

**BROOKSHIRE-KATY DRAINAGE DISTRICT  
RULES AND REGULATIONS NO. 19-01**

RULES AND REGULATIONS, DEVELOPMENT AND CONSTRUCTION POLICIES FOR UTILITY, PIPELINE, AND CABLE CROSSINGS, PRIVATE AND PUBLIC CROSSINGS, DRAINAGE CONNECTIONS WITHOUT LAND USE CHANGES, TRACT DEVELOPMENT WITHOUT PLATTING, AND TRACT DEVELOPMENT WITH PLATTING, ESTABLISHING FEES, PROVIDING PENALTY, AND PROVIDING FOR A FINE OF NOT MORE THAN \$5,000.00 UPON CONVICTION OF A VIOLATION UNDER THESE RULES AND REGULATIONS; PROVIDING FOR ATTORNEYS FEES AND EXPERT WITNESSES FEES AND COSTS OF COURT; PROVIDING AN EFFECTIVE DATE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR POSTING AND PUBLISHING.

WHEREAS, the Brookshire-Katy Drainage District, hereinafter termed "District", has power and authority to control the drainage of overland flows of the lands within the District, as granted under the authority of the State of Texas, an Act creating a Conservation and Reclamation District under the provisions of Section 59, Article XVI, of the Constitution of the State of Texas, and created by the 59th Legislature, Chapter 203, House Bill 302, amended by the 77th Legislature, Chapter 1339, House Bill 2959, and as approved by voters on November 19, 2001, and further authority under Title IV, Chapter 49 and 53, et seq, of the General Laws of the Texas Water Code, as amended by Senate Bill 1865 enacted by the 75<sup>th</sup> Legislature, 1997, as amended by Senate Bill 1526 enacted by the 80<sup>th</sup> Legislature, 2007, applicable to Fresh Water Supply Districts under Chapter 53 of the Texas Water Code, and,

WHEREAS, this authority governs the use, connection to, crossing of, or altering in any other means any drainage facility within the District, and,

WHEREAS, the uncontrolled increase in runoff from development of land within the District can overload drainage facilities, erode easements, and cause an increase in flooding on the development and/or adjacent properties, and,

WHEREAS, the subdivision of property into two (2) or more parts within Waller County, including the incorporated areas within the County, is controlled and governed by the policies, ordinances, and regulations of Waller County, and the incorporated areas, and,

WHEREAS, this rule is not to supersede any of the existing rules, ordinances, or policies of these entities, or to usurp any authority from the other entities, and,

WHEREAS, the Brookshire- Katy Drainage District Board of Supervisors has determined that it would be in the best interest of the Brookshire-Katy Drainage District to adopt policies and to establish guidelines and procedures for obtaining the District's approval for use, connection to, crossing of, or altering in any other means, drainage facilities within the District for each of the following:

1. Utility, Pipeline, and Cable Crossings
2. Private and Public Crossings
3. Drainage Connections Without Land Use Changes
4. Tract Development Without Platting
5. Tract Development With Platting, and,

WHEREAS, the caption of this rule has been published two (2) consecutive times in a publication having general circulation in the area, therefore,

BE IT ORDAINED by the Board of Supervisors of the Brookshire-Katy Drainage District, Brookshire, Texas, that these Rules, having full force and effect, shall establish development and construction policies with the District until amended or revoked by further appropriate action of the Board of Supervisors of the Brookshire-Katy Drainage District.

## ARTICLE 1. UTILITY, PIPELINE, AND CABLE CROSSINGS

### SECTION 1. GENERAL INFORMATION

- A. All utilities, pipelines, and cables, either publicly or privately owned, shall obtain a Permit from the District prior to any construction to cross any drainage facility within a District held easement or fee strip.
- B. All utilities, pipelines, and cables shall cross a 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, fee strip, and/or facility.
- C. A private irrigation line servicing a single landowner shall comply with all Rules and Regulations of this article except for the depth which shall be at least 30 inches below grade.

### SECTION 2. PROCEDURE

- A. Fourteen (14) calendar days prior to the regularly scheduled Board Meeting of the District at which approval is desired, the Applicant shall submit to the District a complete Permit Application package including, at a minimum, the following items:
  - 1. One (1) copy of completed District Application Form (blank form furnished by the District).
  - 2. One (1) copy of engineering drawings providing details of crossing. Drawings shall include both a plan and profile view, the limits of the District's easement or fee strip, survey name and abstract number, and physical location, including State Plane Coordinates of the crossing.
  - 3. Application Processing Fee
  - 4. One (1) electronic copy (PDF format) of the complete submittal package.

One (1) electronic copy (PDF format) of the complete submittal package shall be provided to the District Engineer.

- B. The District and District Engineer shall review the submitted materials.

### SECTION 3. REQUIREMENTS

- A. The utility crossing shall be designed to minimize obstruction of the channel flow and conform with the channel section and channel easement or fee strip. Contact the District for information regarding the channel section and channel easement or fee strip at the proposed crossing prior to design. Utilities shall include, but not be limited to, water lines, sanitary sewer lines, oil and gas pipelines, and cable/conduit lines.
- B. All utility lines shall be placed under the channel of a district facility with the top portion of the utility casing or carrier line no less than ten (10) feet below the projected flowline of the ultimate channel as shown in the Standard District Details. When appropriate, facilities may be constructed on special utility bridges or trestles in accordance with standard bridge design criteria. Pipe and conduits spanning the channel should be located above the top of banks for hydraulic and maintenance reasons. These overhead crossings shall be approved by the DISTRICT prior to design and construction. For utility crossings on public bridges, contact the appropriate government body responsible for the bridge for approval.

- C. All manholes, pull boxes, junction boxes, etc., required for the utility or utility conduit shall be located outside the District's easement or fee strip. Backfill within the District's easement or fee strip shall be in accordance with the backfill requirements specified by the District or the utility company, whichever is most stringent.
- D. Crossings shall be clearly marked in the field with a sign on either side of the District facility, which shall be placed immediately outside the District easement or fee strip. Each sign shall contain the name, address, and contact phone number of the owner of the utility. If ownership of the utility changes, all signs shall be updated to current ownership.
- E. Within thirty (30) days after completion of the permitted work, the Applicant shall provide the District with Record Drawings, both in hard copy form and in an electronic format acceptable to the District, of the construction, along with the Applicant's engineer's certification that the construction was in accordance with the Permit granted.
- F. The Applicant shall provide the District with two (2) business days notice prior the start of construction of crossing.

#### SECTION 4. PERMIT

- A. Upon approval of Permit Application by Board, the District shall sign the Permit Application granting the Applicant the privilege to cross the District facility. The Applicant shall maintain a signed copy of the approved Permit and drawings on the project site. 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.
- B. 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 Applicant or Owner thirty (30) days written notice.
- C. Permit approvals are valid for six (6) months from the date of Permit approval. If the Applicant fails to commence construction of an approved project within that time period, said failure shall make such approvals null and void. If the Applicant fails to complete the permitted work within eighteen (18) months from the date of Permit approval, said failure 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 Permit approval.

#### SECTION 5. BOND

- A. If required by the Board, the Applicant shall 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 the 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 of Permit approval. The District shall release bond, cash, or irrevocable letter of credit after an inspection of the construction site is made by the District not less than one (1) year from date of Permit approval, and the District is satisfied that the site has been restored to acceptable conditions.

SECTION 6. FEES

- A. The Permit Application fee is as indicated on the Fee Schedule Worksheet. Fees are payable by cash or check, and shall be submitted with the District Permit Application Form.

## ARTICLE II. PRIVATE AND PUBLIC CROSSINGS

### SECTION 1. GENERAL INFORMATION

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

### SECTION 2. PROCEDURE

- A. Fourteen (14) calendar days prior to the regularly scheduled Board Meeting of the District at which approval is desired, the Applicant shall submit to the District a complete Permit Application package including, at a minimum, the following items:

1. One (1) copy of completed District Application Form (blank form furnished by the District).
2. One (1) copy of engineering drawings providing details of crossing. Drawings shall include both a plan and profile view, the limits of the District's easement or fee strip, survey name and abstract number, and physical location, including State Plane Coordinates of the crossing.
3. One (1) copy of the drainage calculations for the sizing of the crossing. The crossing shall not restrict the current flow in the channel. The crossing shall also be in compliance with the District's Master Drainage Plan, now existing or hereafter adopted.
4. Application Processing Fee
5. One (1) electronic copy (PDF format) of the complete submittal package.

One (1) electronic copy (PDF format) of the complete submittal package shall be provided to the District Engineer.

- B. The District and District Engineer shall review the submitted materials.

### SECTION 3. REQUIREMENTS

- A. Culverts shall be bedded and backfilled with suitable material to prevent settlement and wash-outs. Concrete rip-rap, or other suitable erosion prevention material, may be required by Board after review of the Permit Application.
- B. 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.
- C. Crossings shall not impede or restrict the District's access to its easement or fee strip.
- D. The Applicant shall provide the District with two (2) business days notice prior the start of construction of the crossing.
- E. 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.

- F. 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.
- G. 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.
- H. 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.
- I. 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.
- J. If proposed work requires enlargement or modification to an existing District facility, all work must comply with the District's Master Drainage Plan, now existing or hereafter adopted.
- K. Within thirty (30) days after completion of the permitted work, the Applicant shall provide the District with Record Drawings, both in hard copy form and in an electronic format acceptable to the District, of the construction, along with the Applicant's engineer's certification that the construction was in accordance with the Permit granted.

#### SECTION 4. PERMIT

- A. Upon approval of Permit Application by Board, the District shall sign the Permit Application granting the Applicant the privilege to cross the District facility. The Applicant shall maintain a signed copy of the approved Permit and drawings on the project site. 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.
- B. 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 Applicant or Owner thirty (30) days written notice.
- C. Permit approvals are valid for six (6) months from the date of Permit approval. If the Applicant fails to commence construction of an approved project within that time period, said failure shall make such approvals null and void. If the Applicant fails to complete the permitted work within eighteen (18) months from the date of Permit approval, said failure 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 Permit approval.

#### SECTION 5. BOND

- A. The Applicant shall 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 the 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 Access 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 Permit, and the District is satisfied that the site has been restored to acceptable conditions.

#### SECTION 6. ABANDONMENT OF PERMIT

- A. A 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 pipe material salvaged will remain the property of the Applicant/owner, and will be left at the site, off of the District's easement. Upon abandonment of a Permit, a release shall be signed by Applicant and recorded in Waller County Deed Records.

#### SECTION 7. FEES

- A. The Permit Application fee is as indicated on the Fee Schedule Worksheet. Fees are payable by cash or check, and shall be submitted with the District Permit Application Form.

#### SECTION 8. EXISTING FACILITIES

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



## ARTICLE III. DRAINAGE CONNECTIONS WITHOUT LAND USE CHANGES

### SECTION 1. GENERAL INFORMATION

- A. 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.
- B. If land use changes are being proposed, the Applicant shall comply with either Article IV or Article V of these rules.

### SECTION 2. PROCEDURE

- A. Fourteen (14) calendar days prior to the regularly scheduled Board Meeting of the District at which approval is desired, the Applicant shall submit to the District a complete Permit Application package including, at a minimum, the following items:
  - 1. One (1) copy of completed District Application Form (blank form furnished by the District).
  - 2. District shall determine the size, materials, and number of pipe (if applicable).
  - 3. Application Processing Fee
  - 4. One (1) electronic copy (PDF format) of the complete submittal package.

One (1) electronic copy (PDF format) of the complete submittal package shall be provided to the District Engineer.

- B. The District and District Engineer shall review the submitted materials.

### SECTION 3. REQUIREMENTS

- A. 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.
- B. 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 flowline of channel, and pipe shall be oriented downstream in the channel. Concrete rip-rap, or other suitable erosion prevention material, may be required by Board after review of Permit Application.
- C. The Applicant shall provide the District with two (2) business days notice prior the start of construction of the connection.
- D. 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.
- E. 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.

- F. 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.
- G. If proposed work requires enlargement or modification to an existing District facility, all work must comply with the District's Master Drainage Plan, now existing or hereafter adopted.

#### SECTION 4. PERMIT

- A. Upon approval of Permit Application by Board, the District shall sign the Permit Application granting the Applicant the privilege to access the District facility. 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.
- B. 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 Applicant or Owner thirty (30) days written notice.
- C. Permit approvals are valid for six (6) months from the date of Permit approval. If the Applicant fails to commence construction of an approved project within that time period, said failure shall make such approvals null and void. If the Applicant fails to complete the permitted work within eighteen (18) months from the date of Permit approval, said failure 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 Permit approval.
- D. Permit shall be considered permanent until such time facility is declared abandoned by the Applicant, or is unused for a period of five (5) years. If the Applicant discontinues use of permitted work for a period of 5 years or more, the District reserves the right to remove any improvements and restore area to original condition. Any pipe material salvaged will remain the property of the Applicant/owner, and will be left at the site, off of the District's easement. Upon abandonment of Permit, a release shall be signed by Applicant and recorded in Waller County Deed Records.
- E. 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.

#### SECTION 5. FEES

- A. The Permit Application fee is as indicated on the Fee Schedule Worksheet. Fees are payable by cash or check, and shall be submitted with the District Permit Application Form.

#### SECTION 6. EXISTING FACILITIES

- A. Should an existing facility deteriorate from natural causes, when said existing facility is replaced, the District shall bear all material, labor, and equipment costs incurred in replacing or removing the structure.

## ARTICLE IV. TRACT DEVELOPMENT WITHOUT PLATTING

### SECTION 1. GENERAL INFORMATION

- A. Any tract development that does not involve the filing of a subdivision plat shall comply with these provisions of these rules.
- B. Any tract of land that shall contain one (1) acre or less and does not negatively impact drainage on adjacent properties, as solely determined by the District, is exempt from these requirements.

### SECTION 2. PROCEDURE

- A. Fourteen (14) calendar days prior to the regularly scheduled Board Meeting of the District at which approval is desired, the Applicant shall submit to the District a complete Permit Application package including, at a minimum, the following items:
  - 1. One (1) copy of completed District Application Form (blank forms furnished by the District).
  - 2. One (1) copy of engineering site plan drawings providing details of drainage from the project site. Site plan shall include elevations and/or contours, drainage areas, and all proposed surface and subsurface improvements. Drawings shall include the survey name and abstract number, and physical location.
  - 3. Application Processing Fee
  - 4. One (1) electronic copy (PDF format) of the complete submittal package.

One (1) electronic copy (PDF format) of the complete submittal package shall be provided to the District Engineer.

- B. The District and its Engineer shall review the submitted materials.

### SECTION 3. REQUIREMENTS

- A. All drainage runoff from the tract shall be directed to an existing public right-of-way, an existing drainage easement, or existing fee strip. Sheet flow drainage from developed conditions shall not be permitted.
- B. Drainage calculations shall include any off-site storm water runoff that currently impacts the tract. Calculations shall include the discharge flow rates for existing and proposed conditions based on the 2-year, 10-year, 25-year, and 100-year storm. Increases in storm water peak runoff rates shall be detained unless District's states capacity in receiving stream is available. Design criteria shall comply with the District's Master Drainage Plan, now existing or hereafter adopted. Calculations for any detention facility shall include the maximum inflow rates, maximum release rates, and maximum water surface elevations for the facility for each of the above storm events.
- C. The Applicant shall provide the District with two (2) business days notice prior the start of construction of tract development.
- D. The Applicant shall pay for all materials and labor related to the proposed work.

- E. If proposed work requires enlargement or modification to an existing District facility, all work must comply with the District's Master Drainage Plan, now existing or hereafter adopted.
- F. Within thirty (30) days after completion of the permitted work, the Applicant shall provide the District with Record Drawings, both in hard copy form and in an electronic format acceptable to the District, of the construction, along with the Applicant's engineer's certification that the construction was in accordance with the Permit granted.

#### SECTION 4. BOND

- A. The Applicant shall provide to the District a bond, cash, or irrevocable letter of credit, in an amount equal to the proposed drainage improvements and as approved by the District, prior to the approval of this 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 from the approval of this Permit. The District shall release 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 of the approval of this Permit, and the District is satisfied that the site has been restored to acceptable conditions.

#### SECTION 5. DETENTION FACILITIES

- A. Detention facilities shall be accordance with the requirements of Article VI. 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.
- B. The Owner of the property to be developed 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 in accordance with the approved Permit, which shall state the covenants and restrictions running with the property for the purpose of insuring the proper storm water drainage and detention.
- C. Subject to and in accordance with the provisions of the Agreement, Owner, at Owner's sole cost and expense, shall maintain the Detention Areas and Detention Facility in accordance with the appropriate Ordinances, Rules and Regulations, including but not limited to, all maintenance, repair, replacement, removal and preservation of capacity.

#### SECTION 6. FILL REGULATIONS

- A. A Permit may not be required if less than 500 cubic yards (approximately 40 loads) of fill material or excavation per acre of land are added to or removed from the property. Each acre may not be affected by more than 500 cubic yards of fill material or excavation. Property owner is required to equally disperse and spread fill material to ensure no more than 500 cubic yards of fill being placed on each acre.
- B. If more than 500 cubic yards of fill material or excavation are to be added or removed per acre of land, a Permit shall be obtained from the District. The Applicant (property owner) shall provide a hydraulic analysis (drainage plan) prepared by a registered professional engineer and approved by the District.

- C. The Applicant (property owner) shall provide to the District information relating to the location from which the fill material came, if it was from a governmental project, and who hauled/delivered the fill material. The Applicant (property owner) shall further certify to the District that the fill material is not hazardous and satisfies Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) requirements.
- D. Unless agreed to in writing by the adjoining landowners, fill material shall be placed no closer than ten (10) feet from the property lines. Unless agreed to in writing by the adjoining landowners, excavations, except approved drainage facilities, shall not be allowed closer than twenty (20) feet plus twice the depth of the excavation from the property lines.
- E. If the fill is placed or an excavation is proposed that modifies the natural flow of water on the property, then the Applicant (property owner) is required to mitigate for the altered flow. Natural flow could be by sheet flow, swale, ditch, slough, or other natural or man-made means of conveyance of water. Mitigation could include ditches, swales, detention/retention ponds and any other means approved by the District.
- F. All fill material must be spread evenly, in accordance with the applicable Permit, within six (6) months of the Permit issuance date. If the fill material is not spread within this time period, the District may require that the property owner remove the fill material.
- G. Nothing contained in this Section shall supersede the flood plain or floodway authority, regulations, and requirements of any other governmental entity within the District.
- H. The placement of fill for the construction of a earthen pad for the placement of a structure shall not be required to obtain a Permit from the District if all of the required spacings from adjacent property lines as listed in this Section are met.

## SECTION 7. PERMIT

- A. Upon approval of Permit Application by Board, the District shall sign the Permit Application granting the Applicant approval for the Tract Development. The Applicant shall maintain a signed copy of the approved Permit and drawings on the project site. 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.
- B. 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.
- C. Permit approvals are valid for six (6) months from the date of Permit approval. If the Applicant fails to commence construction of an approved project within that time period, said failure shall make such approvals null and void. If the Applicant fails to complete the permitted work within eighteen (18) months from the date of Permit approval, said failure 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 Permit approval.

## SECTION 8. FEES

- A. The Permit Application fee is as indicated on the Fee Schedule Worksheet. Fees are payable by cash or check, and shall be submitted with the District Permit Application Form. This fee shall provide for two (2) reviews of the complete Permit Application. The review fees for any additional reviews shall be as indicated on the Fee Schedule Worksheet, and said fees shall be submitted with the revised Permit Application package.
- B. In addition to the Permit Application Fee, the Applicant shall be required to pay an Inspection Fee for District costs related to reviewing the construction in order to verify that the improvements have been constructed in accordance with the District's approval. The fee shall be based on the Applicant's engineer's signed and sealed construction cost estimate of the drainage improvements or the actual construction costs of the drainage improvements from the Applicant's contractor. Construction costs are shall be approved by the District Engineer. The fee amount shall be based on the Fee Schedule Worksheet. The Inspection fees are payable by cash or check, and shall be submitted to the District prior to Permit Application being placed on a Board agenda for consideration.
- C. In addition to the above fees, Applicant shall pay for all expenses related to the Detention Facilities Agreement referenced in SECTION 5. DETENTION FACILITIES. These fees include, but are not limited to, the cost of preparation of the Agreement, title company costs for verifying ownership of and any encumbrances on the property used for detention, and recording fees required by the Waller County Clerk's office. The District shall notify the Applicant of these fees, and said fees are payable by cash or check, and submitted to the District prior to the Permit Application being placed on a Board agenda for consideration.

## SECTION 9. DRAINAGE DESIGN PROCEDURES

### A. GENERAL INFORMATION

1. The following procedures are intended to ensure that new development will not cause any adverse impacts on adjacent property and/or existing drainage facilities.
2. Design engineers should contact the District for any specific requirements for the watershed in which the proposed development is to be located.

### B. For Drainage Acres Less than 300 Acres

1. Rational Formula shall be used to calculate peak runoff rates. Texas Department of Transportation Rainfall/Intensity Curves shall be used to compute rainfall intensities.
2. The Small Watershed Method for development of hydrographs (H.R. Malcolm, A Study of Detention in Urban Stormwater Management Report No. 156 Water Resource Research Institute of the University of North Carolina) shall be used to compute runoff hydrographs for both existing and development conditions.
3. Detention volume calculations shall include routing of developed conditions hydrographs through detention facility.
4. The above calculations shall be provided for the 2-year, 10-year, 25-year, and 100-year storm events.

C. For Drainage Acres Greater than 300 Acres.

1. Peak discharges may be computed from District Area Discharge Curves, or utilizing the Small Watershed Method.
2. For very large watersheds (1 square mile or more), the District should be contacted to discuss appropriate methodology drainage calculations.

D. Exceptions

1. A single family residential structure being constructed on an existing platted lot in a recorded subdivision is exempt from these Rules and Regulations.
2. The required detention storage volume for small developments (less than five (5) acres for non-single family residential or less than ten (10) acres for single-family residential may be computed by the following formula:

$$\text{Storage Volume (ac-ft)} = 0.65 \times \text{Developed Area (ac)}$$

The Developed Area is defined as the only that area being developed at the time the Permit Application is submitted. The area of the detention basin shall be included in the Developed Area.

3. A site where (1) all impervious area does not exceed ten (10) percent of the total land area, and (2) a deed restriction is placed on the property which prohibits subdividing the property and prohibits adding any additional impervious area without written approval of the District is exempt from these Rules and Regulations.

E. Exceptions Within the Corporate Limits of the City of Brookshire

1. A home on a lot (but not an outlot) in the Brookshire or Kellner Townsites is exempt from these Rules and Regulations.
2. A manufactured home that will occupy space in a previously approved manufactured home park is exempt from these Rules and Regulations.

## ARTICLE V. TRACT DEVELOPMENT WITH PLATTING

### SECTION 1. GENERAL INFORMATION

- A. It is suggested that each Applicant (owner or subdivider) of land first confer with the District, before preparing the preliminary plat of the proposed subdivision, to secure a copy of the District's Rules and Regulations governing development within the District, and to become familiar with the District Master Drainage Plan, now existing or hereafter adopted.
- B. The Applicant shall be required to install, at his own expense, all drainage facilities and structures in accordance with the District's standards and specifications governing same, including all engineering costs covering design, layout, and construction supervision. Preliminary plans and layouts for all drainage facilities shall be submitted by the Applicant to the District for study by the District Engineer along with the submission of the preliminary plat of the subdivision. Final construction plans shall be submitted by the Applicant at the time of filing the final plat with the District in the same number of copies as required of the subdivision plat.
- C. There will be no participation by the District in the cost of any drainage facilities within the subdivision.

### SECTION 2. PROCEDURE FOR PRELIMINARY PLAT APPROVAL

- A. Fourteen (14) calendar days prior to the regularly scheduled Board Meeting of the District at which approval is desired, the Applicant shall submit to the District a complete Permit Application package including, at a minimum, the following items
  - 1. One (1) copy of completed District Application Form (blank forms furnished by the District).
  - 2. One (1) copy of the Preliminary Plat.
  - 3. One (1) copy of preliminary drainage plans, including proposed detention and outfalls.
  - 4. Application Processing Fee
  - 5. One (1) electronic copy (PDF format) of the complete submittal package.

One (1) electronic copy (PDF format) of the complete submittal package shall be provided to the District Engineer.

- B. The District and its Engineer shall review the submitted materials.
- C. Preliminary plat shall conform to the requirements of the governmental entity having jurisdiction over platting, i.e. Waller County, City of Brookshire, City of Katy, City of Pattison, or City of Houston. The District shall not supersede the platting requirements of these entities, except with respect to drainage as it comes under the jurisdiction of the District.
- D. Preliminary plat submittal shall be accompanied by a preliminary plan for both on-site and offsite drainage.



- E. The preliminary plat submitted for approval shall include the Applicant's entire holding or ultimate subdivision, including both on-site and off-site drainage.
- F. Applicant agrees that the approval of the preliminary plat by the District does not constitute official acceptance of the proposed subdivision by the District but does constitute an authorization to begin and proceed with the preparation of the final subdivision plat and final construction plans. There shall be no work in the field on the proposed subdivision until the final plat has been approved and accepted by official actions of the District, and the instrument recorded in the office of the County Clerk.
- G. Approval of the preliminary plat expires at the expiration of a period of six (6) months from the date of Permit approval, unless the final plat has been submitted for approval.

### SECTION 3. PROCEDURE OF APPROVAL OF FINAL PLAT

- A. After the approval by the District of the preliminary plat, and fourteen (14) calendar days prior to the regularly scheduled Board Meeting of the District at which approval is desired, the Applicant shall submit to the District a complete Permit Application package including, at a minimum, the following items
  - 1. One (1) copy of completed District Application Form (blank forms furnished by the District).
  - 2. One (1) copy of the Final Plat.
  - 3. One (1) copy of final drainage plans and details, including proposed detention and outfalls. Plans shall include both plan and profile drawings.
  - 4. Application Processing Fee
  - 5. One (1) electronic copy (PDF format) of the complete submittal package.

One (1) electronic copy (PDF format) of the complete submittal package shall be provided to the District Engineer.

- B. Final plat shall conform to the requirements of the governmental entity having jurisdiction over platting, i.e. Waller County, City of Brookshire, City of Katy, City of Pattison, or City of Houston. The District shall not supersede the platting requirements of these entities, except with respect to drainage as it comes under the jurisdiction of the District.
- C. Final plat shall be accompanied by proposed construction plans for both on-site and off-site drainage improvements.
- D. The plat shall bear a properly executed dedication of all easements and/or fee strips intended for drainage use by the District, such dedicatory instrument to be signed by the owner or owners, and by all other persons or parties having an interest or having a mortgage or lien interest in the property.
- E. Before final approval of the plat by the District, there shall be filed with the District the following:
  - 1. A title opinion, dated within sixty (60) days from the date of Board consideration of the Permit Application, from a title company licensed to do business in the State of Texas, or licensed attorney in the State of Texas, addressed to the District stating the ownership of the property, as well as all others having an interest in, mortgage or lien interest in the property, along with all exceptions to title.

2. Tax certificates from all taxing entities stating that all current taxes have been paid.
  3. A certificate by the owner or owners of the proposed development certifying that said owner or owners ensure the completion of all improvements required by the District in accordance with the District's standards and specifications.
- F. Final plat shall contain proper signature blanks for certificate of approval to be filled out by the District and the District's Engineer.
- G. After approval of the plat by the District, two (2) blue-line prints and one reproducible mylar film positive shall be furnished to the District. A complete set of final construction plans shall also be provided to the District. Within thirty (30) days after completion of the permitted work, the Applicant shall provide to the District a copy of the final plat with all recording information and a copy of the Record Drawings, both in hard copy form and in an electronic format acceptable to the District, along with the Applicant's engineer's certification that the construction was in accordance with the Permit granted.
- H. Approval of the final plat shall expire if the plat is not filed for record with the County Clerk within a twelve (12) month period from the date of Permit approval. If the Applicant fails to file the final plat within that twelve (12) month period, said failure shall make such approval null and void. All fees shall be forfeited and will not be returned to the Applicant.

#### SECTION 4. REQUIREMENTS

- A. The drainage runoff from the tract shall be directed to an existing public right-of-way, an existing drainage easement, or an existing drainage fee strip. Sheet flow drainage from developed conditions shall not be permitted.
- B. Detention facilities shall be in accordance with the requirements of Article VI. 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.
- C. Drainage calculations shall include any off-site storm water runoff that currently impacts the tract. Calculations shall include the discharge flow rates for existing and proposed conditions based on the 2-year, 10-year, 25-year, and 100-year storm. Increases in storm water peak runoff rates shall be detained unless District's states capacity in receiving stream is available. Design criteria shall comply with the District's Master Drainage Plan, now existing or hereafter adopted. Calculations for any detention facility shall include the maximum inflow rates, maximum release rates, and maximum water surface elevations for the facility for each of the above storm events.
- D. The Applicant shall provide the District with two (2) business days notice prior the start of construction of tract development.
- E. The Applicant shall pay for all materials and labor related to the proposed work.
- F. If proposed work requires enlargement or modification to an existing District facility, all work must comply with the District's Master Drainage Plan, now existing or hereafter adopted.

#### SECTION 5. BOND

- A. The Applicant shall provide to the District a bond, cash, or irrevocable letter of credit, in an amount equal

to the proposed drainage improvements and as approved by the District, prior to the approval of this 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 letter of credit shall be in force for a period not less than one (1) year from the date from the approval of this Permit. The District shall release bond, cash, or letter of credit after an inspection of the construction site is made by the District after one (1) year from date of the approval of this Permit, and the District is satisfied that the site and development complies with the terms of the Permit.

- B. If the Applicant is providing a bond, cash, or irrevocable letter of credit to another governmental entity having jurisdiction in the area, the Applicant may substitute these bonds for the requirements of this section.

## SECTION 6. DETENTION FACILITIES

- A. Detention facilities shall be accordance with the requirements of Article VI. 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.
- B. The Owner of the property to be developed 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 in accordance with the approved Permit, which shall state the covenants and restrictions running with the property for the purpose of insuring the proper storm water drainage and detention.
- C. Subject to and in accordance with the provisions of the Agreement, Owner, at Owner's sole cost and expense, shall maintain the Detention Areas and Detention Facility in accordance with the appropriate Ordinances, Rules and Regulations, including but not limited to, all maintenance, repair, replacement, removal and preservation of capacity

## SECTION 7. PERMIT

- A. Upon approval of Permit Application by Board, the District shall sign the Permit Application granting the Applicant approval for the Tract Development. The Applicant shall maintain a signed copy of the approved Permit and drawings on the project site (if applicable). 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.
- B. 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
- C. Permit approvals are valid for six (6) months from the date of Permit approval. If the Applicant fails to commence construction of an approved project within that time period, said failure shall make such approvals null and void. If the Applicant fails to complete the permitted work within eighteen (18) months from the date of Permit approval, said failure 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 Permit approval.

## SECTION 8. FEES

- A. The Permit Application fee for a Preliminary Plat Permit Application is as indicated on the Fee Schedule Worksheet. Fees are payable by cash or check, and shall be submitted with the District Permit Application Form. This fee shall provide for two (2) reviews of the complete Permit Application. The review fees for any additional reviews shall be as indicated on the Fee Schedule Worksheet, and said fees shall be submitted with the revised Permit Application package.
- B. The Permit Application fee for a Final Plat Permit Application is as indicated on the Fee Schedule Worksheet. Fees are payable by cash or check, and shall be submitted with the District Permit Application Form. This fee shall provide for two (2) reviews of the complete Permit Application. The review fees for any additional reviews shall be as indicated on the Fee Schedule Worksheet, and said fees shall be submitted with the revised Permit Application package.
- C. In addition to the Permit Application Fee, the Applicant shall be required to pay an Inspection Fee for District costs related to reviewing the construction in order to verify that the improvements have been constructed in accordance with the District's approval. The fee shall be based on the Applicant's engineer's signed and sealed construction cost estimate of the drainage improvements or the actual construction costs of the drainage improvements from the Applicant's contractor. Construction costs are shall be approved by the District Engineer. The fee amount shall be based on the Fee Schedule Worksheet. The Inspection fees are payable by cash or check, and shall be submitted to the District prior to Permit Application being placed on a Board agenda for consideration.
- D. In addition to the above fees, Applicant shall pay for all expenses related to the Detention Facilities Agreement referenced in SECTION 5. DETENTION FACILITIES. These fees include, but are not limited to, the cost of preparation of the Agreement, title company costs for verifying ownership of and any encumbrances on the property used for detention, and recording fees required by the Waller County Clerk's office. The District shall notify the Applicant of these fees, and said fees are payable by cash or check, and submitted to the District prior to the Permit Application being placed on a Board agenda for consideration.
- E. Should the Permit Application require, as determined by the District, the submittal of a Master Drainage Report, the report shall be submitted with a review fee as indicated on the Fee Schedule Worksheet. Fees are payable by cash or check. This fee shall provide for two (2) reviews. The review fees for any additional reviews shall be as indicated on the Fee Schedule Worksheet, and said fees shall be submitted with the revised Master Drainage Report. The fees for future amendments to a Master Drainage Report previously approved by the District shall be as indicated on the Fee Schedule Worksheet. Fees are payable by cash or check, and shall be submitted with amending report.

## SECTION 9. DRAINAGE DESIGN PROCEDURES

### A. GENERAL INFORMATION

- 1. The following procedures are intended to ensure that new development will not cause any adverse impacts on adjacent property and/or existing drainage.
- 2. Design engineers should contact the District for any specific requirements for the watershed in which the proposed facility is to be located.

B. For Drainage Acres Less than 300 Acres

1. Rational Formula shall be used to calculate peak runoff rates. Texas Department of Transportation Rainfall/Intensity Curves may be used to compute rainfall intensities.
2. The Small Watershed Method for development of hydrographs (HR. Malcolm, A Study of Detention in Urban Stormwater Management, Report No. 156 Water Resource Research Institute of the University of North Carolina) shall be used to compute runoff hydrographs for both existing and development conditions.
3. Detention volume calculations shall include routing of developed conditions hydrographs through detention facility.
4. The above calculations shall be provided for the 2-year, 10-year, 25-year, and 100-year storm events.

C. For Drainage Acres Greater than 300 Acres

1. Peak discharges may be computed from District Area Discharge Curves, or utilizing the Small Watershed Method.

D. For very large watersheds (1 square mile or more), the District should be contacted to discuss appropriate methodology drainage calculations.

E. Exceptions

1. The required detention storage volume for small developments (less than five (5) acres for non-single family residential or less than ten (10) acres for single-family residential may be computed by the following formula:

$$\text{Storage Volume (ac-ft)} = 0.65 \times \text{Developed Area (ac)}$$

The Developed Area is defined as the only that area being developed at the time the Permit Application is submitted. The area of the detention basin shall be included in the Developed Area.

ARTICLE VI. DETENTION BASIN REQUIREMENTS

SECTION 1. GENERAL REQUIREMENTS

- A. The time of concentration within the detention basin shall be set at zero (0) minutes, allowing the routing calculations through the detention basin to control the overall site time of concentration. Also, the total impervious area within a development shall include the area of the detention basin as impervious area.
- B. Drainage runoff from a tract shall be directed to an existing public right-of-way, an existing drainage easement, or an existing drainage fee strip.

C. Detention Basin Criteria

- 1. All detention basins shall have a maintenance berm clear and free of all other easements or encroachments, except as noted below, in accordance with the following guidelines for all detention basins serving a single property owner:

Depth (ft)	Side Slope (h:v)	Berm Width (ft)
<3.0	3:1	10
	4:1	10
3.1 – 6.0	3:1	15
	4:1	15
6.1 – 9.0	3:1	20
	4:1	15
>9.0	3:1	20
	4:1	20

Concrete paved parking and driveway areas may share areas of the maintenance berm for detention basins serving a single property owner and user.

- 2. All detention basins either owned and/or operated by a public entity or quasi-public (i.e., property owners association) entity and serving two or more property owners shall have a maintenance berm clear and free of all other easements or encroachments, except as noted below, in accordance with the following guidelines:

Depth (ft)	Side Slope (h:v)	Berm Width (ft)
<3.0	3:1	20
	4:1	15
3.1 – 6.0	3:1	20
	4:1	20
6.1 – 9.0	3:1	30
	4:1	20
>9.0	3:1	30
	4:1	30

With a separate agreement between the District and another public entity, the maintenance berm can be under a shared use by both entities.

3. Dry bottom detention basins shall also meet the following criteria:
  - a. Inlet and outlet structures shall have erosion control measures approved by the City and the District.
  - b. A concrete pilot channel shall be constructed in the bottom of the basin with a minimum slope of 0.10%.
  - c. The bottom of the basin shall slope to the pilot channel with a minimum side slope of 1.0%
  - d. Basin side slopes shall be in accordance with Paragraph C.1 or C.2 above.
  - e. The detention basin shall have an emergency spillway, which shall be designed to pass the 100-year release rate within the limits of the detention basins freeboard.
  - f. The detention basin shall be designed with twelve inches (12") of freeboard above the maximum water surface elevation.
4. Wet bottom detention basins shall also meet the following criteria:
  - a. Inlet structures shall be completely below the normal water surface elevation of the basins. Inlet and outlet structures shall have erosion control measures approved by the District.
  - b. Side slopes below the normal water surface elevation basin shall be a minimum of 3:1 (H:V).
  - c. Side slopes between the top bank and the normal pool elevation may be increased to a minimum of 6:1 (H:V) to reduce the berm width outside the top bank to 15 feet for basins under Paragraph C.1 or C.2 above.
  - d. The detention basin shall have an emergency spillway, which shall be designed to pass the 100-year release rate within the limits of the detention basin's freeboard.
  - e. The detention basin shall be designed with twelve inches (12") of freeboard above the maximum water surface elevation.
5. Detention basins may be constructed with side slopes less than 3:1 (H:V) under the following conditions:
  - a. Minimum maintenance berm width shall be 10 feet for basins with a depth less than or equal to 6 feet, and 15 feet for basins with a depth greater than 6 feet.
  - b. Detention basin shall be secured with a chain link fence and locked gate. Fence shall be at least six (6) feet in height with three (3) strands of intruder wire above top of fence. Fence and gate shall be kept in good condition.
  - c. Detention basin walls shall not be earthen, but shall be permanent walls constructed of concrete or masonry materials, or other materials approved by the District. The Permit Application shall be accompanied by a geotechnical report signed and sealed by a Registered Engineer licensed in the State of Texas certifying to the stability of the basin walls.

6. Pumped detention may be approved under the following conditions:
  - a. Redundant capacity shall be built within the pump station, i.e., the station capacity shall be met with largest pump out of service.
  - b. The detention basin shall have an emergency spillway, which shall be designed to pass the 100-year release rate within the limits of the detention basins freeboard.
  - c. Emergency power to the pump station is not required.
  - d. Release rate from pumps shall not exceed the pro-rata share of capacity available in the receiving channel or ditch.
  - e. If discharging into a roadside ditch, pump operations shall include a cut-off switch at the roadside ditch to turn pumps off when the ditch is at capacity.
  - f. No more than fifty percent (50%) of the detention basin capacity shall be pumped. A gravity outflow shall be provided for the basin volume above pumped storage.
  - g. If pumped detention is used, the formula for required storage volume for small developments is not allowable.
7. The detention basin shall be designed with twelve inches (12") of freeboard above the maximum water surface elevation.
8. Any surface drainage directed to the basin shall be collected by a backswale channel or other District approved structure to prevent overbank flow.

## SECTION 2. OWNERSHIP AND MAINTENANCE RESPONSIBILITIES

- A. The District shall not be responsible for the operation and maintenance of any detention basin, unless specifically approved by the District.
- B. The Applicant and/or Owner, or heirs and assigns, shall be responsible for the operation and maintenance of the detention basin.
- C. 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.
- D. 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 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.



ARTICLE VII. COLLECTION OF FEES

SECTION 1. Should costs expended by the District exceed the fee collected for the processing of any Application and the 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.

ARTICLE VIII. PENALTY AND ATTORNEY'S FEES

SECTION 1. Any person violating any of the provisions of the Rules and Regulations shall be guilty of a misdemeanor and shall be fined not more than \$5,000.00 upon conviction of such violation; provided however if such person convicted of an offense under these Rules and Regulations which offense is also a violation of the penal laws of the State of Texas, such person shall be subject to the penalties set out in the penal laws of the State for the offense.

SECTION 2. Any person violating any of the provisions of these Rules and Regulations shall pay all reasonable and necessary attorney fees, expert witnesses fees, interest, costs of the Court, and shall be subject to suit to enjoin violation of these Rules and Regulations.

SECTION 3. The provisions, powers, and penalties of the Water Code, including Section 49.004, and Government Code,, including Section 27.031 are incorporated herein by reference.

SECTION 4. Further, any person, firm, or corporation violating any of the provisions of these Rules and Regulations shall be fined for each offense; and a separate offense shall be deemed committed on each day during, on, or which a violation occurs or continues. Any violation of these Rules and Regulations and penal laws of the State of Texas, may be enforced as allowed by law, including vacation of plats, Permit forfeiture or injunctive relief.

ARTICLE IX. SEVERABILITY

SECTION 1. If any provision, section, subsection, sentence, clause, phrase of these Rules or Regulations, or the Application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of these Rules and Regulations or their Application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the Board of Supervisors in adopting these Rules and Regulations, that no portion or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of these Rules and Regulations are declared to be severable for that purpose.

ARTICLE X REPEAL

SECTION 1. These Rules and Regulations shall take effect from and after the date of its passage, and all Rules and Regulations or portion of Rules and Regulations heretofore passed in conflict with the terms hereof are specifically repealed.

ARTICLE XI POSTING AND PUBLISHING

The Secretary is instructed to post and publish notice of these Rules and Regulations as required by law.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

By J.R. Dollins III  
President  
Board of Supervisors

ATTEST:

Ruth Ellis  
Secretary

AYE NAY

J.R. Dollins, III – President	_____	_____
Brian Waggoner - Vice President	_____	_____
Ruth Ellis- Secretary	_____	_____
Pat Keeling – Supervisor	_____	_____
David Hunsucker – Supervisor	_____	_____

District Seal

State of Texas §  
County of Waller §

Before me, Sharon Newman White, a Notary Public, on this day personally appeared the Brookshire-Katy Drainage District Board of Supervisors, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_, 2019

Seal

Sharon White  
Notary Public, State of Texas  
My commission expires: \_\_\_\_\_

# Brookshire-Katy Drainage District

## Permit Application Form

For District Use Only

Permit No.: \_\_\_\_\_ Date Received: \_\_\_\_\_  
Amount Received: \_\_\_\_\_

Owner: \_\_\_\_\_  
Contact Name: \_\_\_\_\_  
Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Applicant: \_\_\_\_\_  
Contact Name: \_\_\_\_\_  
Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Permit Type:  Utility Crossing  Public Road Crossing  
(Check One & Complete Back)  Private Road Crossing  Drainage Connection without Land Use Change  
 Tract Development without Platting  Tract Development with Platting

Project Name: \_\_\_\_\_

Project Address: \_\_\_\_\_

Receiving Stream/Channel Designation: \_\_\_\_\_

Survey: \_\_\_\_\_ Abstract No. \_\_\_\_\_ County: \_\_\_\_\_

Proposed Permit Activity: \_\_\_\_\_  
\_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Submitted By: \_\_\_\_\_  
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

For District Use Only

District Action:  Approve  Deny  
\_\_\_\_\_  
District Engineer \_\_\_\_\_ Date \_\_\_\_\_  
\_\_\_\_\_  
Brookshire-Katy Drainage District \_\_\_\_\_ Date \_\_\_\_\_

Permit Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Utility Crossing**

Utility Type: \_\_\_\_\_ Material Carried: \_\_\_\_\_  
Casing Size: \_\_\_\_\_ Carrier Size: \_\_\_\_\_ Operation Pressure: \_\_\_\_\_  
Carrier Pipe Well Thickness: \_\_\_\_\_ Joint Type: \_\_\_\_\_  
Method of Construction:  Bore  Open Cut  
Funding Type:  Bond  Cash  Letter or Credit Amount: \_\_\_\_\_

**Road Crossing**

Public  Private  
Culvert Material: \_\_\_\_\_ Culvert Size: \_\_\_\_\_ Number of Culverts: \_\_\_\_\_

**Drainage Connection without Land Use Change**

Culvert Material: \_\_\_\_\_ Culvert Size: \_\_\_\_\_ Number of Culverts: \_\_\_\_\_

**Tract Development**

Preliminary Plat  Final Plat  No Plat Required  
Site Area: \_\_\_\_\_ (acres) Detention Volume Provided: \_\_\_\_\_ (acre-feet)  
Detention Volume Ratio: \_\_\_\_\_ (acre-feet/acre)

**Fill**

Total Site Area: \_\_\_\_\_ (acres) Total Fill Volume \_\_\_\_\_ (cubic yards)  
Location of Origin of Fill Material: \_\_\_\_\_  
Is Fill Material from a Governmental Project?  Yes  No  
Name of Fill Material Hauler: \_\_\_\_\_ Phone No. \_\_\_\_\_  
Total Excavated Volume: \_\_\_\_\_ (cubic yards) Is Excavated Material To Be Used on Site?:  Yes  No  
Is Drainage/Mitigation Plan Attached?:  Yes  No Is Adjacent Landowner Consent Attached?:  Yes  No  
Is Non-Hazardous Material Certification Attached?  Yes  No Is CERCLA Certification Attached?  Yes  No

# Brookshire-Katy Drainage District Fee Schedule Worksheet

For District Use Only

Permit No. \_\_\_\_\_

Date Received: \_\_\_\_\_

Fee Amount Received: \_\_\_\_\_

Project Name: \_\_\_\_\_

Project Address: \_\_\_\_\_

<b><u>Permit Type</u></b>	<b><u>Fee</u></b>	<b><u>Amount Paid</u></b>
<b>Utility Crossing</b>		
<input type="checkbox"/> Permit Application Fee	\$500.00	_____
<b>Road Crossing Public or Private</b>		
<input type="checkbox"/> Permit Application Fee	\$250.00	_____
<b>Drainage Connection without Land Use Change</b>		
<input type="checkbox"/> Permit Application Fee	\$50.00	_____
<b>Tract Development without Platting</b>		
<input type="checkbox"/> Initial Permit Application Fee (2 reviews)	\$400.00	_____
<input type="checkbox"/> Additional Review Fee (per review)	\$250.00	_____
Inspection Fee: _____ (Drainage Construction Cost)		
<input type="checkbox"/> Drainage construction cost < \$10,000	\$250.00	_____
<input type="checkbox"/> Drainage construction cost ≥ \$10,000 but < \$50,000 fee is 1.0% of drainage construction cost but not less than \$250.00	Varies	_____
<input type="checkbox"/> Drainage construction cost ≥ \$50,000 fee is 0.50% of drainage construction cost but not less than \$500.00	Varies	_____
<b>Tract Development with Platting Preliminary Plat</b>		
<input type="checkbox"/> Initial Permit Application Preliminary Plat Base Fee (2 reviews)	\$300.00	_____
<input type="checkbox"/> Additional Preliminary Plat Review (per review)	\$250.00	_____
<input type="checkbox"/> _____ lots at \$1.00 per lot (initial review only)	Varies	_____
<input type="checkbox"/> _____ acres in reserve at \$5.00 per acre (initial review only)	Varies	_____

**Brookshire-Katy Drainage District**

Fee Schedule Worksheet

**Tract Development with Platting Final Plat**

- Initial Permit Application Final Plat Base Fee (2 reviews) \$400.00 \_\_\_\_\_
- Additional Final Plat Review (per review) \$250.00 \_\_\_\_\_
- \_\_\_\_\_ lots at \$2.00 per lot (initial review only) Varies \_\_\_\_\_
- \_\_\_\_\_ acres in reserve at \$10.00 per acre (initial review only) Varies \_\_\_\_\_

Inspection Fee: \_\_\_\_\_

(Drainage Construction Cost)

- Drainage construction cost < \$10,000 \$250.00 \_\_\_\_\_
- Drainage construction cost ≥ \$10,000 but < \$50,000  
fee is 1.0% of drainage construction cost but not less  
than \$250.00 Varies \_\_\_\_\_
- Drainage construction cost ≥ \$50,000 fee is 0.50%  
of drainage construction cost but not less than \$500.00 Varies \_\_\_\_\_

**Master Drainage Plan Review**

- Initial Master Drainage Plan Review Fee (2 reviews) \$2,500.00 \_\_\_\_\_
- Additional Master Drainage Plan Review Fee (per review) \$500.00 \_\_\_\_\_
- Master Drainage Plan Amendment Review Fee \$1,000.00 \_\_\_\_\_

**Total Fees Submitted** \_\_\_\_\_

Prepared By:

Company: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_