between the edge of the drain channel and the granted right-of-way, no such improvements shall be placed or constructed, or caused to be placed or constructed, within 25 feet of the nearest outer edge of a drain channel or the extending from the outer edge of the drain channel to toe of the berm, whichever is farther.
- 3.5 Drainage rights-of-way are not intended to be used for a road. The right-of-way was granted for drainage purposes only. Allowing a landowner to use the drainage right-of-way in another person's property to access his or her property is not a drainage purpose. The Drainage District maintains the right-of-way for the District's use and no one else. Driving on the drainage right-of-way is a violation of Texas Water Code

4. LICENSE AGREEMENTS AND PERMITS: GENERALLY

- 4.1 Except as expressly provided by an order of consent duly entered in the Minutes of Drainage District AND a written license agreement or permit acceptable to Drainage District's Board of Directors, no signs, fences, buildings, improvements, pipes culverts, bridges, improvements, streets, roads (public and private), driveways, and utilities (including without limitation electric transmission lines, electric service lines, electric distribution lines, natural gas lines, pipelines carrying hazardous materials, pressure pipelines, liquid petroleum pipelines, telephone and other communication lines, cable television lines, fiber optics lines / cables, sanitary sewer lines, potable water transmission and distribution lines, and irrigation lines) shall be constructed or placed, or caused to be constructed or placed, in, on, over, across, or under Drainage District's drains, drainage rights-of-way, and land owned by Drainage District in fee.
- 4.2 For Drainage District's purposes, the terms License and Permit are synonymous and interchangeable. The term License shall usually be used hereinafter. Where applicable, the term Licensee shall include Licensee's, contractors, subcontractors, agents, employees, representatives, heirs, executors, administrators, successors and assigns.
- 4.3 Upon receiving preliminary approval, the Drainage District will notify the Drainage District's attorney to complete the License Agreement when required. The fee for the License Agreement is generally \$400 (may vary based on the amount of research required) plus the filing fee. The License agreement will be completed within 30 days following the collection of the required documents. The following documents are required to be presented to the attorney:
- 1) The deed of the property sale
 - 2) Meets and Bounds
 - 3) Drawing of the proposed down-drain/crossing
 - 4) Cross section of the drain at the down-drain/crossing
- 4.4 All licenses granted and/or issued by Drainage District shall:
- (a) provide that licensee shall, to the extent allowed by law, indemnify, save, and hold Drainage District harmless from any and all claims, demands, actions, causes of action, suits, debts, sums of money, accounts or accountings, reckonings, variances, trespasses, damages, judgments, executions, or other liabilities including attorney's fees, at common law, in equity, statutory, or otherwise, whether based upon tort, contract, or any other legal theory, arising out of the licensed activity in, over, or under Drainage District's drains, and in, or use of, Drainage District's right-of-way or land owned by Drainage District in fee.
 - (b) be subject to overlapping easements and rights-of-way, if any, held by other governmental entities and/or public utilities, or private persons or entities.
 - (c) provide that the licensee assumes the risk of utilities having been placed in Drainage District rights-of-way without Drainage District's permission; that

Drainage District shall not be responsible for damage or injury to any utilities, and to the extent allowed by law, the licensee shall indemnify Drainage District from any claims made against Drainage District for such damage or injury, should such utilities be encountered.

- (d) provide that Drainage District shall have the right to grant other easements in, over, and across its rights-of-way without obtaining the consent of the licensee if such other easements do not interfere with the purposes and uses of the rights granted by the license agreement.
- (e) provide that licensee shall be responsible for the safe operation of equipment and vehicles in and on the Drainage District's rights-of-way and land owned by Drainage District. Should any of licensee's vehicles or equipment fall into or be driven into a drain during any operations in a right-of-way, or on land owned by Drainage District, Drainage District shall not be responsible for the resulting damage or injury, if any, to the equipment, vehicles, or any employees, and Developer shall hold Drainage District harmless for such injury or damage, and licensee shall, to the extent allowed by law, indemnify Drainage District for any claims made against Drainage District for such damage or injury. Further, licensee shall be responsible for any damage to or injury to the drain and/or drainage structures in the event vehicles or equipment fall into or are driven into a drain.
- (f) provide that licensee shall be responsible for the safe operation of its equipment and vehicles around any other hazard in a Drainage District right-of-way, including, but not limited to, electric power lines (aerial and underground) and gas pipelines. Should contact be made with a hazard, Drainage District shall not be responsible for (a) damage or injury, if any, to licensee's employees, equipment, or vehicles, and (b) injury to pipelines, power lines, and other structures belonging to third parties situated on or the right-of-way. To the extent allowed by law, licensee shall indemnify Drainage District for any claims made against Drainage District for such damage or injury.

4.5 Utilities in Public Road Rights-of-Way.

To ensure that the District can protect and maintain its drainage system, and protect its employees, vehicles, and equipment, a license agreement is required where a utility constructed in a road right-of-way crosses in, over, under, or across a Drainage District drain or other drainage facility.

5. SUBDIVISIONS/PLATTING

5.1 Policies and findings.

- (a) Drainage District does not regulate the internal drainage of subdivisions. The internal drainage of subdivisions is regulated by the subdivision regulations and rules adopted by Cameron County and/or the municipality in which the subdivision is situated. However, to accomplish its purposes and protect its drains and facilities, Drainage District needs to review subdivision plats. Subdivision plats shall be approved by Drainage District on the condition that:
 - 1) approval is given only as it relates to and may affect the facilities of

Drainage District;

- 2) no consideration is given to any other matters; and
 - 3) by approving the plat the Drainage District does not warrant the adequacy of its drainage system in case of heavy rainfall, and that it will not be called upon, by present or future owners of any lot or lots in the subdivision to correct any drainage or flooding problems on any of the lots in said subdivision.
- (b) Failure to record a plat in the office of the county clerk of Cameron County within one year after this date shall cause Drainage District's approval to become void.
 - (c) It is the responsibility of owners/developers to determine (ideally before purchasing a property or commencing the subdivision process) the adequacy of the drainage of the subject property, and if the property is adjacent to a Drainage District drain, the adequacy of Drainage District's existing drainage system to accept the additional stormwater from the subdivision.
 - (d) Owners / developers should not rely exclusively on FEMA flood maps.

5.2 Submission of plats required.

- (a) Subdivision plats must be submitted to Drainage District when the land being subdivided is:
 - 1) in whole or in part, within the boundary of Drainage District, or
 - 2) wholly outside the boundary of Drainage District and adjacent to a District drain
 - 3) Upon (1) the submission of copy of the recorded document(s) that provide the legal description of the subject property and (2) the payment of a fee of \$20.00, the District will issue a determination letter stating whether a subdivision plat must be submitted to the District for its approval.
- (b) Scans of plats in PDF or TIF, and other documents in PDF can be emailed to the District at: dandiaz@ccdd3.org (it is recommended that the sender confirm by telephone the District's receipt of the email). Submission will not be considered complete until all required fees have been paid.

5.3 Submission of Drainage Plan required.

- (a) The Drainage Plan for the subject subdivision shall be submitted with the plat.
- (b) Subdivision plats shall, at minimum, comply with the drainage criteria of the Cameron County Subdivision Regulations.
- (c) All subdivision plats shall include Texas Commission of Environmental Quality permits, documents (e.g. Stormwater pollution prevention plan) or

other stormwater quality documents or requirements.

5.4 This language (sign-off paragraph) must appear on the Final plat:

CAMERON COUNTY DRAINAGE DISTRICT NO. 3 HEREBY APPROVES THIS SUBDIVISION ON THE CONDITION THAT THE DISTRICT DOES NOT WARRANT THE ADEQUACY OF ITS DRAINAGE SYSTEM IN CASE OF HEAVY RAINFALL, AND THAT IT WILL NOT BE CALLED UPON, BY PRESENT OR FUTURE OWNERS OF ANY LOT OR LOTS IN THIS SUBDIVISION, TO CORRECT ANY DRAINAGE OR FLOODING PROBLEMS ON ANY OF THE LOTS IN SAID SUBDIVISION. APPROVAL IS GIVEN ONLY AS IT RELATES TO AND MAY AFFECT THE FACILITIES OF THE DISTRICT; NO CONSIDERATION IS GIVEN TO ANY OTHER MATTERS. ANY FAILURE TO RECORD THIS PLAT IN THE OFFICE OF THE COUNTY CLERK OF CAMERON COUNTY WITHIN ONE YEAR AFTER THIS DATE SHALL CAUSE THIS APPROVAL TO BECOME VOID.

DATED THIS _____ DAY OF _____, 20_____

_____, PRESIDENT / GENERAL MANAGER

- 5.5 Lot lines shall not extend into Drainage District's right-of-way.
- (a) Unless a document filed of record fixes, provides, or specifies a greater distance, the distance between the outer edge of the drain channel and lot line(s) shall be 25 feet or the outside toe of the berm, whichever is farther.
 - (b) The location of lot line(s) in relation to the drain channel shall be staked so that Drainage District can confirm compliance with the distance requirement.
 - (c) The strip of land on which a Drainage District drain is situated shall be dedicated on the plat to: Cameron County Drainage District No. 3. In addition, said strip can be donated to the District.
- 5.6 No utilities shall be placed in Drainage District's right-of-way (existing utilities excepted). Existing utilities shall be shown on the subdivision plat.
- 5.7 No streets shall be placed in, or constructed in, Drainage District's right-of-way. A road presently in Drainage District's right-of-way shall be relocated outside of Drainage District's right-of-way.
- 5.8 No water, including, but not limited to, stormwater, shall be discharged into a Drainage District drain, either by a down drain or a storm sewer, without the written permission of Drainage District. *See* paragraph 6. DOWN DRAINS (INLETS) / DISCHARGE OF WATER INTO DRAINS.
- (a) No down drain inlet shall be inside of Drainage District's right-of-way.
 - (b) The inlet of an existing down drain inside of Drainage District's right-of-way must be relocated/moved out of Drainage District's right-of-way.
 - (c) Where the system for the internal drainage of a subdivision includes a storm

sewer system with inlets at streets in the subdivision, the license agreement allowing the storm sewer system to discharge into a Drainage District drain shall expressly provide that the terms and conditions of the license agreement run with the land, and thus are binding on any governmental entity that acquires the street(s) in the subdivision, by dedication or other means. Drainage District may elect to require the governmental entity to be a party to the license agreement.

(d) The location where each down drain and/or each storm sewer system discharges into a Drainage District's drain must be located and identified on the final plat and on a drawing that will be attached to the license agreement.

5.9 All restrictions required by Drainage District as a condition to approval of a subdivision plat, and disclaimers which may be made by Drainage District, shall be stated on the subdivision plat. When the land being subdivided is in an area of known flooding, Drainage District can require on the plat this or a similar statement:

THE LAND BEING SUBDIVIDED IS IN AN AREA OF KNOWN FLOODING.

5.10 A \$200.00 plat review fee is due the first time the plat is submitted to Drainage District. If necessary, an additional fee based on the Drainage District's engineer's hourly rate will be charged for more detailed work needed by the Drainage District.

5.11 The District's "final" approval of the plat shall be evidenced by the District's President or General Manager signing the mylar. That is, approval of a plat will be conditioned on submission of the mylar.

5.12 Upon submission of the subdivision plat, the plat will be reviewed to determine:

(a) whether the plat must be submitted to the District [*see* 4.2(a)]. If a subdivision plat is not required to be submitted to the District, all fees shall be refunded less \$20.00 for the issuance of a determination letter.

(b) whether there is a District drain or drains in the subject property.

5.13 Within 30 days after submission of the plat, the District's Manager or other authorized District employee, shall issue a written statement that the District:

(a) approves the plat

(b) approves the plat with conditions (including, but not limited to, 4.11)

(c) disapproves the plat

Each condition or reason for disapproval shall be clearly articulated in the written statement and include a citation to the law and/or the District rule that is the basis for the disapproval or conditional approval, if applicable.

At the next following Board meeting, the General Manager shall report to the Board each subdivision plat that has been approved, approved with conditions, or disapproved.

5.14 Resubmission of Plat.

- (a) The first time a plat is resubmitted after disapproval, or after approval with conditions, no additional submission fee shall be required (even if more than 1 year has elapsed).
- (b) Each time thereafter that the plat is resubmitted after disapproval, or after approval with conditions, the \$200 submission fee shall be paid before the plat shall be reviewed.
- (c) The Submission Fee shall be paid when the District's approval has become void.

5.15 When a plat is approved, or when all conditions have been satisfied, the mylar can be signed by:

- (a) District's President at a duly called meeting of Drainage District's Board of Directors. In the absence of the President, the Director presiding at the meeting is authorized to sign subdivision plats that have been approved. Provided a mylar submitted less than 5 calendar days in advance of a regularly scheduled meeting will not be considered by the Board until the next following meeting of the Board of Directors.
- (b) Drainage District's General Manager outside of a Board meeting, upon written request.

6. DOWN DRAINS AND STORM SEWERS / DISCHARGE OF WATER INTO DISTRICT DRAINS

6.1 Policies and findings.

- (a) To prevent storm water from running down the side of the drain ditch channel, thereby causing erosion and other problems, stormwater shall only enter a drain ditch through a structure the Drainage District calls a "down drain" (also known as a field drain and drain inlet) or a storm sewer system. Open cuts are prohibited. Down drains and storm sewer systems do not belong to the Drainage District, and the Drainage District is not responsible for the repair, maintenance, replacement, or improvement of down drains and storm sewer systems.
- (b) The term down drain includes any structure by which stormwater from a street, road, or highway and/or roadside ditch, whether public or private, is discharged into Drainage District's drainage system.
- (c) Except as otherwise provided herein, no down drain or storm sewer shall discharge into Drainage District's drainage system without an order of consent duly entered in the Minutes of Drainage District AND a written license agreement setting forth the terms for the down drain and/or storm sewer, acceptable to Drainage District's Board of Directors.
- (d) Discharge velocities shall be limited to not over 4 feet per second. No riprap shall be allowed around the discharge pipe. The backfill above the discharge pipe shall be compacted to 95% of the Standard Proctor Density.

The discharge pipe shall be angled at approximately 45 degrees with the flow in the drain. Discharge pipes shall be reinforced concrete pipe and a full joint of Reinforced Concrete Pipe will extend upstream. The first joint upstream of the outlet shall have a concrete collar to prevent separation of the pipe.

- (e) When preparing a drainage plan to be submitted to the District, the rational method shall be used unless approved in advance and the "C" values contained in the attached Figure 1 shall be used in all calculations. These values shall also be used when calculating detention volumes. Calculations should be complete, and all assumptions shall be noted.
- (f) Outfalls into the District's drains shall discharge not over one foot above the existing drain flowline. Where a normal pool of water exists within the facility, the outfall may discharge at the normal pool elevation but not above it.
- (g) Because Drainage District maintains its drains with boomed mowers, the outlet structure shall be tapered to conform to the side of the drain channel and must generally be flush with the side of the drain channel.
- (h) The District's license preparation fee shall be paid no later than the time that the licensee submits to the District the license signed licensee. *See* Appendix I. Fees.
- (i) To prevent erosion of a drain channel and/or the side(s) of a drain, rip rap and/or concrete shall be installed on the bottom and/or the side of the drain opposite the outlet of a down or storm sewer shall be required if the Drainage District's Engineer determines that erosion of the bottom and/or side(s) of the drain will be a problem.
- (j) Back flow prevention gates or similar devices shall be required if the Drainage District's Engineer determines that such gates or devices are needed.
- (k) Drainage District is a Phase II MS4 entity under provisions of the Clean Water Act, and as such, Drainage District is required to detect and eliminate illicit discharges into its drainage system. The owner of the subject property discharging storm water into Drainage District's drainage system must meet all applicable state and federal laws regulating the quality of discharges into Drainage District's drainage system, now and in the future. In accordance Texas Water Code Section 26.121 (a) (1) Discharge of sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to a District Drain is strictly forbidden.
- (l) Before purchasing land, prospective purchasers should investigate drainage. Factors that Drainage District recommends be considered include, but are not limited to:
 - 1) how the property drains
 - 2) the proximity of the property to a Drainage District drain (for example, some land drains into a street or a roadside ditch (roadside

ditches are not owned by and are not maintained by Drainage District)).

- 3) whether a Drainage District drain on or adjacent to the subject property is adequate for the present and/or intended use of the property.
- 4) the elevation of the land (one cannot rely exclusively on flood insurance maps and county and/or municipal floor elevation requirements).
- 5) flooding history

Figure 1.

Runoff Coefficients for Rational Method

| Surface Characteristics | Runoff Coefficient Return Period (years) | | | | |
|-------------------------------|---|------|------|------|------|
| | 5 | 10 | 25 | 50 | 100 |
| <u>Residential</u> | | | | | |
| Suburban >1.0 Ac. | 0.30 | 0.35 | 0.40 | 0.50 | 0.60 |
| Suburban .5 to 1.0 Ac. | 0.35 | 0.40 | 0.45 | 0.52 | 0.60 |
| Single-family >0.5 Ac. | 0.45 | 0.50 | 0.53 | 0.59 | 0.65 |
| Multi-units (Detached) | 0.50 | 0.55 | 0.63 | 0.68 | 0.75 |
| Multi-units (Attached) | 0.65 | 0.68 | 0.73 | 0.77 | 0.80 |
| Apartments | 0.75 | 0.78 | 0.80 | 0.82 | 0.85 |
| <u>Business</u> | | | | | |
| Downtown | 0.85 | 0.88 | 0.91 | 0.93 | 0.95 |
| Neighborhood | 0.60 | 0.65 | 0.70 | 0.75 | 0.80 |
| <u>Industrial</u> | | | | | |
| Light | 0.70 | 0.75 | 0.80 | 0.83 | 0.85 |
| Heavy | 0.80 | 0.82 | 0.86 | 0.88 | 0.90 |
| <u>Parks & Cemeteries</u> | 0.20 | 0.27 | 0.37 | 0.45 | 0.55 |
| <u>Playgrounds</u> | 0.25 | 0.33 | 0.43 | 0.52 | 0.60 |
| <u>Schools</u> | 0.50 | 0.55 | 0.63 | 0.68 | 0.75 |
| <u>Railroad Yards</u> | 0.40 | 0.48 | 0.57 | 0.64 | 0.70 |
| <u>Undeveloped Areas</u> | 0.10 | 0.16 | 0.27 | 0.37 | 0.50 |
| <u>Streets</u> | | | | | |
| Paved | 0.80 | 0.85 | 0.90 | 0.92 | 0.95 |
| Gravel | 0.20 | 0.27 | 0.37 | 0.45 | 0.55 |
| <u>Drives & Walks</u> | 0.80 | 0.85 | 0.90 | 0.92 | 0.95 |
| <u>Roofs</u> | 0.80 | 0.84 | 0.87 | 0.88 | 0.90 |
| <u>Lawns</u> | 0.10 | 0.16 | 0.27 | 0.37 | 0.50 |

- (m) Drainage District did not license down drains until the enactment of the Clean Water Act. If there is a down drain in the subject property constructed prior to the enactment of the Clean Water Act of 1972, the purchaser/owner will not have to obtain the permission of Drainage District to continue discharging storm water into Drainage District drainage system. However, purchasers / owners will have to comply with present and future applicable state and federal laws regulating the quality of the water discharged into the Drainage District's drainage system, and the owner of the subject property will have to obtain a license from Drainage District to replace an existing down drain(s) or to install additional down drains.
 - (n) If Drainage District determines that a down drain was constructed after the enactment of the Clean Water Act of 1972 without a down drain license, Drainage District shall cap, plug, or do what is necessary to stop the discharge of water into Drainage District's drain by way of the unlicensed down drain.
- 6.2 For Drainage District's purposes, the outlet for a storm sewer is the same as an outlet for a down drain. Accordingly, the following rules for down drains also pertain to storm sewers.
- 6.3 Landowners must obtain a license from the Drainage District to replace existing down drains and/or discharge structures for storm sewers system, and to install additional down drains and storm sewer discharge structures. No new down drain or storm sewer that discharges into a Drainage District Drain shall be constructed without the written permission of Drainage District. Down drains and storm sewer discharge shall be constructed in accordance with Drainage District's design requirements. Requests for permission to install a down drain, including a replacement down drain, shall be submitted to Drainage District in writing and shall include a plan showing the design and location of each new down drain or replacement down drain for the review and approval of Drainage District's Engineer.
- (a) No inlet of a new down drain, replacement down drain, or storm sewer shall be inside of Drainage District's right-of-way.
 - (b) When an existing down drain or the outlet of storm sewer is being replaced, the inlet of an existing down drain or storm sewer that is inside of Drainage District's right-of-way must be relocated / moved out of Drainage District's right-of-way.
- 6.4 Drainage District shall not be responsible for the installation of down drains and storm sewers and shall not be responsible for the cost thereof.
- 6.5 The landowner shall pay Drainage District's license fee and reimburse Drainage District for the cost of the Engineer's review of the plan.
- 6.6 Pollution Control. *See* paragraph 15, below.

7. PIPING DRAINS / PUTTING DRAIN UNDERGROUND

- 7.1 Policy and findings.
- (a) It is the policy of Drainage District that its drains are not piped.
 - (b) Drainage District reserves the right to put drains, or segments of drains, underground where Drainage District deems it necessary.
- 7.2 No one other than Drainage District may convert an open drain of Drainage District to an underground line without an order of consent duly entered in the Minutes of Drainage District AND a written license agreement acceptable to Drainage District's Board of Directors.
- 7.3 Requests for permission to pipe a Drainage District drain shall be submitted to Drainage District in writing and shall include a plan for the review and approval of Drainage District's Engineer. The plan shall include the size and type of pipe, proposed grade of the pipeline and the bedding.
- 7.4 License agreements allowing the conversion of drains to underground lines shall provide that the underground line can be removed and the drain be re-opened at such time that Drainage District determines that the underground line has become a bottleneck and/or the flow or capacity of the drain needs to be increased. The landowner shall not be entitled to compensation or damages if the drain is reopened.
- 7.5 Drainage District shall not install the pipe or other structure unless it agrees to do so in writing. The Licensee shall be responsible for all materials, supplies, labor and all costs associated with converting the drain to an underground line.

8. ELIMINATING DRAINS / FILLING IN DRAINS

- 8.1 Policy and findings.
- (a) It is the policy of Drainage District that drains that serve more than one property cannot be eliminated or filled in, unless all owners of property upstream of the subject property agree in writing.
 - (b) Landowners should keep in mind that a drain exists for a reason and eliminating or filling in a drain can cause unintended drainage and other problems, including but not limited to salting of the land.
- 8.2 Where the drain serves only the subject property, all owners of the property must request in writing that Drainage District abandon its right-of-way. The instrument abandoning the right-of-way shall expressly state that landowner(s) assumes all risks and consequences of eliminating or filling in the drain. All owners of the property shall accept the instrument abandoning the right-of-way. The owners shall pay to Drainage District the fee to file the instrument abandoning the right-of-way in the Real Property records of Cameron County, and Drainage District shall file the instrument of record.

9. ROADS, STREETS, DRIVEWAYS, BICYCLE PATHS, PEDESTRIAN CROSSINGS-NEW

- 9.1 No street, road, driveway, bicycle path or pedestrian bridge, or the like, shall be

constructed or placed over or across a Drainage District drain without an order of consent duly entered in the Minutes of Drainage District AND a written license agreement setting forth the terms for the crossing, acceptable to Drainage District's Board of Directors.

- 9.2 No piers, columns, bents, or other support structures shall be placed or constructed, or caused to be placed or constructed in the drain channel.
- 9.3 The drain channel shall not be relocated or adjusted without Drainage District's express written consent, included in the license agreement.
- 9.4 The license agreement shall include, without limitation, the flow capacity of the structure placed in the drain, the location of the crossing, and responsibility for the relocation, upgrade, or removal of the crossing made necessary due to improvements of the drain or Drainage District's drainage system.
- 9.5 The license agreement shall expressly state that a private crossing can be removed at such time that Drainage District determines that the crossing has become a bottleneck and/or the flow or capacity of the drain needs to be increased, and/or the drain needs to be widened.
 - (a) Licensee shall not be entitled to any compensation or damages in the event a crossing is removed or needs to be upgraded.
 - (b) Drainage District shall not be required to replace, repair, or upgrade a crossing.
- 9.6 Where a public road or street crosses a drain, the license agreement shall expressly state that the governmental entity that owns the public road or street shall upgrade the crossing at no expense to Drainage District if Drainage District determines that the crossing has become a bottleneck and/or the flow or capacity of the drain needs to be increased, and/or the drain needs to be widened.
- 9.7 Drainage District shall not install the crossing unless it agrees to do so in writing.
- 9.8 The Licensee shall be responsible for all materials, supplies, labor and other related costs, including Drainage District's license fee, and Drainage District's engineering review fees and inspection fees associated with the installation of the crossing.
- 9.9 Licensee shall be responsible for installing wing walls, abutments, rip rap or linings of the drain channel if directed by the Drainage District to protect and keep the crossing from failing due to or being undermined by the flow of water in the drain.
- 9.10 The Licensee assumes the risk of road crossings, including wing walls, abutments, rip rap, and other linings of the drain channel being washed out or damaged in a storm event.
 - (a) Licensee shall not be entitled to any compensation or damages in the event a crossing is damaged or is washed out during a storm event.
 - (b) Drainage District shall not be required to replace or repair a washed out or storm damaged crossing.

- 9.11 During construction, repair, or replacement of the road crossing, the Licensee shall erect, or cause to be erected, suitable barricades and place appropriate warning signs and lights at the road crossing whenever it is necessary to protect the public.
- 9.12 Soil may not be removed from Drainage District's right-of-way or used in the construction of the road crossing without Drainage District's written consent.
- 9.13 Licensee shall be responsible for obtaining any and all permits and permissions from the County, municipality, or other road owner to connect the Licensee's private road to the existing road, and to cross any roadside ditch, if any.
- 9.14 Drainage District shall not be responsible for determining the existence and location of any utilities, if any, in Drainage District's right-of-way, and shall not be responsible for any adjustment or relocation of said utilities which may be necessary for Licensee to construct the subject crossing.
- 9.15 Drainage District shall reserve and retain the right to concrete line the segment of the drain under a bridge or culvert that has no concrete floor.
- 9.16 Should Licensee decide the road crossing needs guardrails, such guardrails shall be U-shaped so as not to prevent, block, or impede the passage of Drainage District's equipment along each side of the channel of the drain. If a guardrail extends into the 25 feet needed for Drainage District to maintain the drain, Licensee shall provide the right-of-way for Drainage District's equipment and vehicles to get around the end of guardrail. A concrete strip shall be placed under the guardrail to prevent the growth of grass, weeds, and other vegetation under the guardrail. The plans for the guardrails shall be presented to Drainage District in order for Drainage District to determine that the guardrails will not prevent, block, or impede the passage of Drainage District's equipment along each side of the channel of the drain.
- 9.17 In order to maintain the subject drain, Drainage District may use the road crossing for passage of its vehicles and equipment from one side of the drain to the other.
- 9.18 Drainage District shall continue to maintain the subject drain in the same manner and on the same schedule as it did prior to construction of the road crossing.
- 9.19 When upon reviewing the plans for a crossing it is determined that the plans need to be changed (by way of example only, the culvert or pipe needs to be lower, or the diameter of the pipe needs to be bigger), such changes shall be noted on the plans or accepted by the road owner in writing. Verbal changes to plans are prohibited.

10. ROADS, STREETS, DRIVEWAYS, PEDESTRIAN CROSSINGS-EXISTING (NO LICENSE OF RECORD)

- 10.1 When there is no license or other document of record for a crossing, the owner of the underlying fee, hereinafter referred to as "Crossing Owner " shall not be required to obtain a license for the existing crossing, except as provided herein. However, the Crossing Owner accepts the existing crossing "as is" and assumes the risk that the existing culverts, pipes, or other crossing structures will not support the weight of Crossing Owner's activities.
- 10.2 If Crossing Owner determines that a culvert or other crossing needs to be replaced, whether before or after a failure:

- (a) Crossing Owner shall notify Drainage District in writing that Crossing Owner intends to replace the culvert and/or widen the crossing.
- (b) a replacement culvert, pipe, or other crossing structure shall be installed at the same ditch slope and the same flow line elevation as the culvert or other crossing structure being replaced, unless Drainage District determines that the crossing was incorrectly installed, in which case, Drainage District shall specify in writing the required ditch slope and flow line elevation.
- (c) the replacement culvert, pipe, or other crossing structure shall have a flow area not less than that of the culvert or other crossing structure being replaced. Provided, should Drainage District determine that the crossing is a bottleneck and/or restriction, Crossing Owner shall, at Crossing Owner's expense, acquire, purchase, and install the larger culvert, pipe, or other crossing structure.
- (d) should Drainage District determine that the proposed culvert, pipe, other crossing structure is adequate, but a larger culvert should be installed (upsized), Crossing Owner shall acquire, purchase, and install the larger culvert and Drainage District pay Crossing Owner the difference between the cost of the larger culvert and the cost what Crossing Owner was going to install. Provided, Drainage District shall not pay any of the cost of upgrading the crossing when Drainage District has previously notified Crossing Owner or Crossing Owner's predecessor-in-title that Drainage District has determined that the crossing is a bottleneck and/or restriction.
- (e) prior to commencing installation of the replacement culvert, pipe, bridge, or other crossing structure, Crossing Owner shall notify Drainage District's General Manager so that Drainage District can verify that the flow area of the replacement culvert, pipe, bridge, or other crossing structure is not less than that being replaced, and that it has been installed at the correct ditch slope.
- (f) Crossing Owner shall reimburse Drainage District for the cost of having an engineer or other inspector present when the culvert or pipe is replaced to verify installation at the correct ditch slope and flow line elevation. Crossing Owner shall be solely responsible for determining that the back fill is properly compacted.

10.3 If Crossing Owner determines that an existing crossing needs to be widened (that is, the existing culvert or other structure does not need to be replaced):

- (a) all extensions shall be installed at the same ditch slope and the same flow line elevation as the existing culvert or other crossing structure. All extensions shall have a flow area not less than that of the existing culvert or other crossing structure.
- (b) prior to commencing installation of an extension, Crossing Owner shall provide the plans for the extension so that Drainage District can verify that the flow area of the extension is not less than that of the existing culvert or other structure.

- (c) Crossing Owner shall reimburse Drainage District for the cost of having an engineer and/or other inspector present when the culvert or other structure is extended to verify installation at the correct ditch slope and flow line elevation, that the couplings are properly installed, and that the fill is properly compacted.

10.4 Crossing Owner assumes the risk of road crossings being washed out or damaged in a storm event.

- (a) Crossing Owner shall not be entitled to any compensation or damages in the event a crossing is damaged or is washed out during a storm event.
- (b) Drainage District shall not be required to replace or repair a washed out or storm damaged crossing.

11. AERIAL / OVERHEAD ELECTRIC TRANSMISSION LINE CROSSINGS OF DRAINS

11.1 No aerial / overhead electric transmission line shall be constructed over and/or across a Drainage District drain without an order of consent duly entered in the Minutes of Drainage District AND a written license agreement acceptable to Drainage District's Board of Directors. This includes a drain that has been piped, including where the transmission line is over the culvert of a road crossing. Drainage District still needs enough vertical clearance room for Drainage District's equipment and vehicles to pass under the transmission line in order get from one side of the transmission line to the other.

11.2 The owner of the aerial / overhead electric transmission line, hereinafter referred to as Electric Company, shall notify Drainage District in writing of each location that the aerial transmission line shall cross a drain, and shall provide the pole placement plan to Drainage District.

- (a) Monopoles or other structures holding the transmission line aloft and guy wires shall be placed outside Drainage District right-of-way, but in no event closer than 25 feet to the nearest edge of the drain channel.
- (b) Electric Company shall stake, or caused to be staked, the location of the monopoles or other structures that are closer than 50 feet to the nearest edge of the drain channel so that Drainage District can verify that the poles are no closer than 25 feet to the nearest edge of the drain channel and that Drainage District's use of its rights-of-way is not impeded by poles, structures, and/or guy wires.

11.3 Because Drainage District uses long-reach and other boomed equipment capable of vertical motion to maintain its drains and pursuant to federal law Drainage District's equipment is prohibited from coming closer than 10 feet (plus 4 inches of added clearance for each 10 kV over 50 kV) in any direction of live aerial / overhead high-voltage line, for the safety of Drainage District's employees, including but not limited to machine operators, and to provide enough room between Drainage District's equipment and power lines, **THERE SHALL BE NO LESS THAN 40 FEET OF VERTICAL CLEARANCE** at the low point /sag of the aerial line and the high point of the berms situated on each side of and parallel to the drain.

11.4 Electric Company shall submit to Drainage District a cross-section for each aerial

crossing so that Drainage District can determine compliance with the height requirement. The cross-section shall show the aerial line in relation to Drainage District's berms and/or ground level, whichever is higher in elevation. Provided, however, Electric Company shall not be required to submit a cross-section where, due to the height of the monopoles or other structures, the lowest wire will be higher than 60 feet in elevation where it crosses a drain.

12. UTILITY CROSSING OTHER THAN ELECTRIC TRANSMISSION LINES

12.1 Policies and findings. In no event shall a utility be placed in or run through a drain channel or through a culvert or pipe placed in the drain channel. That is, the utility must run over or under the channel of a drain—never through the channel of the drain. It is the policy of Drainage District that utilities run under the drain channel, not over the drain channel, and be installed by boring (no open cuts). However, there are some types of utilities that only aerial crossings are feasible (for example, electric transmission lines).

12.2 Except as otherwise provided, all utility crossings other than electric transmission lines, including without limitation, electric service lines, electric distribution lines, fiber optic lines and cables, telephone lines, television cable lines, shall be installed by boring under the drain, and the rules applicable to Underground Utility Crossings shall apply, unless it is demonstrated that an underground crossing is not practical or feasible.

12.3 If it is not practical or feasible for the utility to cross under the drain, the rules applicable to Aerial / Overhead Electric Transmission Line Crossings shall apply.

12.4 Drainage District has no objection to utilities being attached to the road deck or longitudinal girder, whichever is lower of bridges crossing a drain, provided the utilities are no lower than the bottom of the road deck or longitudinal girder, whichever is lower.

12.5 Where the road owner will not allow the utilities to be attached to the bridge, Drainage District will consider an aerial crossing adjacent and parallel to the road crossing:

- (a) in no event shall the utility be lower than the road deck or longitudinal girder, whichever is lower.
- (b) A concrete slab shall be constructed, maintained, repaired, and if necessary, replaced under the utility crossing, in the bottom of the drain channel and up the sides of the drain channel, and between the utility crossing and the bridge, to eliminate the need for Drainage District's equipment to work under the utility and between the utility and the bridge.
- (c) such crossing shall be as close as possible to the bridge.
- (d) no piers, bents, columns, or other support structures shall be constructed or placed in, or caused to be constructed or placed in, the channel of the drain.

13. UNDER GROUND UTILITY CROSSINGS

- 13.1 Findings. For various reasons, including the collapse or blockage of a culvert or pipe, the culverts and pipes placed in a drain where a road crosses a drain may have to be removed by Drainage District, especially when a failure, blockage, or collapse occurs during a storm event. Drainage District finds that utilities must run under the culvert or pipe placed in the drain, not over the top of the pipe or culvert so Drainage District is not burdened with having to locate the utility, give any required notices, and eliminate the possibility of breaking or cutting the utility.
- 13.2 No underground utility of any type or size shall be constructed across a Drainage District drain without an order of consent duly entered in the Minutes of Drainage District AND a written license agreement acceptable to Drainage District's Board of Directors.
- 13.3 The term "underground utilities" includes all buried utilities of any type or size, including without limitation, potable water lines, sewer lines, natural gas lines, electric service lines, electric transmission lines (regardless of voltage) telephone lines or cables, cable television lines or cables, fiber optic lines or cables. The term potable water line shall include a privately owned potable water line (for example, where the meter is on one side of a drain, and the owner's property is on the other side of the drain.
- 13.4 The owner of the underground utility, hereinafter referred to as Utility Owner, shall notify Drainage District in writing of the type of underground utility and location that the underground utility shall cross a drain.
- 13.5 Underground utilities shall be installed by boring. No open cut of a drain is allowed
 - (a) During the course of boring under Drainage District's drains, buried debris and objects, including by way of example and without limitation tires, pieces of concrete, or garbage might be encountered. Utility Owner assumes the risk of encountering buried debris and objects and shall hold Drainage District harmless for any damage or injury to Utility Owner's equipment or employees if such are encountered. Utility Owner shall be solely responsible for the cost of removing such debris or objects and appropriately disposing of it so its work can continue.
- 13.6 From time to time, Drainage District uses excavators and similar type equipment to clean its drains. In order to:
 - (a) protect Drainage District's employees, including machine operators, and Drainage District's equipment,
 - (b) allow room to deepen and/or widen the drain channel
 - (c) to avoid having to determine whether silt has collected in the drain and thus, avoid having to determine the required depth of the channel as opposed to the bottom of the channel as silted up;
 - (d) to avoid disruption of service by Drainage District's equipment hitting, breaking, and/or damaging the underground utility, there shall be no less than 5 feet of vertical clearance between the bottom of the drain channel and the utility, and no less than 5 feet of horizontal clearance

between the channel of the drain and the utility. Provided however, where the utility requires a uniform grade, by way of example only, a gravity sewer line, and there is no danger to Drainage District's employees, including machine operators, should a Drainage District machine hit the line, and the Utility Owner demonstrates that it is unduly burdensome to satisfy the 5 foot requirement, the utility can put the utility closer than 5 feet to the bottom and sides of the drain channel, provided the license agreement expressly provides that Drainage District shall not be liable or responsible for any damages, and Utility Owner shall be responsible for the cleanup of any pollution of Drainage District's drainage system, in the event that Drainage District hits the underground utility, and further requires that in the event that Drainage District hits the underground utility, Utility Owner shall then put the line, or cause the line to be put, no closer than 5 feet to the bottom and sides of the drain channel regardless of the cost or burden.

13.7 Should Utility Owner elect to erect signs marking the location of the underground utility, the signs or other markers shall not be placed in Drainage District's right-of-way, but in no event closer than 25 feet of the nearest outer edge of the drain channel.

(a) Utility Owner shall provide to Drainage District the GPS coordinates for a utility crossing "as built" if not under a road crossing. Utility Owner shall provide to Drainage District SHAPE files for the utility crossing if available.

13.8 Natural gas pipelines, gasoline pipelines, and any other type of pipeline that transports explosive liquids or gases, or noxious liquids or gases, shall be put in casings where the pipeline crosses Drainage District's right-of-way. No above ground facilities, including but not limited to, vents, syphons, and cathodic protection devices, shall be placed in Drainage District's right-of-way, but in no event closer than 25 feet of the nearest outer edge of the drain channel.

14. UTILITIES ADJACENT TO DRAINS.

14.1 No utility of any type or size, or above ground facilities for underground utilities, including but not limited to, vents, syphons, and cathodic protection devices, shall be constructed in Drainage District right-of-way adjacent and generally parallel to the drain channel, and in no event closer than 25 feet to the nearest edge of the drain channel, without an order of consent duly entered in the Minutes of Drainage District AND a written license agreement acceptable to Drainage District's Board of Directors.

14.2 The term utility includes, without limitation, electric service lines, electric distribution lines, electric transmission lines (regardless of voltage), telephone lines or cables, cable television lines or cables, fiber optic lines or cables, telephone lines, and all other buried utilities of any type or size, including without limitation, potable water lines, sewer lines, natural gas lines, and gasoline lines.

14.3 The owner of the utility, hereinafter referred to as Utility Owner, shall notify Drainage District in writing of the type of utility and location proposed to be constructed in Drainage District's right-of-way. When allowed in Drainage District's right-of-way, the utility shall be located as close to the edge of Drainage District's right-of-way as possible.

15. BERMS / REMOVAL OF SOIL FROM BERMS

15.1 Findings and purposes.

- (a) The land adjacent to a drain channel, often referred to as a berm, sloping away from a drain channel is essential to the prevention of erosion of drains.
- (b) Any activity that damages the slope of the berm is inconsistent with Drainage District's use and maintenance of its drains and rights-of-way.
- (c) It is the policy of Drainage District that berms shall be no less than two feet, more or less, above ground level, sloping away (downhill) from the drain channel.

15.2 To prevent storm water from running down the side of the drain ditch, thereby causing erosion and other problems, a berm may have been constructed adjacent and parallel to the side of the channel of a Drainage District drain.

15.3 The top of berms shall be no less than two feet, more or less, above ground level, sloping away (downhill) from the drain channel.

15.4 Drainage District's Manager is authorized remove, or cause to be removed, soil from a berm that is higher than two feet above ground level.

- (a) Except as provided in paragraph 14.5, Drainage District shall contact the owner of the land and offer to put the soil on the owner's land outside of and adjacent to Drainage District's right-of-way, but in no event closer than 25 feet to the nearest edge of the drain channel. Drainage District will not spread the soil for the landowner.
- (b) If the landowner declines the offer, Drainage District's Manager is authorized to cause the removal of the soil by whatever means necessary, including but not limited to, allowing third parties to take the soil. Preference shall be given to other governmental entities (Federal, State, County, Municipal) having a use for the soil.

15.5 Paragraph 14.3 does not apply when soil is removed for Drainage District's sole use, such as using the soil to build up and reshape berms that are too low.

15.6 When the soil is not hauled by Drainage District, Drainage District's Soil Agreement shall be required. In the event the third party provides the equipment to load the soil, the Soil Agreement shall specify the height of the berm that is to remain.

15.7 For the protection of Drainage District's berms, the pasturing of livestock on Drainage District's berms is prohibited.

15.8 When properties are being developed, developers will exercise sound erosion practices to keep sediment out of the district's drains (e.g. silt fence).

16. POLLUTION CONTROL.

16.1 For the purpose of this paragraph, the term Property Owner shall include:

- (a) the owner(s) of land adjacent to a District Drain.
- (b) the owner(s) of land not adjacent to a District drain from which water discharges into Drainage District's drain (for example, the water is transported to Drainage District's drain by an open ditch, roadside ditch, pipe, or storm sewer that crosses land between the subject property and Drainage District's drain).
- (c) the owner of a private road, street, and/or highway from which water is discharged into Drainage District's drainage system, whether by roadside drain, storm sewer or sheet flow.
- (d) the owner of a public road, street, and/or highway, including the United States, the State of Texas, Cameron County, and municipalities, from which water is discharged into Drainage District's drainage system, whether by roadside drains, storm sewer, or sheet flow.

16.2 Property Owner shall conduct any and all tests and make any and all recordings required now or hereafter by State or Federal law to determine the quality and quantity of the water being discharged into Drainage District's drainage system from the landowner's property, streets, roads, and highways, including by way of down drain, storm sewer, and roadside drain.

16.3 Property Owner shall construct any and all facilities now or hereafter required by State or Federal law to prevent or minimize the entry of oil and other pollutants from the landowner's property, streets, roads, and highways, including by way of down drain, storm sewer, and roadside drain, into Drainage District's drainage system.

16.4 All licensees shall be responsible for complying with all pollution control laws, rules, and regulations, including without limitation the rules and regulations regarding dust control, erosion control, and the prevention of oil and other contaminants from entering Drainage District's drainage system.

16.5 In the event of utility breaks or leaks, resulting in the pollution of Drainage District's drainage system (by way of example only, effluent from sewer line), licensee shall be responsible for cleaning up the pollution.

16.6 Depositing leftover concrete on Drainage District right-of-way, but in no event closer than 25 feet of the outside edge of a drain channel, is prohibited. An agreement allowing the deposit of rip rap, excepted.

16.7 The washing of equipment used to mix and/or deliver concrete on Drainage District right-of-way, but in no event closer than 25 feet of the outside edge of a drain channel, is prohibited.

16.8 No wash water from the cleaning/washing of equipment used to mix and/or deliver concrete shall be allowed to enter, or caused to enter, a drain.

17. USE OF WATER IN DRAINS.

17.1 Except as provided hereinafter, Drainage District has no objection to the removal of

water from Drainage District's drains.

- 17.2 The removal of water from Drainage District's drains for human consumption is prohibited.
- 17.3 The water in Drainage District's drains is classified as "waters of the State of Texas" and as such, anyone removing water from a Drainage District drain, hereinafter referred to as Water Remover, shall be responsible for determining whether the permission of the State of Texas (most likely by and through the Texas Commission on Environmental Quality, commonly known as TCEQ) must be obtained to remove the water. Water Remover shall, at Water Remover's sole cost and expense, obtain any required permit or permission. The Water Remover shall provide a copy of such permit or permission to Drainage District.
- 17.4 Before removing any water, Water Remover shall advise Drainage District's Manager in writing each location that Water Remover proposes to remove water. Drainage District shall advise Water Remover whether what Water Remover believes is a drain is in fact owned by Drainage District and whether Drainage District owns a right-of-way or fee title for the drain(s).
- 17.5 Drainage District does not own the water in irrigation canals, laterals, and seep ditches. Drainage District cannot, does not, and will not warrant or otherwise represent that Drainage District can allow or authorize the use or removal of water from irrigation canals, laterals, and seep ditches.
- 17.6 Unless the Water Remover obtains the permission of the owner of the underlying fee, Water Remover shall not enter, drive upon, or place pumps on, Drainage District rights-of-way.
- 17.7 The Water Remover takes the water "as it." Drainage District does NOT warrant that the water is fit for any use or purpose.

18. DISCHARGE OF EXTRACTED GROUNDWATER INTO DRAINAGE DISTRICT'S DRAINAGE SYSTEM.

- 18.1 Due to the high water table of the area, some construction activities require dewatering.
- 18.2 Drainage District has no objection to the discharge of extracted groundwater into its drainage system, subject to the following:
 - (a) it is the goal of the Federal Water Pollution Control Act to minimize discharge of pollutants into the nation's waterways. Because water carried by Drainage District's drainage system enters waters of the United States, anyone discharging extracted groundwater into Drainage District's drainage system shall comply with all applicable state and federal water pollution laws.
 - (b) it is the responsibility of the person, firm, or entity wishing to discharge extracted groundwater Drainage District's drainage system, hereinafter referred to as Water Discharger, to determine if permits and permissions must be obtained from the State of Texas (most likely TCEQ) and/or United States to discharge the extracted groundwater

into Drainage District's drainage system, and if required, to apply for and obtain at its sole cost and expense, any and all such permits and permissions.

- 18.3 Before discharging any extracted groundwater into Drainage District's drainage system, Water Discharger shall advise Drainage District's Manager in writing each location and method that Water Discharger proposes to discharge extracted groundwater into Drainage District's drainage system. Drainage District shall advise Water Discharge whether what Water Discharger believes is a drain is in fact owned by Drainage District and whether Drainage District owns a right-of-way or fee title for the drain(s).
- 18.4 Drainage District does not authorize or allow the discharge of extracted groundwater into any facility Drainage District does not own. For example, Drainage District does not own roadside ditches, and irrigation canals, laterals, and seep ditches.
- 18.5 If a permit or other permission is required by the State of Texas or the United States, before discharging any extracted groundwater into Drainage District's drainage system, Water Discharger shall deliver to Drainage District a true and correct copy of the permit(s) or permission(s) allowing the discharge of extracted groundwater into Drainage District's drainage system.
- 18.6 If a permit or other permission is not required, Water Discharger shall provide true and correct copies of any letters or other documents, if any, issued by any agency or subdivision of the State of Texas or the United States determining that no permit or other permission is required.
- 18.7 Only extracted groundwater may be discharged into Drainage District's drainage system. That is, no oil, litter, floatables, chemicals, cement, and other pollutants may be discharged into Drainage District's drainage system.
- 18.8 Water Discharger shall conduct any and all tests and make any and all recordings now or hereafter required by State or Federal law to determine that only extracted groundwater is being discharged into Drainage District's drainage system.
- 18.9 Regardless of the method employed to discharge the extracted groundwater into Drainage District's drainage system, Water Discharger must take all actions necessary to prevent the erosion or scouring of the drain channel. The rate of discharge must be monitored to ensure no erosion. Should Drainage District's Manager determine that the method of discharging the extracted groundwater into Drainage District's drainage system is causing erosion, the discharge of extracted groundwater shall immediately cease upon order of Drainage District's Manager, and the discharge of extracted groundwater may resume only upon Drainage District's Manager being satisfied that the method of discharge has been corrected.
- 18.10 Unless Water Discharger obtains the permission of the underlying fee, Water Discharger shall not drive upon, or place pumps or equipment on, Drainage District rights-of-way.

19. DETENTION BASINS

- 19.1 Drainage District shall accept no detention basin except by an order of consent duly entered in the Minutes of Drainage District AND a deed or other instrument of title

conveyance acceptable to Drainage District's Board of Directors, conveying the detention basin. Drainage District's acceptance, signed by the Drainage District President or other authorized representative, shall be included on deed or other instrument of title conveyance. The deed or other instrument of title conveyance shall be recorded in the Real Property Records of Cameron County at the expense of the grantor / donor.

- 19.2 Drainage District shall accept no detention basin that serves less than 40 contiguous acres.
- 19.3 Drainage District shall accept no detention basin that is not adjacent to a District drain.
- 19.4 The rules governing down drains shall apply to the structure by and through which water is in the detention basin is discharged into Drainage District's drain.
- 19.5 The plans for the detention basin, including the pipe or other facility through which water shall discharge from the detention basin into Drainage District's adjoining drain, shall be submitted to and approved by Drainage District in writing prior to construction of the detention basin.
 - (a) There shall be no less than 25 feet between the edge of the detention basin and the boundary of the property conveyed to Drainage District.
 - (b) There shall be no less than 25 feet between the edge of the detention basin and the edge of the channel of Drainage District's drain. That is, there shall be no less than 25 feet of horizontal clearance between the edge of the detention basin and the channel of the drain.
 - (c) If Drainage District determines that a flap gate(s) is necessary, the flap gate(s) shall be provided and installed at no expense to Drainage District. The type of flap gate must be approved by Drainage District in writing prior to installation.
 - (d) If Drainage District determines the at a flap gate(s) is necessary, the flap gate(s) shall be installed at no expense to Drainage District. The type of flap gate must be approved by Drainage District prior to installation.

20. DISCHARGE OF WATER OTHER THAN STORMWATER INTO DISTRICT'S DRAINAGE SYSTEM

- 20.1 The discharge of non-stormwater, including without limitation, treated effluent, into Drainage District's drainage system is prohibited, except as expressly provided by an order of consent duly entered in the Minutes of Drainage District AND a written license agreement acceptable to Drainage District's Board of Directors.
- 20.2 It is the goal of the Federal Water Pollution Control Act to minimize discharge of pollutants into the nation's waterways. Because water carried by Drainage District's drainage system enters waters of the United States, anyone discharging non-stormwater into Drainage District's drainage system shall comply with all applicable state and federal water pollution laws.

- 20.3 It is the responsibility of the person, firm, or entity wishing to discharge non-stormwater into Drainage District's drainage system, to apply for and obtain the necessary permits and permissions that must be obtained from the State of Texas (most likely TCEQ) and/or United States to discharge the non-stormwater into Drainage District's drainage system.
- 20.4 Should the issuance of a written license agreement or permit by Drainage District be required as a condition to issuance of the permits and permissions by the State of Texas and/or the United States, the written license agreement issued by Drainage District shall expressly provide that the discharge non-stormwater into Drainage District's drainage system is prohibited until proof that all necessary permits and permissions have been issued by the State of Texas and/or the United States.

21. OPERATION OF MOTOR VEHICLES AND EQUIPMENT ON DISTRICT RIGHTS-OF-WAY

21.1 Findings and policies.

- (a) The operation of motor vehicles as defined by Texas Water Code § 49.217 on Drainage District rights-of-way by third parties does not meet a drainage purpose.
- (b) Drainage District's drains are often deep, and in rain events usually filled with stormwater. Therefore, property damage, personal injury, even death, can occur when a motor vehicle falls, slips, or is driven into a drainage ditch.
- (c) Because Drainage District uses its right-of-way for the operation of its vehicles and heavy machines for the maintenance of the drain ditch therein, and the placement of soil and spoil removed from the drain ditch, the operation of motor vehicles on Drainage District rights-of-way is inconsistent with Drainage District's superior right to use its right-of-way. To the extent that the owner of the fee underlying a Drainage District right-of-way elects to drive on or use the right-of-way for road or driveway purposes, the owner assumes the risk of Drainage District placing soil and spoil on the road or driveway, assumes the risk of whatever damage that Drainage District's heavy machinery will do to said road or driveway, and assumes the risk of property damage, personal injury, even death, the owner's motor vehicle falls, slips, or is driven into a drainage ditch.

21.2 Except as expressly provided by an order of consent duly entered in the Minutes of Drainage District AND a written license agreement acceptable to Drainage District's Board of Directors no permanent roads, streets, or driveways shall be constructed in or on Drainage District's rights-of-way by the owner of the underlying fee.

21.3 Drainage District shall not be called upon to remove, grade, or level soil and spoil placed on its right-of-way.

21.4 Drainage District shall not be called upon to repair any damage caused by its machinery and vehicles operating in and on the right-of-way.

21.5 Pursuant to Texas Water Code § 49.217, a person may not operate a "motor vehicle"

[a self-propelled device in, upon, or by which a person or property is or may be transported or drawn on a road or highway] on a drainage ditch or on land adjacent to a drainage ditch owned or controlled by Drainage District, except a person is not prohibited from:

- (a) driving on a public road or highway; or
- (b) operating a motor vehicle used for repair or maintenance of public water, sewer, or storm water facilities.

22. In addition to the penalties provided by Texas Water Code § 49.217(e), there shall be a civil penalty of \$200 per violation for operating a motor bike or other recreational type machine in a Drainage District drain.

23. PENALTIES FOR VIOLATION OF DISTRICT RULES

Pursuant to Texas Water Code § 49.004, in addition to any other penalty provided by the law of this state, there shall be a civil penalty of \$200 for the breach of any rule of Cameron County Drainage District No. 3.

24. SEVERABILITY

If any word, phrase, clause, paragraph, sentence, part, portion, or provision of these rules or the application thereof to any person or circumstance shall be held to be invalid or unconstitutional, the remainder of this rule shall nevertheless be valid, and Drainage District hereby declares that these rules would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, part, portion, or provision.

25. PUBLIC COMMENT RULES

25.1 At the beginning of each Board of Directors' meeting, there shall be a comment period during which members of the public can (1) address the Board regarding an item on the agenda, and/or (2) raise a subject that is not on the agenda. This comment period shall not exceed one-half (½) hour in length, and each speaker will be allowed a maximum of three (3) minutes to speak, provided a person who addresses the Board through a translator shall be allowed a maximum of six (6) minutes. All individuals desiring to address the Board must be signed up to do so prior to the comment period.

25.2 A sign-up sheet shall be provided on which the person shall put his or her name and address. At the signer's option, a telephone number and/or email or other contact method can be provided.

25.3 Persons shall be called in the order their name appears on the sign-up sheet.

25.4 Speakers may not give their time to other persons.

25.5 Speakers shall address their remarks to the Board President, or the Board member presiding in the absence of the Board President.

25.6 A copy of these rules shall be attached to, or incorporated into, the sign-up sheet.

- 25.7 The Notice of Meeting/Agenda shall contain an item entitled "Public Comment Period" with this statement:
- (a) During this comment period, members of the public can speak to the Board about (1) an item on the agenda, and/or (2) a subject that is not on the agenda. This comment period shall not exceed one-half (1/2) hour in length, and each speaker will be allowed a maximum of three (3) minutes to speak. All individuals desiring to address the Board must be signed up to do so prior to the comment period.
 - (b) Board members do not reply; they listen. The Board will not engage in dialogue with the public during this time.
- 25.8 If a matter not on the agenda is raised, the Board's discussion of the subject must be limited to only a proposal to place the subject on the agenda for a future meeting. However, the Board is not required to place the subject on the agenda for a future meeting. Provided, pursuant to Texas Government Code § 551.042:
- (a) a statement of specific factual information may be given in response to an inquiry.
 - (b) existing policy may be recited in response to an inquiry.
- 25.9 Demonstrations (booing, hissing, clapping) are prohibited. These can be chilling to discourse and inhibit free speech, both on the part of the elected officials and of the public.
- 25.10 The Board may consider agenda items out of order, but only after the public comment period.
- 25.11 Should public input or comment be requested regarding an agenda item, comments shall be restricted to the agenda item, and the Board can, but is not required to, designate a comment period that is longer than one-half (1/2) hour in length, or allow each speaker to speak longer than three minutes, or both. Otherwise, the comment period shall not exceed one-half (1/2) hour in length, and each speaker will be allowed a maximum of three (3) minutes to speak. All individuals desiring to address the Board regarding said agenda item must be signed up to do so prior to the meeting.

26. SEAL

Drainage District being required by Texas Water Code § 49.061 to adopt a seal, the seal of Drainage District shall be a rubber stamp, consisting of two concentric circles with a five-pointed star in the middle and the name of Drainage District between the outer and inner circles:

27. OPEN RECORDS REQUESTS

27.1 Employee information

- (a) In response to an Open Records Request, Drainage District must reveal an employee's:

home address

home telephone number

emergency contact information

social security number

information that reveals if the employee has family members
UNLESS the employee requests in WRITING that such
information be treated as confidential, Texas Government Code §
552.024.

- (b) Within 14 days of the employee being hired, and again within 14 days of the end of employment, Drainage District shall inquire if such information is to be treated as confidential. Drainage District shall use this form:

Date: _____

To: Cameron County Drainage District No. 3

I hereby request that you not reveal my home address, home phone number, emergency contact information, social security number, or information about my family members in response to an Open Records Request.

Signed: _____
Name Printed:

- 27.2 If a law requiring that a return or report be made by Drainage District provides that Drainage District has the privilege to refuse to disclose and prevent any other person from disclosing the return or report, such return or report may not be disclosed except upon the majority vote of Drainage District's Board of Directors.
- 27.3 No matter which pursuant to the attorney-client privilege as defined by Texas Rule of Evidence 503, Drainage District is privileged to refuse to disclose, and which Drainage District is privileged to prevent any other person from disclosing may not be disclosed except upon the majority vote of Drainage District's Board of Directors.
- 27.4 No privilege which can be asserted by Drainage District may be waived except upon the majority vote of Drainage District's Board of Directors.

28. WEBSITE

- 28.1 Findings and policy. Drainage District is required to have a website
- 28.2 Drainage District shall publish on its website all information required by law.
- 28.3 Only the agenda and minutes for the current calendar year and the immediately prior calendar year shall be published on Drainage District's website.

Appendix I. Fees

Right-of-way crossing fee: \$500 (per crossing)

Plat review fee: \$200

License Agreement fee: \$400.00 minimum—more if complicated—plus recording fee

CERTIFICATE

I, Wilson Shafiq, Secretary of Cameron County Drainage District No. 3, do hereby certify that on December 2024, the Board of Directors of Cameron County Drainage District No. 3 convened in regular session, open to the public, with a quorum present, notice of the date, place, and this meeting having been posted in accordance with TEXAS GOVERNMENT CODE § 551.043, and that the above and forgoing Rules were duly and legally passed and adopted at said meeting

IN WITNESS THEREOF, I have hereunto set my hand as Secretary of Cameron County Drainage District No. 3 this 9 day of December, 2024.

CAMERON COUNTY DRAINAGE DISTRICT NO. 3

By: [Signature]

, Secretary

This instrument was acknowledged before me the 9 day of December, 2024 by , Secretary of Cameron County Drainage District No. 3, on behalf of Cameron County Drainage District No. 3.



[Signature]

Notary Public

