

**HURST CREEK MUNICIPAL UTILITY DISTRICT
DRAINAGE SYSTEM RULES**

(Effective January 18, 2016)

(Updated April 15, 2019)

1. Purpose: In 2005, the Hurst Creek Municipal Utility District (the "District"), at the request of the Hills Property Owners' Association, accepted responsibility for improving storm water conveyance through MUD owned or held easements. The purposes of these Drainage System Rules (the "Rules") are to establish the rules and procedures by which the District will administer and enforce its Master Drainage Plan and to regulate construction activity within the District to ensure adequate drainage facilities to property located within the Village of the Hills boundaries. The objective of these Rules is to prevent flooding of homes and critical streets in the Village of The Hills to the extent of a 25-year rain event.

2. Definitions: The following definitions shall apply for the purposes of these Rules:
 - a. Allowed Improvements: any new improvements or the extension of existing improvements in or on the Drainage System, other than Regulated Improvements, approved by the District to be constructed pursuant to Section 10 of these Drainage Rules.

 - b. Construction Plans and Specifications: any and all documents required by the District to review and assess a request to construct Allowed Improvements in the Drainage System.

 - c. District: Hurst Creek Municipal Utility District.

 - d. General Manager: the District's General Manager.

 - e. Master Drainage Plan: the plan approved by the District providing a plan and design criteria for drainage channels, facilities, and flood control improvements.

 - f. Drainage System: drainage channels, facilities and flood control improvements owned and controlled by the District and/or located in public utility easements or other public rights of way, including but not limited to those improvements identified in the Master Drainage Plan.

 - g. Regulated Improvements: improvements likely to or capable of affecting or impacting the Drainage System, including but not limited to construction of new homes or additions to existing homes, expansion or alteration of streets or driveways and similar improvements.

- h. Drainage Plan: a plan developed for the construction of Drainage Improvements made in accordance with the District's Master Drainage Plan.
 - i. Drainage Improvements: improvements associated with or necessitated by construction of Regulated Improvements and made in accordance with an Applicant's Drainage Plan.
 - j. Applicant: A person wishing to construct Regulated Improvements.
3. Responsibility: The lot owner is responsible for assuring that rainwater and/or irrigation runoff from his lot(s) is directed to appropriate drainage areas or easements so as to eliminate the impact of the runoff caused by the construction on his lot of Regulated Improvements on neighboring lots.

4. The below responsibility chart should be used to determine both the districts and others responsibility for construction, maintenance and repair of the District's drainage facilities.

RESPONSIBILITY TO:	BUILD	MAINTAIN (A)	REPAIR (B)
Street Right of Way			
Rock lined ditch, in accordance with current guidelines	Lot Developer	Home Owner	District
Grass lined swale, permitted prior to 1993	Lot Developer	Home Owner	District (C)
Gravel or native ditch (Not allowed for new Construction)	N/A	Home Owner	District (D)
Platted Drainage Easement			
Rock lined ditch, between two existing houses	District	Lot Owner	District
Rock lined ditch, between an existing house and a lot applying for a building permit. (E)	District	Lot Owner	District
Grass lined swale	Lot Owner	Lot Owner	District
Gravel or native ditch (Not allowed for new construction)	N/A	Lot Owner	District
Culvert (E)	District	District	District

- A. "Maintain" or "Maintenance" of District drainage facilities means routine activities prevent the decline of function of District drainage facilities and to keep the District drainage facilities in good working order, as determined by the District. Maintenance includes, but is not limited to, regular cleaning.
 - B. "Repair" of District drainage facilities means non-routine work or activities to restore non-functioning facilities to good working order. Repairs will be made only when, solely in the District's opinion, there has been a significant degradation of the functionality of the system.
 - C. District will only re-establish original flow lines between existing culverts. In accomplishing the above the District will re-grass disturbed areas and repair irrigation systems damaged in the execution of a ditch repair. The home owner will be given the opportunity, at their expense, to upgrade to a rock bottomed swale.
 - D. District will only re-establish original flow lines between existing culverts. In accomplishing the above the District will re-grass disturbed areas and repair irrigation systems damaged in the execution of a ditch repair. For lots grandfathered under the Rules prior to 2005 to maintain a gravel or native ditch, the home owner will be given the opportunity, at their expense, to upgrade a gravel or native ditch to a grass swale if approved by the District prior to the upgrade.
 - E. The cost of the drainage improvement will be borne equally by the building permit applicant and the district.
5. Master Drainage Plan: Construction of all new Drainage Improvements or alteration of existing Drainage Improvements in the District shall conform to the Master Drainage Plan and the criteria stated therein. The Master Drainage Plan may be amended and modified as needed, upon approval of the District's Board of Directors
6. Re-Platting of Lots: Lots which have been re-platted to an existing developed lot shall be deemed to be a developed lot. As ordered by the Village of the Hills, all new re-plats shall require District approval. To obtain District approval for re-plats, the lot owner must furnish and implement a satisfactory Drainage Plan for the combined lots, as described in Section 7, below.
7. Construction of Regulated Improvements:
- a. Submission of the Drainage Plan: The Applicant shall submit a Drainage Plan to the District for review and approval prior to the commencement of construction.
 - b. Drainage Fees: At the time the Drainage Plan is submitted, the Applicant shall submit to the District the drainage fee as required by the District's Rate Order. This fee shall cover the District's engineering costs in reviewing and modifying, if necessary, the Drainage Plan. The Applicant shall be responsible for the actual cost of constructing the Drainage Improvements.

- c. Approval of the Drainage Plan: The District shall approve the Drainage Plan if it is developed according to these Rules and the District finds that it conforms to the Master Drainage Plan and the criteria stated therein.
 - d. Notification of Changes to the Drainage Plan: The District shall notify any person submitting a Drainage Plan in writing of any changes or modifications necessary to the Drainage Plan to achieve compliance with this section.
 - e. Compliance with Drainage Plan: Any construction of Regulated Improvements or Drainage Improvements shall comply with the Drainage Plan approved by the District. The District may require modification to or alteration of the Drainage Plan to provide for adequate drainage.
 - f. Final Approval of the Drainage Improvements: When construction of the Regulated Improvements and Drainage Improvements is complete, the District shall inspect the property for proper implementation of the Drainage Plan. Until the District gives final approval that the Drainage Improvements were properly implemented, the District shall not install a permanent water meter (if applicable).
 - g. Modification of Drainage System: As a part of the Drainage Plan, the District may require modification to or alteration of the existing Drainage System to accommodate the Regulated Improvements.
8. Revisions to Existing Drainage Facilities: Revisions to the Drainage System or Existing Drainage Improvements shall be made only if required to maintain functionality of the Drainage System. Such revisions shall be made in accordance with the Master Drainage Plan and at the District's expense. Upon prior approval of the District and at the lot owner's expense, lot owners may aesthetically improve existing drainage facilities or Drainage Improvements. For lots grandfathered under the Rules prior to 2005 to maintain a gravel or native ditch, the District may allow for the upgrade of an existing gravel or native ditch to a grass swale ditch upon application to the District and approval of the upgrade.
9. Prohibition of Construction in Drainage System: Except for Allowed Improvements as provided in Section (10) below, construction of any new improvements or the extension of any existing improvements, of any type or nature, in or on any portion of the Drainage System that is not itself a drainage facility approved by the District is strictly prohibited. The District reserves the right to remove any obstructions in drainage easements that may impair any drainage functionality.
10. Allowed Improvements in Drainage System: Construction of any Allowed Improvements in or on the Drainage System must be approved by the District. To obtain District approval for any Allowed Improvements, the Applicant must provide the following:
- a. Submission of Construction Plans and Specifications: The Applicant shall submit all construction plans and specifications related to the Allowed Improvements to the District for review and approval prior to the commencement of construction.

- b. Review Deposit: At the time the Construction Plans and Specifications are submitted, the Applicant shall submit to the District a deposit of \$2,500.00. This fee shall cover the District's engineering costs in reviewing and modifying, if necessary, the Construction Plans and Specifications. The Applicant shall be responsible for the actual cost of construction of any Allowed Improvements.
 - c. Legal Deposit: If construction of or review of Plans and Specifications associated with Allowed Improvements would necessitate the execution of legal agreements, the District may require as a component of the application process a legal deposit of up to \$1,000.00.
 - d. Approval of the Construction Plans and Specifications: The District may, in its sole discretion, approve the Construction Plans and Specifications if the proposed Allowed Improvements would not impair drainage functions, or if that portion of the Drainage System affected by the Allowed Improvements is not used for drainage purposes. Allowed Improvements shall not impair the District's regulatory compliance.
 - e. Compliance with Construction Plans and Specifications: Any Allowed Improvements approved under this section shall comply with the Construction Plans and Specifications approved by the District. The District may require modification to or alteration of the Construction Plans and Specifications to provide for operation and functionality of the Drainage System.
 - f. Final Approval of Allowed Improvements: When construction is complete, the District shall inspect the Allowed Improvements for proper implementation of the Construction Plans and Specifications. Allowed Improvements not constructed in conformance with the Plans and Specifications approved by the District shall be considered to be in violation of these Drainage Rules.
 - g. Retaining Walls: In addition to the requirements applicable to Allowed Improvements detailed herein, plans for masonry walls, or any portion thereof, four (4) feet or greater in height shall be signed and sealed by a registered professional engineer or architect. Masonry walls are measured from the base of the footing to the top of the wall. Dry stack walls are measured from the grade under the lowest layer to the top of the wall.
11. Enforcement of Rules: The District shall inspect construction of Regulated Improvements and Drainage Improvements to ensure conformity and compliance with: (i) construction plans previously approved by the District, including the Drainage Plan; and/or (ii) the Master Drainage Plan and the criteria stated therein. The District shall issue any orders necessary to halt or interrupt construction not in conformance with these Rules and may seek enforcement of such orders as authorized by law.
12. Penalty: Any person or entity violating any provision of these Rules may be assessed a civil penalty not to exceed \$1,000.00 per day per violation. If the District prevails in any suit to enforce these Rules, it may recover its reasonable attorney's fees, expert witness

fees and other costs incurred by the District before the court, as provided by applicable state law.

13. Authority of General Manager: The General Manager or his designee is authorized to act on behalf of the District in the administration and enforcement of these Rules.