

NOTICE OF ADOPTION OF CHANGES TO RULES AND REGULATIONS OF FRANKLIN COUNTY WATER DISTRICT

Pursuant to Section 51.129 of the Texas Water Code, notice is hereby given that on the 21st day of September 2021, the Board of Directors of Franklin County Water District (the “District”) adopted amendments to the Rules and Regulations of Franklin County Water District (“Rules”), which contain provisions relating to construction on District property and District determinations under the Rules, including: (a) contractor activities and permitting; (2) development standards (3) construction on District property; (3) the District Contractor Registry; and (4) updating the Administrative Penalty Policy. In particular, the Rules also provide the following:

The Definitions are modified to add definitions relating to contractors, permitting, construction activities, dredging, livestock, pollutants, and the release of pollutants.

Article IX is modified to require a security deposit and additional reservation information for the Pavilion and Twin Oaks Park.

Article XIII is modified to state that the District, in its sole discretion, may approve or deny any request to develop District property, and may place any conditions, restrictions, or requirements on a development.

Article XV is modified to clarify language regarding the Commercial Work Permit, add language regarding requirements and information needed to obtain certain permits, require that Commercial Work Permits are required for each applicable project, and limit the number of barges on Lake Cypress Springs (“Lake”). Article XV is also modified to require erosion practices for any activities disturbing soil on District property, clarify activities for which permits are not required, clarify the permit application process, require prompt permit amendments and other requirements for scope of work changes to permitted activities, provide clarification regarding the impact of permit noncompliance and default, and include requirements relating to dock-mounted lifts. Article XV is also modified to include requirements for retaining wall height, and prohibiting transporting dredged materials across the Lake.

Article XV is further modified to clarify requirements for contracts and the District’s Contractor Registry, conditions for variance and renewal of permits, and penalties regarding violation of the Rules, District permits, and/or the Contractor Registry.

Article XVIII is modified to state which environmental laws are applicable to District Property, treatment and remediation of the release or disposal of pollutants, and the penalties for contractors that fail to report the dumping or disposal of pollutants.

Article XIX is modified to clarify that permit holders must pay all costs and expenses, including attorneys’ fees, incurred by the District for violation of the Rules.

The District’s Administrative Penalty Policy is modified to clarify that District permittees and lessees may be assessed an administrative penalty by the District, and that any other fees,

including attorneys' fees, resulting from the underlying incident may be assessed, and changes the date that any penalties or fees are due.

Pursuant to Texas Water Code § 51.128, the Rules shall be recognized by the courts as if they are penal ordinances of a city, and any breach of the Rules may subject the violator to monetary penalties, default of a District lease, suspension of a District permit, or revocation of a District permit, and reimbursement of incurred costs. Each violation of the Rules constitutes a Class C Misdemeanor.

This notice is a summary statement of the District's Rules and does not contain all of the specific provisions and requirements established by the Rules. A copy of the Rules is on file in the office of the District, 112 N Houston Street, Mount Vernon, Texas 75457 where it may be read by any interested person.

By: Gary Cunningham,
President Board of Directors