

**AMENDED ORDER ADOPTING RULES AND REGULATIONS GOVERNING  
WATERWORKS, SEWER HOUSE LINES AND SEWER CONNECTIONS,  
UNAUTHORIZED USE OF WATER, DRAINAGE, EROSION CONTROL, TRASH  
REMOVAL, TRAFFIC SAFETY, BUILDING REGULATIONS, DESTRUCTION OF  
PUBLIC PROPERTY AND USE OF LAKES, PONDS AND PARKS**  
**May 19, 2009**

THE STATE OF TEXAS §  
COUNTY OF DENTON §  
DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 1-B §

The Board of Directors of Denton County Fresh Water Supply District No. 1-B (“District”) met in special session, open to the public, after due notice, at its office outside the boundaries of the District, on the date hereinafter set out; whereupon, the roll was called of the members of the Board of Directors, to-wit:

Mark A. Sommer	President
Inge W. Drechsler	Vice President
Bob Hansen	Secretary
Lance Shirey	Treasurer/Asst. Secretary
Guy Harris	Asst. Secretary

All members of the Board were present except: \_\_\_\_\_.

WHEREUPON, among other business conducted by the Board Director \_\_\_\_\_ introduced the Order set out below and moved its adoption, which motion was seconded by Director \_\_\_\_\_ and, after a full discussion and the question being put to the Board of Directors, said motion was carried by the following vote:

"Aye" \_\_\_\_ ; "No" \_\_\_\_ .

The Order thus adopted is as follows:

WHEREAS, there exists a need to adopt certain rules and regulations governing sanitary sewer house lines and connections in order to efficiently control infiltration/inflow in the sanitary sewer lines operated by the District and its Designated Representative and to prevent overloading of wastewater treatment plants, increased pumping costs, increased wastewater treatment costs, line failures, and/or service disruptions which would result from improper installation of sewer lines and improper house connections;

WHEREAS, there exists a need for certain rules and regulations to be set out governing waterworks, unauthorized use of water, drainage, erosion control, trash removal, traffic safety on the streets and alleyways within and adjoining the District which are operated by the District

or its Designated Representative within the Castle Hills Subdivision, Denton County, Texas, the destruction of public property, building regulations and the use of lakes, ponds, and parks within the Castle Hills Subdivision, Denton County, Texas. For purposes of this Order, Designated Representative shall mean Denton County Fresh Water Supply District No. 1-A, which Designated Representative maintains an office in or near the District;

IT IS, THEREFORE ORDERED BY THE BOARD OF DIRECTORS OF DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 1-B THAT:

**I. GENERAL**

- A. The fee for making a connection to the District's water mains and for inspection of connection to its sanitary sewers shall be as set out in the District's Order Establishing District Facility Charges, Water and Wastewater Service Fees, Tap Fees, Solid Waste Fees and Adopting Certain General Policies with Respect to the District's Water, Wastewater and Drainage Systems, which may be amended from time to time. No taps shall be made or service rendered until such fees are paid. Tap and inspection fees for other than the above described connections shall be fixed by the Board of Directors of the District (the "Board") at the time the connection is proposed.
- B. All connections to the water mains and sanitary sewers operated by the District or its Designative Representative shall be made by the District's Designated Representative or a contractor designated by the District's Designated Representative. The water line connection shall include the furnishing and installing of the service saddle, water service line, water meter, and water meter vault. Sanitary sewer connections shall be made as hereafter provided.
- C. The connections to the water mains and sanitary sewer lines operated by the District or its Designated Representative may be made at different times.
- D. An Application for Water Main Tap must be filed prior to such tap being made. A copy of the Application form is available from the District's Designated Representative.

## II. SERVICE LINES

- A. Service line is defined as the sewer from the foundation of the house or commercial building to the sewer line owned by the District.
- B. Only one service line connection to the District's sanitation sewage collection system is permitted for each residence or commercial building.
- C. Only the following types of pipe and fitting materials are approved for constructing service lines. Pipe and fittings in each individual service line will be of identical material.
  - 1. Vitrified clay pipe conforming to ASTM Specification C700 with joint coupling conforming to ASTM Specifications C425 or C594 and installed according to ASTM C12.
  - 2. Cast iron soil pipe, standard weight, conforming to ASTM Specification A74 with rubber gasket joint coupling conforming to ASTM Specification C564.
  - 3. Poly-vinyl-chloride PSM (PVC) pipe conforming to ASTM Specification D3034 and installed according to ASTM D2321.
  - 4. Ductile-Iron Pipe conforming to ANSI A21.51 with rubber gasket joints ANSI A21.11, and installed according to manufacturer's recommendations.
  - 5. Acrylonitrile-butadiene-styrene (ABS) pipe, material conforming to ASTM Specification D2751.
- D. Minimum sizes of service lines shall be as follows:
  - 1. Residential ----- 4 inches in diameter
  - 2. Commercial ----- 6 inches in diameter
- E. Minimum grades for service lines shall be as follows:
  - 1. 4 inch pipe ---- one foot drop per hundred feet (1%)
  - 2. 6 inch pipe ---- six inches per drop per hundred feet (.5%)
  - 3. 8 inch pipe ---- four inches drop per hundred feet (.33%)
- F. Maximum grades for service lines shall be as follows:
  - 1. 4 inch pipe ---- two and one-half feet drop per hundred feet (2.5%)

2. 6 inch pipe ---- one and one-half feet drop per hundred feet (1.5%)
  3. 8 inch pipe ---- one foot drop per hundred feet (1%)
- G. Construct service lines to true alignment and grade. Warped and sagging lines will not be permitted.

### **III. CONNECTION OF BUILDING SEWER OUTLET TO SERVICE LINES**

- A. Building tie-on connection will be made directly to the stub-out from the building plumbing at the foundation of all waste outlets.
- B. Water-tight adapters of a type compatible with the materials being joined will be used at the point of connection of the service line to the building plumbing. No cement grout materials are permitted.
- C. Existing "wye" and stack connections must be utilized for connection of the service line to the sewer main unless an exception is permitted by the District's Designated Representative.

### **IV. FITTINGS AND CLEANOUTS**

- A. No bends or turns at any point will be greater than 45 degrees.
- B. Each horizontal service line will be provided with a cleanout at its upper terminal; and each such run of piping which is more than ninety (90) feet in length will be provided with a cleanout for each ninety (90) feet or fraction thereof, in the length of such piping.
- C. Each cleanout will be installed so that it opens in a direction opposite to the flow of the waste and, except in the case of "wye" branch and end-of-the-line cleanouts, cleanouts will be installed vertically above the flow line of the pipe.
- D. Cleanout will be made with air-tight mechanical plug.

### **V. CONNECTION PERMIT**

- A. Application for Sanitary Sewer Service must be filed prior to construction of the service line and the district facility charge fee should accompany this application. Application forms are available from the District's Designated Representative. Plans must be designed in accordance with building codes designated in Section XVI of this Amended Order and filed and approved by the District's Designated Representative prior to the commencement of construction of any structure within the District.

- B. When the service line is complete, and prior to backfilling the pipe trench, the applicant for sewer service shall request an inspection of the installation. Request for inspections shall be made to the District's Designated Representative no less than twenty-four (24) hours in advance of the inspection.
- C. The physical connection to the sewer main operated by the District or its Designated Representatives will be made by use of an adapter of a type compatible with materials being joined. The connection shall be water tight. No cement grout materials are permitted.
- D. Backfilling of service lines trench must be accomplished within twenty-four (24) hours of inspection and approval. No debris will be permitted in the trench.
- E. A connection permit will be granted after inspection confirming that all requirements of these Rules and Regulations set forth in Articles I through V hereof have been met.

#### **VI. EXCLUDED FLOW AND WASTE**

- A. No waste material which is not biologically de-gradable will be permitted to discharge into the sewage facilities operated by the District or its Designated Representative, including mud and debris accumulated during service line installation, or mud or debris accumulated or cleared from any lot during construction.
- B. No down spouts, yard or street drains, or gutters will be permitted to be connected into the District's sanitary sewer facilities.
- C. Swimming pool connections shall be made to the District's sewer system; however a request for inspection of the connection to the District's water supply system and compliance with fencing requirements imposed by Lewisville shall be made to the District's Designated Representative no less than twenty-four hours in advance of the inspection.
- D. No drain shall be installed or connected in such a manner that any rain water or other surface water is directed into its lines.
- E. No industrial waste will be permitted to discharge into the District's sewage facilities operated by the District or its Designated Representative.
- F. No waste will be permitted to discharge into the District's sewage facilities operated by the District or its Designated Representative which contravenes the City of Lewisville's Pretreatment Ordinance outlined in the Lewisville's Code of Ordinances or the terms and provisions of the Inter-jurisdictional Pretreatment Agreement between the City of Lewisville and Denton County Fresh Water Supply District No. 1-A.

## **VII. PROTECTION OF DISTRICT'S WATERWORKS AND SANITARY SEWER SYSTEM**

- A. It shall be unlawful for any person, unless authorized in writing by the District's Designated Representative, to tamper or interfere with, obstruct access to, or injure, deface, or destroy any facilities that are a part of the waterworks and sanitary sewer system operated by the District or its Designated Representative, including, with respect to the waterworks system, water plants, flushing valves, valve boxes, and water lines up to the meter box and including meters; provided, however, that duly authorized members of the City of Lewisville's Fire Department shall have the right to use such flushing valves for fire protection purposes.
- B. It shall be unlawful for any person to connect any building to the waterworks system without a meter or to have a straight line connection to a building without being metered. It shall also be unlawful to draw water from the waterworks system without being metered, including the unauthorized use of a flushing valve or unmetered water taps.
- C. It shall be unlawful for any person to deposit, throw, drain, discharge, or otherwise cause to be injected into any sewer, manhole, catch basin, flush tank, or other facility that is a part of the waterworks and sewer system operated by the District or its Designated Representative any debris or foreign substance that would interfere with the proper and routine functioning thereof.
- D. For the protection of the District's waterworks and sanitary sewer system and safety of the District's customers, copies of the plans and specifications of the water and sewer system that serve the District may only be released on an as needed basis by the District's Designated Representative.

## **VIII. PROHIBITION ON USE OF LEAD**

- A. The use of pipes and pipe fittings that contain more than 8.0 percent lead or solders and flux that contain more than 0.2 percent lead is prohibited for installation or repair of the water system operated by the District or its Designated Representative and for installation or repair of any plumbing in a residential or nonresidential facility providing water for human consumption and connected to the water system.
- B. This requirement may be waived for lead joints that are necessary for repairs to cast iron pipe.

## **IX. PROHIBITION ON DIRECT OR CROSS CONNECTIONS**

- A. No establishment in the District shall contain an actual or potential contamination or system hazard without an air gap separation between the drinking water supply and the source of potential contamination. Where the containment air gap is impractical, reliance may be placed on individual “internal” air gaps or mechanical backlog prevention device (in accordance with AWWA Standards C510 and C511, and AIWA Manual M14) on those establishments handling substances deleterious or hazardous to the public health. Such backlog prevention devices must be tested and repaired as necessary, as specified in the Order.
- B. Water from a condensing, cooling or industrial process or any other system of non-potable usage over which the District does not have sanitary control cannot be returned to the potable water supply operated by the District or its Designated Representative.
- C. Overhead bulk water dispensing stations must be provided with an air gap between the filling outlet hose and the receiving tank to protect against back siphonage and cross-contamination.

## **X. UNAUTHORIZED USE OF WATER**

- A. The unauthorized use of water within the District or within areas operated by the District’s Designated Representative that form the water system serving the Castle Hills Subdivision in Denton County, Texas, is strictly prohibited.

## **XI. DRAINAGE, EROSION CONTROL AND TRASH REMOVAL**

- A. Proper drainage and erosion control regulations within easements owned by or operated by the District or its Designated Representative as set forth by the U.S. Environmental Protection Agency (“EPA”) shall be compiled with by builders or owners of any lot or parcel within the District.
- B. Trash, including but not limited to, discarded building supplies or trash receptacles may not be accumulated on any easement controlled or operated by the District or its Designated Representative and removal of same shall be the responsibility of the lot owner or parcel owner.
- C. Dirt, mud, and debris may not be accumulated on any alley or street right-of-way controlled or operated by the District or its designated representative. Removal shall be the responsibility of the lot or parcel owner creating the accumulation of dirt, mud, and debris.
- D. Dumping of construction trash and debris, dirt, and washout of construction vehicles and equipment on public or private property other than the lot for which the material is designated is prohibited.

## **XII. TRAFFIC SAFETY**

- A. Posted speed limits and all other traffic signs within the Castle Hills Subdivision of Denton County, Texas which are controlled, operated and maintained by the District or its Designated Representative within said subdivision shall be complied with and further shall be enforced by the City of Lewisville (the “City”) police department pursuant to a Law Enforcement Services Agreement between the City and the District’s Designated Representative.
- B. Any driveway connections or extensions to the alleyways of the Castle Hill Subdivision must be accomplished during day light hours of one twenty-four (24) hour period.
- C. Operation of a Motor Vehicle on or near public facilities as further defined or described in Texas Water Code, Section 49.217, as amended, is strictly prohibited.
- D. Any vehicle left unattended for any period of time exceeding 72 continuous hours on public property or right-of-way of a designated alley or street which is controlled, operated, and maintained by the District is subject to being removed by authority of the City of Lewisville (the “City”) police department pursuant to a law enforcement services agreement between the City and the District’s representative. Article V of the Texas Litter Abatement Act V.C.S. 4477A shall govern the procedures for removal and disposal of any vehicle in violation of this section.

## **XIII. DESTRUCTION OF PUBLIC PROPERTY**

- A. Destruction of public property, including vandalism, defacement of public property, looting or related acts of violence within easements or on land owned, controlled or maintained by the District or its Designated Representative, including public parks within the Castle Hills Subdivision, Denton County, Texas, are strictly prohibited.

## **XIV. USE OF LAKES AND PONDS**

- A. Any and all forms of boating, swimming or wading are hereby prohibited on all lakes and ponds within the Castle Hills Subdivision which are controlled, operated and maintained by the District or its Designated Representative within said subdivision (this area includes Lake Avalon and the additional lakes/ponds so noted on the attached **EXHIBIT “A”** hereto).
- B. Fishing is allowed on all lakes and ponds that are not otherwise posted with “No Trespassing” signs within the Castle Hills Subdivision which are controlled, operated and maintained by the District or its Designated Representative within said subdivision by each person who has obtained a Permit through the District’s Designated Representative and who otherwise has proper state licenses. Such

Permits are available for \$1.00 for any resident of the District or \$500 for any non-resident of the District.

- C. Effluent or other waterways within the Castle Hills subdivision that are posted “No Trespassing” are posted for the safety of all concerned and no persons shall fish, swim, wade, boat or enter any such areas for any reason.

## **XV. USE OF PUBLIC PARKS**

- A. All parks within the District and the Castle Hills Subdivision are deemed public parks. All such public parks shall be closed between 11:00 p.m. each day and 6:00 a.m. of the following day. The District or its designated representative is authorized to erect such physical barriers as shall be necessary to prevent entry and is, to the extent provided by law, authorized to enforce state criminal trespass laws against those who violate this section.

It shall be a violation of this section for any person to remain, stay or loiter in any public park between the hours of 11:00 p.m. each day and 6:00 a.m. of the following day except by special permit issued by the District’s designated representative.

A permit may be granted by the District’s designated representative, for organized sports or special events which last past the designated hours of operation for the parks; and in such event, any park containing the permitted activity shall remain open until the activity shall cease, at which time the park shall be closed.

- B. Within the limits of such public parks, it shall be unlawful for any person to do any of the following acts, except as may be otherwise provided:
  - 1. To hitch, fasten, lead, drive, or let loose any animal or fowl of any kind; provided that this shall not apply to dogs when led by a cord or chain, not more than six feet long.
  - 2. To ride or drive any horse or other animal or to ride, drive or go at a rate of speed faster than speed limits as posted on standard traffic signs, upon any bicycle, motorcycle or any other vehicle whatsoever, upon any drive or street in any park within the Castle Hills Subdivision, or to ride or drive any wheel upon any walk in such park.
  - 3. To carry or discharge any firecrackers, rockets, torpedoes, or any other fireworks, or air guns or sling backs; discharge any firearm; or carry any firearm; except those duly authorized and licensed by the state to carry a concealed hand gun in accordance with the provisions of the Texas Concealed Handgun Act, as amended.
  - 4. To damage, cut, break, injure, deface or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench or other structure,

apparatus or property; or to pluck, pull up, cut, take or remove any shrub, bush, plant or flower; or to mark or write upon, paint or deface in any manner, any building, monument, fence, bench or other structure.

5. To cut or remove any wood, turf, grass, soil, rock, sand, gravel or fertilizer.
6. To leave garbage, cans, bottles, papers or other refuse elsewhere than in receptacles provided therefore.
7. To participate in any activity on any public park area when such activity will create a danger to the public or may be considered a public nuisance. The District's designated representative may designate particular locations within park areas for specific activities.
8. To drive any vehicle across the curbs, sidewalks, grass, lawn or anywhere else within such park, other than upon the roads, streets, parking lots, and parking areas designated for that purpose.
9. To drive any vehicle carelessly, disregarding the rights or safety of others without due caution and at a speed, or in a manner so as to endanger, or be likely to endanger, any person or property.
10. To park vehicles or trailers upon the grass, lawn or anywhere else within such park, other than in those areas designated for that purpose.
11. To park vehicles or trailers anywhere but within and between the visible lines designating a single vehicle parking space of any parking lot of the public parks, when such visible parking space lines have been placed upon such parking lots.
12. To park any vehicle or trailer in any parking lot or parking area so as to obstruct, block or hinder ingress or egress of such parking lot or parking area.
13. To play or bet at or against any game which is played, conducted, dealt or carried on with cards, dice or other device, for money, chips, shells, credit or any other representative of value, or to maintain or exhibit any gambling table or other instrument of gambling or gaming.
14. To use or speak any threatening, abusive, insulting or other language constituting "fighting words" in any of the public parks, and no person shall commit, in any such parks, any obscene, lewd or indecent act or create any nuisance.

15. To disturb, in any manner any picnic, meeting, service, concert, exercise or exhibition.
  16. To distribute, post, place or erect any advertising, handbill, circular, bill, notice, paper or other advertising device.
  17. To sell or offer for sale any food, drinks, confections, merchandise or service unless such person has a written agreement or a permit issued by the District or its designated representative;
  18. To practice, carry on, conduct or solicit for any trade, occupation, businesses or profession or to circulate any petition of whatsoever kind or character without approval of the District's designated representative.
  19. For any person over the age of six years to use the restrooms and washrooms designated for the opposite sex.
- C. Subsections (B-9), (B-11), (B-12) and (B-13) of this section shall not apply to vehicles operated by the District or the District's designated representative, or those persons or entities retained by the District's designated representative, when such vehicles are operated for the purpose of maintenance or improvements to such parks.

All police, fire and ambulance units shall be exempt from this section, when such vehicles are being operated under emergency conditions.

- D. A person commits an offense if he consumes an alcoholic beverage or possesses an open container that contains an alcoholic beverage while in a public park or within 15 feet of a public park premises.

For the purposes of this section, the term "alcoholic beverage" is used as defined in the Texas Alcoholic Beverage Code.

- E. A person commits an offense if he brings, carries, transports or possesses a glass container customarily used to transport liquids while in any public park area.
- F. The District is authorized to designate fields as game fields and shall post thereon a sign stating:

Game Field - Restricted to League Play and Athletic Events approved by the District or the District's designated representative only - \$1.00 to \$500.00 Penalty for Violation

It shall be unlawful to go upon a field which has been designated a game field and posted unless for the purpose of participating in league play, tournament play or athletic event approved by the District or the District's designated representative.

- G. The District or its designated representative is authorized to designate any playing field or game field maintained by the District or the District's designated representative within the Castle Hills Subdivision a closed field for purposes of maintenance or to protect the surface of the playing field is to maintain such field.
- H. It shall be unlawful to go upon a playing field or game field which has been designated as a closed field and has posted thereon a sign stating "Closed Fields - Do Not Trespass Upon This Field - \$1.00 - \$500.00 Fine" unless the purpose of going upon a closed field is to maintain such field.

## **XVI. BUILDING REGULATIONS**

- A. The building codes listed as follows are adopted as the code of the District for regulating the erection, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the District, except as otherwise modified herein:
  - 1. The International Building Code; the International Residential Code; International Fire Code; International Energy Conservation Code; International Plumbing Code; International Mechanical Code; International Fuel Gas Code, 2003 Editions;
  - 2. Amendments and such other revised editions and addendum as published by the International Code Council, Incorporated;
  - 3. The National Electric Code, 2005 Edition;
  - 4. Amendments adopted by the North Central Texas Council of Governments (NCTCOG) as recommended by the Regional Codes Coordinating Committee.
- B. The following building construction related items are requirements of the District and are enforceable by the District's representative:
  - 1. An appropriate building permit must be issued by the District before commencing building construction. A fee equaling two times the building permit fee shall be charged for initiating building construction without the appropriate permit.
  - 2. A phase of building construction requiring building inspection shall be inspected prior to initiating the next related phase of construction.
  - 3. A building or construction related vehicle or equipment used in construction shall not be parked within street or alley right-of-way, so as to impede the safe passage of vehicles.

4. No electrical installation in a building shall be made and left incomplete with exposed energized electrical circuits or circuits that may be energized at will.
5. A licensed journeyman or master electrician registered with the District shall be on the premises of each permitted address at all times when electrical work is being installed.
6. A building permit shall include the name of the licensed electrical, plumbing, and mechanical company or individual contracted to perform their specific trade for the permitted building site. Only the licensed contractor listed on the building permit is authorized to work under said permit.
7. A trash and debris waste container shall be provided on all building sites with minimum dimensions of 4' x 4' x 4'. A waste container shall be made of sturdy material, exclusive of wire, rope, plastic, or other mesh fabric. Such containers shall be emptied no less than once per week.
8. Pursuant to the terms of the existing Law Enforcement Services Agreement between the City of Lewisville and the District's designated representative, the District hereby adopts, Article IX Alarm Systems, of the City of Lewisville code of ordinances as **EXHIBIT "B"** attached to these Rules and Regulations.
9. Any new irrigation system installed within the District on or after April 1, 2002 must be equipped within rain sensing devices and freeze gauges approved as to number and type by the District's representative.
10. Lot drainage conditions shall be inspected and approved by the district's representative in compliance with the following District requirements:
  - a. A final lot grading plan, including contours at two foot intervals and/or foundation and ground elevations at points covering the entire lot shall be submitted for approval by the District's representative, with written approval also by the Castle Hills Architectural Review Committee. Compliance with this section is required prior to issuing a building permit.
  - b. Lot surface drainage from all water sources on a lot shall be directed to drain toward the front and/or rear of the lot. Lot drainage directed to the side of the lot so as to encroach onto an adjacent lot is prohibited, except for attached Townhome Units.
  - c. To achieve the required front and/or rear lot drainage, a swale

constructed as specified on the attached “**EXHIBIT C**” to these rules shall be required as ordered by the District’s representative.

- d. Terracing of lots with greater than a 3% slope shall be limited to terraces that do not exceed 25% of the lot area in each terrace unless otherwise approved in writing by the Castle Hills Architectural Review Committee.
11. Structural retaining walls shall be inspected and approved by the District’s representative in compliance with the following District requirements:
- a. All retaining walls are required to be permitted by the District’s representative.
  - b. All retaining walls must be designed by a registered structural engineer. Approved plans with the engineer’s seal affixed shall be submitted as a requirement for receiving a permit and for receiving a final certificate of occupancy.
  - c. A retaining wall located in the front yard and/or rear yard of the residence shall not exceed a height above ground level greater than four feet.
  - d. Retaining walls visible from a public street must be constructed of stone or must have a stone face. Stone shall be of the type and pattern approved by the Castle Hills Architectural Review Committee.
12. Sidewalks constructed in the public right-of-way or easement shall be installed with the following specifications:
- a. Expansion joints shall be installed at a minimum interval of twenty feet.
  - b. Minimum #3 or 3/8" steel reinforcing bars shall be installed in a grid pattern with spacing no greater than eighteen inches on center and a maximum of four inches from the edge of the sidewalk.
  - c. Control joints shall be installed with spacings no greater than eight feet and no less than five feet between joints.
  - d. Sidewalks shall be installed on grade with a minimum concrete depth of four inches.
  - e. Utility trenches either parallel or perpendicular below sidewalks shall be complete prior to sidewalk construction.

13. A professional engineer shall submit a certificate of insurance in the minimum amount of \$500,000.00 for all stamped building foundation plans and specifications and building foundation certification letters submitted to the District's representative.

## **XVII. RIGHT-OF-WAY FACILITIES CONSTRUCTION & INSTALLATION**

- A. **General.** The District seeks to facilitate an orderly use of the public rights-of-way in a non-discriminatory and competitively neutral basis in accordance with applicable Federal and State laws. The District seeks to exercise its historical rights to control and manage its public rights-of-way and implement certain regulations in the use of the public rights-of-way.
- B. **Definitions.** Denton County FWSD No. 1A Rate Order and Rules & Regulations is hereby amended by adding the following definitions:
  1. "Facilities" Any and all wires, cables, fibers, duct spaces, manholes, poles, conduits, pipes, underground and overhead passageways and other equipment, structures, plant and appurtenances, and all associated physical equipment placed in, on, under, or above, the public right-of-way."
  2. "Permittee" Any individual, corporation, company, association, partnership, firm, limited liability company, joint venture, joint stock company or association, or other such entity that has been given formal municipal consent through registration/permit to perform construction and installation of facilities in public rights-of-way."
  3. "Public Rights-of-way" The area on, below, or above a public roadway, highway, street, public sidewalk, alley, or waterway.
- C. **Right of Way Management** - In the course of development, the services of private utility agencies may be required. This section provides regulations for the management of facilities placed in, on, under, or over the public rights-of-way in order to minimize congestion, inconvenience, visual impact, and other adverse effects, and to minimize costs to the citizens of Castle Hills resulting from the placement of facilities within the public rights-of-way. The provisions of this section shall govern the use and occupancy of the public rights-of-way; conserve the limited physical capacity of the public rights-of-way held in public trust by the District; preserve the physical integrity of the streets and highways; control the orderly flow of vehicles and pedestrians; provide a means to track entities using the rights-of-way; and protect the safety, security, appearance, and condition of the public rights-of-way.
- D. **Conditions of Public Rights-of-Way Occupancy** - In the exercise of governmental functions, the District has first priority over all other uses of the

public rights-of-way. The District reserves the right to lay water, sewer and other pipelines and conduits, and to do underground and overhead work, and attachments, restructuring, or changes in aerial facilities in, across, along, over, or under a public street, alley, or public right-of-way occupied by a person, and to change the curb, sidewalks, or the grade of streets.

**E. Registration.**

1. In order to protect the public health, safety and welfare, all contractors working within the jurisdiction of Denton County FWSD No. 1A must register with the Denton County FWSD No. 1A. Registration must be renewed every year while working within the Denton County FWSD No. 1A jurisdiction. When any information provided on the registration form changes, the user must inform the Denton County FWSD No. 1A of the change immediately after the change is made. Information provided in applications for construction permits shall constitute notice of any changes in the registration information for the user. Registration shall include:

- a. The name of the user of the right-of-way;
- b. The names, addresses, and telephone numbers of people who will be contact person(s) for the user;
- c. The name, address, and telephone number of any contractor or subcontractor, if known, who will be working in the right-of-way on behalf of the user;
- d. The name(s) and telephone number of an emergency contact who shall be available twenty-four (24) hours a day;
- e. Proof of insurance and bonds;

2. An applicant shall obtain and maintain insurance in the following amounts with a company authorized to do business in the State of Texas acceptable to the District:

TYPE OF INSURANCE	LIMIT
General Liability (including Contractual liability) written on an occurrence basis	General Aggregate      \$1,000,000
	Prod. /Comp Op. Agg.    \$1,000,000
	Personal & AdvInjury    \$600,000
	Each Occurrence        \$600,000

Automobile Liability, including any auto, hired autos and non-owned autos	Combined Single Limit	\$600,000
Excess Liability, Umbrella Form	Each Occurrence	\$1,000,000
	Aggregate	\$1,000,000
Worker's Compensation and Employer's Liability	Each Accident	\$100,000
	Disease-Policy Limit	\$500,000
	Disease-Each Empl.	\$100,000

3. The District reserves the right to review the insurance requirements during the effective period of any franchise or municipal consent agreement, and to reasonably adjust insurance coverage and limits when the General Manager determines that changes in statutory law, court decisions, or the claims history of the industry or the provider require adjustment of the coverage.
4. Each policy must include a cancellation provision in which the insurance company is required to notify the District in writing, not fewer than thirty (30) days before canceling, failing to renew, or reducing policy limits. Each policy must provide that notice of claims shall be provided to the General Manager by certified mail.
5. The applicant must file the required original certificate of insurance prior to any commencement of work. The certificate must state the policy number; name of insurance company; name and address of the agent or authorized representative of the insurance company; name, address and telephone number of insured; policy expiration date; and specific coverage amounts. The certificate must name the District and its officers, employees, board members and elected representatives as additional insured's for all applicable coverage.
6. Applicant must obtain and maintain, at its sole cost and expense, and file with the District, a corporate surety bond in the amount of \$100,000 if using more than three (3) crews at any given time, both to guarantee timely construction and faithful adherence to all requirements of this ordinance. The bond must contain the following endorsement: "It is hereby understood and agreed that this bond may not be cancelled by the surety nor any intention not to renew be exercised by the surety until thirty (30) days after receipt by the District of written notice of such intent." The bond must provide, but not be limited to, the following condition: There shall be recoverable by the District, jointly and severally from the principal and the surety, any and all damages, loss or costs suffered by the District resulting from the failure of the applicant to satisfactorily construct facilities and adherence to all the requirements of this ordinance. The rights reserved to the District with respect to the bond are in addition to all other rights of the District, whether reserved by this ordinance, or

authorized by law; and no action, proceeding or exercise of a right with respect to such bond shall affect any other rights the District may have.

7. The General Manager or his designee may waive or reduce the above requirements, taking into consideration both that the applicant has furnished the District with reasonable documentation to evidence adequate financial resources substantially greater than the insurance and bonding requirements, and has demonstrated in prior right-of-way construction activity, prompt resolution of any claims and substantial compliance with all required applicable codes and ordinances.

**F. Construction Permits.**

1. Upon receipt of plans from District staff or firms contracted by the District, the utility companies are required to verify the horizontal and vertical placement of their facilities in the rights-of-way, determine where conflicts exist, and propose a relocation strategy. This information shall be plotted on the plans and provided to the District for review.
2. Any permittee seeking to place facilities on, in, under, or over the public rights-of-way shall first file an application for a construction permit with the District and shall abide by the terms and provisions of these rules pertaining to use of the public rights-of-way. No permittee shall perform any construction or installation of facilities in the right-of-way without first obtaining a construction permit. The permit must be completed, signed and paid for by a representative of the owner of the facilities to be constructed prior to any work commencing.
3. A maximum amount of three (3) crews will be allowed to work on any one project at any given time except as noted previously in Section III (6)
4. A maximum amount of four (4) open permits will be allowed at any given time.
5. The permit application shall state who is requesting it, location of work, location of facilities, dates and times work is to take place. The documentation shall include:
  6. Detail of the location of all right-of-way and utility easements which applicant plans to use.
  7. The proposed location and route of all facilities to be constructed or installed and the applicant's plan for right-of-way construction.
  8. Engineering plans in accordance with the requirements set out in the General Development Ordinance. Detail of all existing District utilities in relationship to applicant's proposed route

9. Detail of plans to remove and replace asphalt or concrete in streets.
10. Drawings of any bores, trenches, handholds, manholes, switchgear, transformers, pedestals, etc., including depth profile, located in the public right-of-way.
11. Handhold and manhole typicals of type of handholds and manholes applicant plans to use or access.
12. Complete legend of drawings submitted by applicant.
13. Three (3) sets of engineering plans must be submitted with permit application.
14. The name, address, and telephone numbers of the contractor or subcontractor who will perform the actual construction, including the name and telephone number of an English speaking individual with the contractor who will be available at all times during construction. Such information shall be required prior to the commencement of any work.
15. The construction and installation methods to be employed for the protection of existing structures, fixtures, and facilities within or adjacent to the right-of-way, and the dates and times work will occur, all of which (methods, dates, times, etc.) are subject to approval of the District. All construction and installation in the public rights-of-way shall be in accordance with the permit for the facilities.
16. Each set of construction plans submitted to the District for review and approval shall include a site specific traffic control plan. The plan shall provide for the safe handling of traffic through and in the area of construction. Construction, signing, barricades, etc., shall be in conformance with the Texas Manual of Uniform Traffic Control Devices, where applicable.

G. **Permit Fees.** Utilities which have an existing franchise agreement with the District will not be charged for permitting. Utilities which do not have an existing franchise agreement with the District will be charged \$250 for each permit issued.

H. **Construction Obligations.** A permittee is subject to reasonable regulations of the District to manage its public rights-of-way in connection with the construction, expansion, reconstruction, maintenance, or repair of facilities in the public rights-of-way, pursuant to the District's rights as a custodian of public property, based upon the District's historic rights under state and federal laws. Such regulations include, but are not limited to, the following:

1. Working hours within the District will be Monday thru Friday 7:00 am to 7:00 pm.

2. All installations must be directional boring; no open cutting or use of missiles will be allowed.
3. At the District's request, a permittee shall furnish the District accurate and complete information relating to the construction, reconstruction, removal, maintenance, operation and repair of facilities performed by the permittee in the public right-of-way.
4. A copy of the construction permit and approved engineering plans shall be maintained at the construction site and made available for inspection by the District at all times during construction or installation work. Additionally, a copy of any permit or approval issued by federal or state authorities for work in federal or state right-of-way located in Castle Hills must be provided if requested by the District.
5. All construction or installation work authorized by permit must be completed in the time specified in the construction permit. If the work cannot be completed in the specified time periods, the permittee shall request an extension from the District.
6. All disturbed areas shall be restored to their original or better condition immediately after the completion of the work. The permittee may request an extension of this period when circumstances beyond permittee's control prohibit completion of restoration as requested. Users of the right-of-way must restore property affected by construction of facilities to a condition that is equal to or better than the condition of the property prior to the performance of the work. Restoration must be to the reasonable satisfaction of the District staff and the property owner. The restoration shall include, but is not limited to:
  7. Replacing all ground cover with the type of ground cover damaged during work or better sod, as directed by the District staff.
  8. Installation of all manholes and handholds, as required.
  9. Backfilling all bore pits, potholes, trenches, or any other holes, or covering, daily, or unless other State or Federal safety requirements are followed.
  10. Leveling and compacting of all trenches and backhoe lines.
  11. Restoration of excavation site to District specifications.
  12. Restoration of all landscaping, trees, ground cover, and sprinkler systems.

13. All locate flags and information signs must be removed during the clean up process by the permittee or his/her contractor at the completion of the work.
14. The permittee shall be responsible for all maintenance costs incurred by the District as a result of any defects, impairments, or substandard condition in the street, alley, highway, public thoroughfare, District maintained easement, or public way caused by the construction, maintenance, or restoration work performed by the permittee or its contractor(s). The permittee or its contractors will repair immediately (depending on the severity of the problem), any damages to the public right-of-way cause by its maintenance, building, or construction. After five (5) working days of the District, the District shall have the right to complete repairs and invoice the permittee for the costs of said repairs. The permittee shall reimburse the District in accordance with said invoice within thirty (30) days of receipt. No street, alley, highway, public thoroughfare, District maintained easement, or public way shall be encumbered for a longer period than shall be necessary to execute the work.
15. All construction and installation shall be in conformance with the District's construction standards and specifications as provided for in the General Development Ordinance and applicable local, state, and federal laws, and is subject to review and acceptance by the District.
16. All excavations and other construction in the public rights-of-way shall be conducted so as to minimize interference with the use of public and private property. A permittee shall follow all reasonable construction directions given by the District in order to minimize any such interference.
17. Erosion control measures and traffic control devices must be in place before work begins and should remain in place until completion of project.
18. Installation of facilities must not interfere with District utilities.
19. A permittee working in the right-of-way is responsible for obtaining line locates from all affected utilities or others with facilities in the right-of-way prior to any excavation.
20. If facilities are to be installed in an area which will influence roadway pavement for a District maintained traffic route, the following requirements shall be adhered to:
21. Trenches twelve (12) inches in width or greater shall be backfilled in ten (10) inch (loose measure) lifts. Each lift shall be compacted to ninety-five (95) percent standard proctor density and the compaction effort shall be verified by tests conducted by an approved geotechnical firm. At a

minimum, one (1) test shall be taken each two hundred (200) linear feet of trench.

22. Trenches less than twelve (12) inches in width shall be backfilled in ten (10) inch (loose measure) lifts. Each lift shall be tamped by mechanical apparatus or by hand. The backfill shall be compacted to the density of the adjacent soils. The District will perform inspection to the extent deemed appropriate by the District.
23. If a permittee is to place facilities in rights-of-way or easements belonging to the District but not located under roadways, the following specifications shall apply:
24. When placing underground conduits, cables and pipes in a trench of a width of twelve (12) inches or greater, a four (4) to six (6) inch width of backfill along both outer sides of a conduit must be Type A select fill, which may be sand, decomposed granite, or rock-free sandy loam; all free of stones or rocks larger than three-eighths (3/8) inch.
25. Backfilling and tamping of the fill alongside the conduits and pipes shall be done in layers not more than four (4) inches thick and compacted by hand or pneumatic tampers. This backfill shall be placed to at least six (6) inches above the conduits, cables and pipes with tamping continuing.
26. After the initial six (6) inch cover of select backfill over the conduits, cables, and pipes has been placed, the next backfilling shall be twelve (12) inches thick and shall be tamped in six (6) inch lifts. The soil used for this backfill shall be of the same type as the initial fill and be free of large stones or lumps or other hard surfaces. This twelve (12) inch layer shall be tamped by hand or pneumatic tampers.
27. The final backfill to grade may be completed in a normal manner after consolidation and compaction of the eighteen (18) inch backfill cover over the conduit, cables and pipes. In all cases, the permittee shall restore all areas to as good or better condition than before construction began.
28. Prior to final acceptance, the permittee shall furnish the District the original drawings, revised to depict as-built conditions. The plans shall be marked "As Built" on each plan sheet and shall be signed and dated by the permittee's engineer. The engineer shall certify that the plans accurately show the work as actually constructed. The as-built plans shall include a certification that all lot, right-of-way, and easement lines have been marked as evidenced by the setting of iron rods, except that easement lines parallel to staked lot and right-of-way lines are not required to be marked by iron rods.

29. The as-built plan requirement may be waived, depending upon complexity, as determined by District staff. Final acceptance is the formal approval by the District. It will be reflected in the field report of the District's appropriate inspector based on the finding that the public right-of-way has been properly restored and that all administrative requirements have been satisfied.

- I. **Remedies.** If any of the provisions of these Rules are not followed, a permit may be revoked by the District. If a permittee has not followed the terms and conditions of these Rules in work done pursuant to a prior permit, new permits may be denied or additional terms required.
- J. **Penalty.** Any permittee, firm, or corporation who violates any provision of this Ordinance will be subject to Section VI. Violations in the District's Rate Order.

### **XVIII. VIOLATIONS**

- A. Failure to adhere to the preceding regulations will occasion a fine of Two Hundred Fifty and No/100 Dollars (\$250.00) for the first violation and Five Hundred Dollars (\$500.00) for the second and subsequent violations per day to be paid by the builder, developer, corporation or other entity or individual who violates the above regulations to be paid to the District in care of its Designated Representative, with the exception of traffic violations, which will have fines consistent with City of Lewisville criteria and will be enforced pursuant to the Law Enforcement Services Agreement between the City and the District's Designated Representative. In addition to the fines set forth herein, violation under Article XI and XIII will carry with it the cost of replacement of the public property or the cost associated with trash removal plus an administrative fee of 15% of such costs. In addition, the Board may seek further remedies available under Government Code, Section 27.031, as amended. For violations of the pretreatment standards of Article VI.(F.) above, the District and its Designated Representative have the authority to seek injunctive relief and may seek and assess civil or criminal penalties in at least the amount of \$1,000 a day for each violation.
- B. Water service will not be provided by the District through its Designated Representative until the requirements set forth in I through IX herein have been met and written permit has been granted.

### **XVIII. EXECUTION, SUBMISSION FOR APPROVAL AND PUBLICATION OF NOTICE**

The President or Vice President is authorized to execute and the Secretary or any Assistant Secretary is authorized to attest this Order on behalf of the Board of Directors and do all other things proper and necessary to carry out the intent hereof, including the submission of said rules to the Texas Commission on Environmental Quality and publication of notice of the adoption of said rules.

## **XIX. SEVERABILITY**

It is hereby declared to be the intention of the district that the sections, paragraphs, sentences, clauses, and phrases of this order are severable and, if any phrase, clause, sentence, paragraph, or section of this Plan is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality will not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Plan, since the same would not have been enacted by the District without the incorporation into this Plan of any such unconstitutional phrase, clause, sentence, paragraph, or section.

## **XX. PRIOR RULES AND REGULATIONS RESCINDED**

All prior rules and regulations governing these matters that existed prior to the adoption this date of these rules and regulations are hereby rescinded and replaced forthwith with the rules and regulations contained and adopted within this Order.

APPROVED, ORDERED and ADOPTED this 19<sup>th</sup> day of May, 2009.

ATTEST:

\_\_\_\_\_  
, President

\_\_\_\_\_  
, Secretary

(DISTRICT SEAL)

THE STATE OF TEXAS

§

COUNTY OF DENTON

§

DENTON COUNTY FRESH WATER SUPPLY DISTRICT NO. 1-B

§

I, the undersigned Secretary of the Board of Directors of Denton County Fresh Water Supply District No. 1-B, certify that the attached and foregoing is a true and correct copy of the AMENDED ORDER ADOPTING RULES AND REGULATIONS GOVERNING WATERWORKS, SEWER HOUSE LINES AND SEWER CONNECTIONS, UNAUTHORIZED USE OF WATER, DRAINAGE, EROSION CONTROL, TRASH REMOVAL, TRAFFIC SAFETY, BUILDING REGULATIONS, DESTRUCTION OF PUBLIC PROPERTY AND USE OF LAKES, PONDS, AND PARKS and the original of said Order and minutes entry is on file in the District's office.

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,Secretary

(DISTRICT SEAL)

**EXHIBIT “A”**

(Lakes and Ponds Location)

**EXHIBIT “B”**

(City of Lewisville Code of Ordinances)

**EXHIBIT “C”**

(Swale Construction Specifications)