

STATE OF TEXAS §
 §
COUNTY OF BRAZORIA §

RESOLUTION NO. 2024-001

RESOLUTION ADOPTING, AUTHORIZING, AND APPROVING REVISED RULES,
REGULATIONS AND GUIDELINES

WHEREAS BRAZORIA DRAINAGE DISTRICT NUMBER FOUR (the "District") is lawfully and duly constituted, and operates under applicable articles of the Texas Constitution, applicable state law including, but not limited to, Chapters 49 and 56 of the Texas Water Code, special legislation, and rules and regulations adopted by the District's Board of Commissioners; and

WHEREAS, a need exists for the adoption, promulgation, application, and enforcement of uniform standards, rules, regulations, and guidelines affecting development within the boundaries of the District; and

WHEREAS, the District is empowered to regulate the impact of man-made drainage from any private property into District facilities to ensure that the District's facilities are capable of handling artificial runoff and to avoid harm to the District's facilities and pre-existing property and persons; and

WHEREAS, the District along with the City of Manvel, and the City of Pearland have established similar drainage criteria and regulations, in order to a) assure that development within their overlapping jurisdictions does not circumvent their respective floodplain management and flood damage prevention plans, b) establish consistent application, c) simplify compliance, and d) avoid conflicts in the joint administration of said drainage criteria and regulations within their overlapping jurisdictions; and

WHEREAS, the District, has entered into agreements with the City of Manvel and City of Pearland, as authorized per Chapter 791 of the Texas Government Code, to jointly cooperate and administer their respective drainage criteria and regulations imposed upon all property and development located within their overlapping jurisdictions in an effort to promote and protect public health, safety and welfare, by minimizing public and private losses resulting from flood conditions; and

WHEREAS, the District has heretofore adopted those certain Rules, Regulations & Guidelines effective August 8th, 2023, applicable to development within the boundaries of the District (the "Rules, Regulations, and Guidelines"), copies of which are readily available to the public in the District's offices at 4813 W. Broadway, Pearland, Texas 77581; and

WHEREAS, the Rules, Regulations & Guidelines are a component part of the District's master drainage plan, reasonably relate to the provision of adequate drainage and flood control of property within the District, have been developed using generally accepted engineering criteria, and contain reasonable enforcement procedures; and

WHEREAS, the Board of Commissioners of the District is desirous of amending said Rules, Regulations & Guidelines to further the District's purposes;

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF BRAZORIA DRAINAGE DISTRICT NO. 4 THAT:

1. The District's Rules, Regulations, and Guidelines be amended as follows:

a) Section 1.B.3.:

3. All drainage systems shall be constructed in strict compliance with the approved Final Drainage Plan for the property, regardless as to whether that plan was originally approved by the District, the City of Manvel, the City of Pearland, or other authorized overlapping jurisdiction.

b) Section 4.F.: {REMOVED}

c) Section 5.F.: {REMOVED}

d) Section 6.E.: {REMOVED}

e) Section 7.E.: {REMOVED}

f) Section 9.E.: {REMOVED}

g) Section 10.E.: {REMOVED}

h) Section 14.B.14.:

14. The Applicant must provide the DISTRICT with a Maintenance Declaration and Maintenance Plan for the upkeep of the detention pond, outfall, drainage system, and pump station (if any) in accordance with the regulations and policies in effect at the time that Drainage Plan approval is requested. The Maintenance Plan and any other required documentation will be a pre-requisite for Drainage Plan approval. The Maintenance Declaration and Maintenance Plan shall be prepared and executed in the form provided by the District. Copies of such forms are available upon request.

i) Section 19 (second paragraph):

The maintenance of detention and drainage facilities is critical for ensuring that these facilities will work as intended during rainfall events. The property Owner or Developer shall ensure that the drainage facilities are functioning as designed and being maintained properly. Any person or entity who fails to properly maintain all drainage and / or detention systems in strict compliance with (i) the approved plans, regardless of whether that plan was originally approved by the District, the City of Manvel, the City of Pearland, or other authorized overlapping jurisdiction, and (ii) the Maintenance Declaration for the property, shall be subject to the enforcement and civil penalty provisions contained herein.

j) Section 27.D.:

The DISTRICT may enter upon property to inspect all drainage facilities located within the boundaries of the DISTRICT for compliance with the approved drainage plan for the property, including drainage plans approved by any other overlapping jurisdiction, and take enforcement actions related thereto in accordance with the District's Rules, Regulations, and Guidelines. Upon completion of any inspection, the DISTRICT shall issue a Letter of Non-Compliance or a Notice of Observed Deficiencies. Failure to respond to any notice of deficiencies may result in the assessment of civil penalties in accordance with Section 29 of the DISTRICT's Rules, Regulations, and Guidelines.

k) Section 28.4. & 28.11.:

4. A Developer shall construct all drainage systems in strict compliance with the approved Final Drainage Plan for the property.

11. The DISTRICT shall issue notice to any person found to be in violations of these Rules, Regulations, and Guidelines including, but not limited to, violations identified through an inspection. Written notice of a violation shall be given by certified mail and as may otherwise be deemed appropriate by the DISTRICT. A person or entity shall have thirty (30) days from the transmittal date of an initial notice to (i) rectify a deficiency and / or violation and demonstrate compliance with these Rules, Regulations, and Guidelines, (ii) request a remediation and maintenance plan, or (iii) request a variance pursuant to the terms outlined in Section 11 herein. Remediations and maintenance plans must be approved by the DISTRICT's Engineer. If a person fails to take any such corrective action within thirty (30) days from the transmittal date of an initial notice, the DISTRICT shall send a second notice of deficiency and / or violation. If a person fails to respond to a notice of deficiency within sixty (60) days from the transmittal date of the initial notification, the matter shall be referred to the Board of Commissioners for assessment of civil penalties in accordance with Section 29 herein.

l) Section 29.A.1.; 29.A.2.; 29.B.3.g.; 29.B.4.; 29.B.7.; 29.D.:

1. Pursuant to Section 49.004 of the Texas Water Code, the DISTRICT may assess reasonable civil penalties for the violation of the DISTRICT's Rules, Regulations, & Guidelines, not to exceed the jurisdiction of a Justice Court.

2. Each violation of these Rules, Regulations, and Guidelines for which corrective action has not been taken within sixty days from the transmittal date of the initial notice from the DISTRICT shall be subject to a minimum civil penalty of no less than \$500 and no more than \$20,000. The Board of Commissioners may assess additional civil penalties for successive sixty (60) day period for any violation that has not been corrected following the initial assessment of civil penalties by the District.

g. The rule or regulation of the DISTRICT that has been violated and a statement of the nature of the violation.

4. {REMOVED}

7. Payment of all civil penalties assessed by the DISTRICT is due and owing thirty (30) days following the transmittal date of the written notice of assessed civil penalties.

D. {REMOVED}

m) Section 30: {REMOVED}

n) Added the following definitions to the GLOSSARY:

MAINTENANCE DECLARATION - A written and signed declaration by a property owner that obligates the owner of the land, and any subsequent owners, to maintain approved drainage and detention facilities in accordance with the approved Final Drainage Plan and Maintenance Plan.

MAINTENANCE PLAN - A written plan of action for the maintenance of approved drainage and detention facilities, including the types and frequency of activities to be performed by the landowner.


2. The foregoing amendments shall be attached to and made a part of the Rules, Regulations & Guidelines, effective as of the date of this Resolution.
3. A copy of the Rules, Regulations & Guidelines, as amended hereby, be made available to the public at the District's offices at 4813 W. Broadway, Pearland, Texas 77581.

PASSED AND ADOPTED the 6th day of March, 2024.

Brazoria Drainage District No. 4


Jeffrey H. Brennan, Chairman

ATTEST:


Jim Mooney, Secretary

[SEAL]

