

**ORDER AMENDING AND RESTATING  
ORDER ESTABLISHING AND ADOPTING DRAINAGE POLICY  
FOR COMMERCIAL PROPERTIES AND  
ESTABLISHING PROGRAM FOR CERTIFICATION OF COMPLIANCE  
WITH DRAINAGE POLICY**

THE STATE OF TEXAS

COUNTY OF HARRIS

HARRIS COUNTY WATER CONTROL AND  
IMPROVEMENT DISTRICT No. 110

WHEREAS, Harris County Water Control and Improvement District No. 110 (the “District”) is a political subdivision of the State of Texas (the “State”), operating pursuant to the terms and provisions of Article XVI, Section 59 of the Constitution of the State of Texas and Chapters 49 and 54 of the Texas Water Code; as amended; and

WHEREAS, Section 49.211 and Section 54.201 (b) of the Texas Water Code, as amended, set forth the powers and duties of the District which inter alia, include the right to gather, conduct, divert and control local storm water or other local harmful excesses of water in the District; and

WHEREAS, by Order dated March 24, 2022, the Board of Directors of the District (the “Board”) adopted an Order Establishing and Adopting Drainage Policy for Commercial Properties which provides certain rules, regulations, and policies relating to the cleaning, maintenance and repair of drainage facilities on commercial properties located in the District (the “Drainage Policy”); and

WHEREAS, the Board of the District has determined that it is in the best interest of the District to establish a program to certify compliance with the Drainage Policy;

NOW, THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 110 THAT:

**I.**

**ADOPTION OF DRAINAGE POLICY**

The Board of the District hereby adopts and shall cause the implementation of this Order Amending and Restating Order Establishing and Adopting Drainage Policy for Commercial Properties and Establishing Program for Certification of Compliance with Drainage Policy.

**II.  
DEFINITIONS**

For all purposes of this Policy, unless the context requires a different meaning or except as otherwise expressly provided, the following terms shall have the meaning assigned to them below:

“*Certification of Compliance*” shall mean an annual certificate issued on June 1 of each year by the District to owners of Commercial Properties certifying that the Drainage Facilities on the Commercial Property is in compliance with the District’s Drainage Policy.

“*Commercial Property(ies)*” shall mean those certain properties located in the District used for business purposes, including, but not limited to, retail centers, office buildings, hotels, retail stores, car washes, warehouses, service stations, churches, schools, recreational centers, and any and all other businesses conducting services with customers, cliental or patients.

“*Commercial Property Owner(s)*” shall mean the record title owner of a Commercial Property being served with water and sanitary sewer services by the District.

“*Drainage Facilities*” shall mean an excavated area constructed to contain excessive stormwater runoff, including but not limited to drainage basins/ponds, drainage channels, ditches, or stormwater conveyance systems.

“*Maintain/Maintenance*” shall mean routine mowing, vegetation management, structural repairs, removal of debris and other obstructions that could divert water flow from the designated drainage area, as well as the removal of soil or other sediment that may clog drainage features such as stormwater sewer inlets and culverts under roadways and other structures, all as set forth in Article III hereof.

### **III. GENERAL**

Maintenance of Drainage Facilities in the District is necessary to abate the potential of flooding and to preserve property in the District. Drainage Facilities function by allowing large flows of water to enter; but limit the outflow by having a small opening at the lowest point of the structure. The size of this opening is determined by the capacity of underground and downstream culverts or open channels to handle the release of the contained water. Drainage Facilities are also stormwater management features that provide general flood protection by controlling stormwater such as what is produced by a large rain event. Drainage Facilities are typically built when the commercial property is initially developed. Drainage Facilities help manage the excess urban runoff generated by newly constructed impervious surfaces such as parking lots and commercial centers. Drainage Facilities are often called "holding ponds" or "drainage ponds" if no permanent pool of water exists. Drainage Facilities that are designed to permanently retain some volume of water at all times are referred to as *retention basins*.

Maintenance of Drainage Facilities generally includes routine mowing, vegetation management, removal of debris and other obstructions that could divert water flow from the designated drainage area, as well as the removal of soil or other sediment that may clog drainage features such as stormwater sewer inlets and culverts under roadways and other structures. Maintenance of Drainage Facilities also includes the previously mentioned tasks as well as preventing the excessive erosion of the basin walls caused by stormwater entering the basin from locations or sources other than those determined by the original design. Drainage Facilities also need to be maintained to prevent water from being retained in the basin during dry periods. Overgrown vegetation at the outfall of a storm sewer prevents water from discharging from the outfall into the basin. Vegetation, such as trees and shrubs, should be cleared from the basin. Excessive vegetation, litter, and sediment accumulations should be removed from basin inlets and outfalls to allow water to enter and exit the basin without obstruction. Overgrown vegetation and debris prevent stormwater

from draining. Removal of debris and mowing vegetation will help prevent standing water and allow for the positive flow of water through the Drainage Facilities.

#### **IV.**

### **JURISDICTION OF HARRIS COUNTY FLOOD CONTROL DISTRICT**

The District is within the jurisdiction of the Harris County Flood Control District (the “Flood Control District”), therefore, requiring development in the District to comply with the rules and regulations of the Flood Control District relating to flood control and management. Current compliance measures require Commercial Property Owners, prior to the commencement of construction of their commercial development, to submit for approval to the Flood Control District the drainage plans for the proposed commercial development. Approval of the drainage plans for a Commercial Property generally requires the construction of Drainage Facilities. Implicit with this approval is the obligation of the Commercial Property Owner(s) to continuously Maintain the Drainage Facilities.

#### **V.**

### **COMMERCIAL PROPERTY OWNERS’ DUTY TO MAINTAIN DRAINAGE FACILITIES**

It is the obligation of Commercial Property Owner(s) to Maintain and perform Maintenance on Drainage Facilities serving their properties that forms the basis for the establishment of this Drainage Policy. The Commercial Property Owner(s) is responsible for Maintenance of the Drainage Facilities serving its commercial development. Maintenance of the Drainage Facilities is required to be performed frequently but in no event less than semi-annually; and shall be performed in a manner to ensure that the Drainage Facilities function as designed.

In instances where an inspection conducted by the District identifies deterioration threatening structural integrity of the Drainage Facilities, the District shall provide written notification to the Commercial Property Owner(s). Within thirty (30) days of said notification, the Commercial Property Owner(s) shall (1) establish a plan for addressing and eliminating the deterioration threatening the structural integrity, and (2) provide to the District a copy of the plan along with an implementation schedule.

Failure to comply with this Article V will result in enforcement action as set forth in Article VII.

Commercial Property Owners shall provide to the District’s Engineer, Langford Engineering, Inc., the site construction plans, and as-built drawings for its Drainage Facilities which illustrate the drainage infrastructure that has been constructed to serve the commercial development. The address for the District’s Engineer is as follows:

John Davis, P.E.  
Norman Gutierrez, E.I.T.  
Langford Engineering, Inc.  
1080 W. Sam Houston Parkway N, Ste 200  
Houston, Texas 77043  
713/461-3530 FAX 713/932-7505  
[john.d@langfordeng.com](mailto:john.d@langfordeng.com)  
[norman.g@langfordeng.com](mailto:norman.g@langfordeng.com).

**VI.**  
**DISTRICT ANNUAL INSPECTIONS/CERTIFICATE OF COMPLIANCE WITH DRAINAGE POLICY**

A Certificate of Compliance with Drainage Policy is required for Drainage Facilities for Commercial Property(ies) in the District. The Commercial Property Owner(s) shall complete and file annually with the District the Application for Certificate of Compliance with Drainage Policy as set forth in Exhibit “A,” attached hereto (the “Application”). Upon receipt of the Application, the Engineer for the District shall inspect the Drainage Facilities noted in the Application and determine whether to approve or deny the Application. The following schedule shall be followed in reviewing each Application to determine approval or denial of the Application.

<b>August 15</b>	<b>Notification/letter of the annual certification process is issued to commercial property owners that have private detention facilities serving their development. The Policy requires the commercial property owner to submit on or before October 1 of each year an application and application fee of \$500 to the District applying for a Certificate of Compliance.</b>
<b>September 15</b>	<b>Follow up notices issued as a reminder of October 1 deadline.</b>
<b>October 1</b>	<b>Deadline to submit Application for Certificate of Compliance</b>
<b>October 1</b>	<b>LEI reviews each application received and performs a site inspection. If the applicant is in compliance, a Certificate of Compliance is issued effective as of January and valid through December 31.</b>
<b>October 15</b>	<b>If the applicant is not in compliance, LEI issues a deficiency letter and denies Certificate of Compliance. Applicant is required to bring drainage facilities into compliance, and resubmit an Application for Compliance along with a \$500 re-inspection fee.</b>
<b>November 1</b>	<b>LEI reinspects drainage facilities. If the applicant is in compliance a Certificate of Compliance is issued effective as of January 1 and valid through December 31. If the applicant is not in compliance, LEI issues a deficiency letter and denies Certificate of Compliance. Applicant is assessed a fine of \$500 in accordance with Rate Order.</b>
<b>January 1</b>	<b>On January 1 and each month thereafter, any Applicant/commercial property owner that does not hold a valid Certificate of Compliance will be assessed a fine of \$500 in accordance with Rate Order, until such time a Valid Certificate of Compliance is issued. The fine will be added to the service account and failure to pay assessment will result in termination to services account(s).</b>

**VII.**  
**FAILURE TO COMPLY/FINES/TERMINATION OF SERVICE**

If a Commercial Property Owner is not issued a Certificate of Compliance with Drainage Policy for failure to (1) maintain or perform required Maintenance, or (ii) failure to take action as described in a notice issued to the Commercial Property Owner(s), the District shall assess penalties, fines and charges to the Commercial Property Owner(s) as set forth in the District’s *Order Adopting Consolidated Rate Order And Rules And Regulations; Adopting A Drought Contingency Plan; Establishing A Wastewater Control Order; Establishing Certain Other Policies; And Providing Penalties For Violation Thereof* (the “Rate Order”). In addition to the penalty provisions set for in Article VIII of the Rate Order, the penalties and *termination of service procedures* set forth in Section 4.02, of the Rate Order, for late or non-payment shall also apply.

The District may, in its sole discretion, enter into an agreement with a Commercial Property Owner to Maintain the Commercial Property Owner's Drainage Facilities. The cost relating thereto shall be included as a separate line item on the Commercial Property Owner's service invoice. The penalties and *termination procedures* set forth in Section 4.02 of the Rate Order, for late or non-payment shall apply to such costs.

### **VIII. MISCELLANEOUS**

This Policy shall be and remain in full force and effect unless and until amended, revised, rescinded or repealed by action of the Board. Any prior orders, rules, regulations, or policies which pertain to the subject matter herein or are in conflict herewith, are repealed, revoked, rescinded and of no further force and effect as of the date hereof.

This Order shall constitute a policy related to the matters herein stated and the President or the Vice President is authorized to execute and the Secretary or any Assistant Secretary is authorized to attest this Order on behalf the Board, and any officer of the Board and the Attorney for the District are authorized to do any and all things necessary to carry out the intent hereof.

**EXHIBIT A  
HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT  
NO. 110**

**APPLICATION/CERTIFICATE OF COMPLIANCE**

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**APPLICATION FOR CERTIFICATE OF COMPLIANCE WITH DRAINAGE POLICY**

Applicant/Owner: \_\_\_\_\_

Project Address/Legal Description: \_\_\_\_\_

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

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

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

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

Email: \_\_\_\_\_

Signature: \_\_\_\_\_

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

Application Fee: \$500.00 Made Payable to WCID110

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**CERTIFICATE OF COMPLIANCE DRAINAGE POLICY**

District Action: Approval: \_\_\_\_\_

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

Certificate of Compliance No.: \_\_\_\_\_

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**DENIAL OF CERTIFICATE OF COMPLIANCE**

District Action: Denial/Basis \_\_\_\_\_

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

Corrective Action Required: \_\_\_\_\_