

HURST CREEK MUNICIPAL UTILITY DISTRICT
DRAINAGE SYSTEM RULES
(Effective August 20th, 2007)

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. District: Hurst Creek Municipal Utility District.
 - b. General Manager: the District's General Manager.
 - c. Master Drainage Plan: the plan approved by the District providing a plan and design criteria for drainage channels, facilities, and flood control improvements.
 - d. 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.
 - e. 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.
 - f. Drainage Plan: a plan developed for the construction of Drainage Improvements made in accordance with the District's Master Drainage Plan.
 - g. Drainage Improvements: improvements associated with or necessitated by construction of Regulated Improvements and made in accordance with an Applicant's Drainage Plan.
 - h. 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 districts drainage facilities.

RESPONSABILITY TO:	BUILD	MAINTAIN	REPAIR (1)
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 (2)
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. (3)	District	Lot Owner	District
Grass lined swale	District	Lot Owner	District
Culvert	District	District	District
<p>(1) Repairs will be made only when, solely in the Districts opinion, there has been a significant degradation of the functionality of the system.</p> <p>(2) 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.</p> <p>(3) The cost of the drainage improvement will be borne equally by the building permit applicant and the district.</p>			

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 6, 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's approval shall not be unreasonably withheld or delayed. 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.
 9. Prohibition of Construction in Drainage System: 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. 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.
11. 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 and other costs incurred by the District before the court, as provided by applicable state law.
12. 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.