

**BELVEDERE MUNICIPAL UTILITY DISTRICT  
DRAINAGE SYSTEM RULES**

September 16, 2014

Updated July 15, 2019

Updated September 15, 2020

1. **Purpose:** Belvedere Municipal Utility District (the "District"), owns and operates the drainage facilities serving the District. The purpose of these Drainage System Rules (the "Rules") is to establish the rules and procedures by which the District will ensure proper operation and maintenance of the District's drainage facilities for the benefit and protection of District residents and property owners.

**Definitions:** The following definitions shall apply for the purposes of these Rules:

- a. **District:** Belvedere Municipal Utility District.
  - b. **Drainage Criteria and Requirements:** Design criteria and requirements established by the District's Engineer for the Drainage System and including specifically, but not limited to the driveway culvert tables provided at **Attachment A.**
  - c. **Drainage System:** drainage channels, facilities and flood control improvements owned and controlled by the District and located in common areas, individual lots, dedicated exclusive easements, public utility easements, or other rights of way.
  - d. **Improvements:** construction of new homes or additions to existing homes or other structures on lots, expansion or alteration of streets or driveways, landscaping, irrigation system and similar improvements.
2. **Responsibility of Lot Owners:** The lot owner is responsible for ensuring that
    - a. rainwater and/or irrigation runoff from his or her lot(s) is directed to appropriate drainage areas or easements so as to eliminate the impact of the runoff on neighboring lots; and
    - b. all Improvements on his or her lot are in compliance with the Drainage Criteria and Requirements.
  3. **Prohibition of Construction in Drainage System:** Construction of any new Improvement or the extension of any existing Improvement, 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 of the Drainage System that may impair any drainage functionality including undersized culverts, extensive landscaping and similar items.

4. **Enforcement of Rules:** The District shall inspect construction of Improvements to ensure conformity and compliance with the Drainage Criteria and Requirements. The District may take the following actions to enforce any violations of these Rules:
  - a. issue any orders necessary to halt or interrupt construction not in conformance with these Rules and seek judicial enforcement of such orders as authorized by law;
  - b. issue written notice to a lot owner requesting the owner remedy the violation and if such remedy is not completed within a reasonable time, either correct the violation itself if on property under the ownership or control of the District or seek injunctive relief and related damages in a court of appropriate jurisdiction.
5. **Penalty, Costs and Fees:** 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 attorneys fees, expert witness and other costs incurred by the District before the court, as provided by applicable state law.
6. **Coordination with Belvedere HOA:** The District will coordinate with the Belvedere HOA to:
  - a. ensure lot owners and builders are aware of the District's Drainage Criteria and Requirements prior to construction of Improvements as a part of the HOA's Architectural Control Committee review process;
  - b. Share information regarding any needed enforcement of these Rules and communication with lot owners and builders.
  - c. In accordance with the directives approved by the HOA, residents with property adjoining the common areas or greenbelts are permitted to access those areas directly from their property. The access rules and prohibitions necessary to protect District drainage, water quality, greenbelt, and trail facilities within District easements include the following:
    - Mowing in common areas or greenbelts within District easements may only be performed with a lawnmower or string edger to clear a walking path up to 3 feet wide through native vegetation from resident's property to the trails.
    - Vehicle access is prohibited through cleared paths within District easements. Motorized vehicles are strictly prohibited in the common areas or greenbelts within District easements unless they are there to perform maintenance at the direction of the District or Belvedere HOA. All maintenance vehicles (except lawnmowers) must enter at designated entrances bearing a sign labeled "Maintenance Vehicle."
    - Artificial objects, stones, or structures are not allowed in common areas or greenbelts within District easements. The natural topography and features of the common areas or greenbelts within District easements may not be modified

in any way. No grading or fill is allowed in common areas or greenbelts within District easements.

**APPENDIX A – Belvedere Municipal Utility District Rules for Handling Installations Impacting Its Facilities (Approved September 2020; last publication October 15, 2020)**

## APPENDIX A

### **Belvedere Municipal Utility District Rules for Handling Installations Impacting Its Facilities**

In order for drainage facilities to function as originally intended, the installation of rocks, landscaping or any other facilities in drainage ditches or easements ("Installation") are discouraged. Accordingly, before undertaking any Installation, prior written approval from the Belvedere Municipal Utility District ("District") is required.

- Installation includes landscaping proposals submitted to the Belvedere Architectural Control Committee ("ACC"). Approval from the ACC is not approval from the District Engineer.
- If the owner of a property where a drainage ditch or easement is located desires to proceed with an Installation, a written request describing the scope of work including details of all materials intended for the Installation must be submitted to the District at least 90 days in advance of any such Installation electronically via the District's website or via mail at the following address:

Belvedere Municipal Utility District  
Attn: Stefanie Albright  
Lloyd Gosselink Rochelle & Townsend  
816 Congress Avenue, Suite 1900  
Austin, TX 78701

- Such request must be accompanied by a check for \$750 made payable to the Belvedere Municipal Utility District to cover the cost of engineering services and review of the proposed Installation and its impact to District facilities.
- The District's Board of Directors delegates to its Engineering Subcommittee the authority to approve or deny such requests after following the following process:
  - The Engineering Subcommittee will review the request with the District Engineer.
  - An on-site inspection will be done by the Engineering Subcommittee members and the District Engineer.
  - The District Engineer shall advise whether the Installation poses any adverse impact to the District's facilities after considering any and all appropriate engineering principles.
  - The Engineering Subcommittee shall make the determination whether to proceed with the approval process in its sole discretion after considering all relevant impacts, including, but not limited to:
    - the water handling capacity of the District's drainage facilities;
    - on-going maintenance of the District's drainage facilities if such Installation were approved; and
    - access to the District's drainage facilities;
  - If the Engineering Subcommittee determines to proceed with the approval process, the Belvedere Homeowners' Association will be contacted to advise whether the Installation conforms to the appearance standards of Belvedere.
- After considering all relevant inputs, the Engineering Subcommittee will provide a written response to such request either approving or denying the Installation as proposed. Any approval

will indicate that the approval is conditioned on requestor's acceptance in writing of the terms and conditions specified therein. Examples of possible conditions include the property owner agreeing to:

- execute an access agreement, license, or other document deemed necessary by the District to authorize the Installation to be located within District facilities;
  - waive any claim for damages to or conversion of the Installation in the event the District undertakes work on its facilities or in its easements in the future (including, but not limited to, cleaning out driveway culverts).
  - undertake maintenance of the Installation, bearing the sole cost and expense thereof, including, but limited to
    - weed control;
    - removal of any blockage;
    - drain unclogging;
    - retrieval of materials that migrate off the premises; and/or
    - restoration of the Installation after any damage whether due to natural causes or after District work.
  - alter or remove the Installation, bearing the sole cost and expense thereof, should it be determined by the District's Engineer in the future to cause adverse drainage consequences; and
  - in circumstances where it is deemed warranted, have the executed consent or other documents deemed necessary by the District filed of record by counsel for the District in order for it to be binding on future property owners.
- Installations existing as of the date of adoption of these Rules by the MUD Board will not require submission of a request for approval but this shall not be deemed to be an approval by the District of such Installation or be basis for claiming liability for any damage done by work done by the District on its facilities or in its easements. Any additions or changes to existing Installations will require submission of a written request for approval.
  - All Belvedere residents and the HOA will be provided written notice of these requirements immediately after adoption by the MUD Board.
  - These Rules are incorporated in and amended to the District's Drainage System Rules. Failure to follow these Rules may be deemed a violation of the District's Drainage System Rules and subject to penalties.