

DRAINAGE POLICY

ARTICLE I. ADOPTION OF DRAINAGE POLICY

The Board of the District hereby adopts and shall cause the implementation of this Amended and Restated Order Establishing and Adopting Drainage Policy .

ARTICLE 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:

- A. **“Certification of Compliance”** shall mean an annual certificate issued on or before December 31 of each year by the District to owners of Commercial Properties certifying that the Drainage Facility on the Commercial Property is in compliance with the District’s Drainage Policy.
- B. **“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.
- C. **“Commercial Property Owner(s)”** shall mean the record title owner of a Commercial Property, which property conveys storm water runoff to a Drainage Facility . The term “Commercial Property Owner” shall also include any tenant of a Commercial Property Owner being served with water and service services by the District.
- D. **“Drainage Facility”** 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.
- E. **“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.
- F. **“Drainage and Detention Fee”** shall mean the fee charged to all District customers as set forth in Section 3.03 of this Order.

ARTICLE III. GENERAL

Maintenance of each Drainage Facility in the District is necessary to abate the potential of flooding and to preserve property in the District. A Drainage Facility functions by allowing large flows of water to enter; but limits 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. A Drainage Facility is also a stormwater management feature that provide general flood protection by controlling stormwater such as what is produced by a large rain event. A Drainage Facility is typically built when the commercial property is initially developed. A Drainage Facility helps manage the excess urban runoff generated by newly constructed impervious surfaces such as parking lots and commercial centers. A Drainage Facility is often called a "holding pond" or "drainage pond" if no permanent pool of water exists. A Drainage Facility that is designed to permanently retain some volume of water at all times is referred to as a *retention basin*.

Maintenance of a Drainage Facility 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 a Drainage Facility 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. A Drainage Facility also must 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 Facility.

ARTICLE 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 a Drainage Facility. Implicit with this approval is the obligation of the Commercial Property Owner(s) to continuously Maintain the Drainage Facility.

ARTICLE V. DRAINAGE AND DETENTION FEE

Type of Connection	Fee
Single Family Residential	Flat fee of \$3.00 per month
Single Commercial Retail	Flat fee of \$65.00 per month
Master Meter	Flat fee of \$250.00 per month
Apartments/Hotels	Flat fee of \$350.00 per month
Out of District Commercial	Flat fee of \$65.00 per month

ARTICLE VI. COMMERCIAL PROPERTY OWNERS' DUTY TO MAINTAIN DRAINAGE FACILITY

It is the obligation of Commercial Property Owner(s) to maintain and perform maintenance on a Drainage Facility 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 Facility serving its commercial development. Maintenance of the Drainage Facility 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 Facility functions as designed.

In the interest of ensuring that Drainage Facilities are properly maintained, a Commercial Property Owner, in lieu of maintaining its Drainage Facilities, may enter into a License Agreement with District which provides that the District may access the Drainage Facilities and will be responsible for maintenance of the Drainage Facilities. If the Commercial Property Owner declines to enter into a License Agreement with the District and elects to maintain its Drainage Facilities, the Commercial Property Owner shall comply with the District's Drainage Facilities Certification Policy, as set forth in Article VI, below.

In instances where an inspection conducted by the District identifies deterioration threatening structural integrity of a Drainage Facility, 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. (LEI), the site construction plans, and as-built drawings for its Drainage Facility which illustrate the drainage infrastructure that has been constructed to serve the commercial development. The address for the District's Engineer is as follows:

Norman Gutierrez, E.I.T. norman.g@langfordeng.com
Langford Engineering, Inc.
1080 W. Sam Houston Parkway N, Ste 200
Houston, Texas 77043
Main Phone: 713-461-3530
Fax: 713-932-7505

ARTICLE VII. DISTRICT ANNUAL INSPECTIONS/CERTIFICATE OF COMPLIANCE WITH DRAINAGE POLICY

A Certificate of Compliance with Drainage Policy is required for any Drainage Facility for Commercial Property(ies) in the District. If the Commercial Property Owner(s) decline to enter into a License Agreement with the District to access and maintain the property, but rather elects to maintain its Drainage Facilities, 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 Facility 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.

- **August 15** **Notification/letter of the annual certification process shall be 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 for an Annual Certificate of Compliance.**

- **September 15** Follow up notices shall be issued as a reminder of October 1 deadline.
- **October 1** Deadline to submit Application for Certificate of Compliance and application fee. If the Application and fee are not submitted by October 1 of each year, the Commercial Property Owner shall be deemed non-complaint and non-compliance charges will be assessed monthly as follows until such time as the Application for Certificate of Compliance and application fee are submitted:
 - \$2,500 per month for the first 3 months of non-compliance
 - \$5,000 per month for months 4, 5, and 6 of non-compliance
 - \$7,500 per month for months 7, 8, and 9 of non-compliance
 - \$10,000 per month for months 10, 11, and 12 of non-compliance

If the Commercial Property Owner remains non-compliant for a 12-month period, service shall be terminated pursuant to Article VIII, below, and the procedures set forth in Section 4.02 and Section 4.03, of this Rate Order.

- **October 1** LEI shall review each application received and perform a site inspection. If the applicant is in compliance, a Certificate of Compliance shall be issued effective as of January and valid through December 31.
- **October 15** If the applicant is not in compliance, LEI shall issue a deficiency letter and deny the Certificate of Compliance. Applicant is required to bring drainage facilities into compliance, and resubmit an additional Application for Compliance together with a \$500 re-inspection fee.
- **November 1** LEI shall reinspect the drainage facilities. If the applicant is in compliance a Certificate of Compliance shall be issued effective as of January 1 and valid through December 31. If the applicant is not in compliance, LEI shall issue a deficiency letter and deny the Certificate of Compliance. Applicant shall be assessed non-compliance charges monthly (as set out above) until such drainage facility is brought into compliance with the District's Drainage Policy.

ARTICLE VIII. FAILURE TO COMPLY/CHARGES/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 (2) failure to take action as described in a notice issued to the Commercial Property Owner(s), the District shall assess non-compliance charges to the Commercial Property Owner(s) as set forth in the District's Rate Order. In addition to the provisions set for in Article VIII of this Rate Order, the non-compliance charges and termination of service procedures set forth in Section 4.02 and Section 4.03, of this Rate Order for late or non-payment shall also apply.

ARTICLE IX. 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.

The President or the Vice President is authorized to execute and the Secretary or any Assistant Secretary is authorized to attest this Policy 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 “1” to Appendix “F”: Application for Certification of Compliance for
Commercial Drainage Facilities

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

APPLICATION/CERTIFICATE OF COMPLIANCE

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

CERTIFICATE OF COMPLIANCE DRAINAGE POLICY

District Action: Approval: _____
Date: _____
Certificate of Compliance No.: _____

DENIAL OF CERTIFICATE OF COMPLIANCE

District Action: Denial/Basis _____
Date: _____
Corrective Action Required: _____