

CERTIFICATE FOR ORDER

THE STATE OF TEXAS §
 §
COUNTY OF DENTON §

I, the undersigned officer of the Board of Directors of Elm Ridge Water Control and Improvement District of Denton County, hereby certify as follows:

1. The Board of Directors of Elm Ridge Water Control and Improvement District of Denton County convened in special session on December 14, 2023, outside the boundaries of the District, and the roll was called of the members of the Board:

Ms. Amy Myers	President
Mr. Jon TenBroeck	Vice President
Ms. Maggie Hernandez	Secretary
Mr. Michael "Mike" Perry	Assistant Secretary
Mr. Scott Bollig	Director

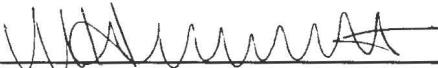
and all of said persons were present, thus constituting a quorum. Whereupon, among other business, the following was transacted at the meeting: a written

AMENDED ORDER OF ELM RIDGE WATER CONTROL AND IMPROVEMENT
DISTRICT OF DENTON COUNTY ESTABLISHING RULES GOVERNING DISTRICT
PARKS, TRAILS, GREENBELTS, AND OTHER LAND OWNED BY THE DISTRICT;
ESTABLISHING FEES; PROVIDING FOR A PENALTY FOR THE VIOLATION FOR THIS
ORDER; PROVIDING FOR SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR
AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION
HEREOF.

was introduced for the consideration of the Board. It was then duly moved and seconded that the order be adopted, and, after due discussion, the motion, carrying with it the adoption of the order, prevailed and carried unanimously.

2. A true, full, and correct copy of the aforesaid order adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; the action approving the order has been duly recorded in the Board's minutes of the meeting; the persons named in the above and foregoing paragraph are the duly chosen, qualified, and acting officers and members of the Board as indicated therein; each of the officers and members of the Board was duly and sufficiently notified officially and personally, in advance, of the time, place, and purpose of the aforesaid meeting, and that the order would be introduced and considered for adoption at the meeting, and each of the officers and members consented, in advance, to the holding of the meeting for such purpose; the meeting was open to the public as required by law; and public notice of the time, place, and subject of the meeting was given as required by Chapter 551, Texas Government Code, and Section 49.063, Texas Water Code.

SIGNED AND SEALED on December 14, 2023.


Secretary, Board of Directors

(SEAL)



AN AMENDED ORDER OF ELM RIDGE WATER CONTROL AND IMPROVEMENT DISTRICT OF DENTON COUNTY ESTABLISHING RULES GOVERNING DISTRICT PARKS, TRAILS, GREENBELTS, AND OTHER LAND OWNED BY THE DISTRICT; ESTABLISHING FEES; PROVIDING FOR A PENALTY FOR THE VIOLATION FOR THIS ORDER; PROVIDING FOR SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, Elm Ridge Water Control and Improvement District of Denton County (the “District”) is a conservation and reclamation district and political subdivision of the State of Texas existing and operating pursuant to the provisions of Article III, Section 52, and Article XVI, Section 59, of the Texas Constitution and Chapters 49, 51 and, for certain purposes, 53, of the Texas Water Code; and

WHEREAS, pursuant to Sections 51.122 and 51.127 of the Texas Water Code, the Board of Directors of the District (the “Board”) is authorized to adopt rules and regulations governing District property and to control the use of land owned by the District;

WHEREAS, the District is the owner of certain greenbelt areas that include native vegetation and wildlife habitat and trails owned and maintained by the District (the “Greenbelt”);

WHEREAS, the District is the owner of various platted and unplatted tracts of land that contain native vegetation and wildlife habitat, water, wastewater, and drainage facilities, irrigation fields, detention ponds, roads, parks and recreational facilities, and other facilities owned and maintained by the District (the Greenbelt and all land owned by the District is collectively referred to as the “District Land”);

WHEREAS, the Board has determined that substantial public funds have been and will be invested by or on behalf of the District to build, maintain and repair the District Land and the District holds this District Land as an asset in trust for District citizens; it is desirable to adopt regulations to protect the integrity of District Land and safeguard the value of the public investment for the benefit of District residents;

WHEREAS, the Board has further determined that regulation of District Land shall help maintain the safe condition of the District Land, protect the public health, safety, welfare, and community aesthetics, is a valid and appropriate exercise of the District’s power, and is a District responsibility; and

WHEREAS, on May 10, 2022, the Board adopted that certain “Order Establishing Rules Governing District Parks, Trails, Greenbelts, and Other Land Owned by The District” (the “Order”); and

WHEREAS, the District desires to adopt an amended and restated Order to further establish rules and regulations governing the District Land, and the Board finds that it is necessary to provide recommended actions and prohibited actions within the District Land.

NOW THEREFORE, BE IT ORDERED BY THE BOARD OF DIRECTORS OF ELM RIDGE WATER CONTROL AND IMPROVEMENT DISTRICT OF DENTON COUNTY:

Section 1. Rules Applicable to District Lands

1.1 Motorized vehicles are not permitted on District Land, other than District roadways, except when operated by representatives of the District or contractors of the District with authorization from the Board. Specifically, golf carts, three-wheelers, four-wheelers, all-terrain vehicles, dune buggies, motorcycles, and dirt bikes are not permitted on District Land other than District roadways, however, use on District roadways could be subject to State or local laws.

1.2 Travel or operation of authorized construction equipment of any kind is not permitted on District Land.

1.3 Pets must be restrained on a leash, not exceeding five (5) feet, at all times on District Land.

1.4 Residents must collect their own pet's waste and dispose of it in an appropriate trash receptacle.

1.5 Camping is not permitted on District Land.

1.6 Loud music and other nuisances are not permitted on District Land between the hours of 10:00 pm and 6:00 am.

1.7 Residents and guests shall not disturb the landscape or wildlife in its native habitat. Destruction, modifications, and alternations to the landscape of any kind are not permitted, except by written authorization from the Board. The cutting or trimming of trees is not permitted.

1.8 Littering or dumping of trash, debris, yard clippings, or brush piles is prohibited on District Land.

1.9 Unauthorized construction of any kind is prohibited on District Land.

1.10 Hunting is prohibited on District Land.

1.11 The possession of, or setting off of fireworks, firecrackers, or any type of explosive is not permitted on District Land unless a written authorization is obtained through the District.

Section 2. Encroachments within District Land

2.1 No unauthorized signs may be posted, attached to, or placed within District Land. Unauthorized signs may be removed and disposed of without liability to the Board and the District.

2.2 The placement, installation, or attachment of lighting, power sources, or any other personal property within District Land is not permitted. Any unauthorized personal property or installation may be removed and disposed of without liability to the Board and the District. The District may charge the party responsible for the installation for the cost of removal and disposal, as well as any cost to repair any damage to the District Land from the installation or removal of the installation.

2.3 No privately-owned fence or improvement may encroach on District Land. The District may remove and dispose of any such encroachment without liability to the Board or the District. The District may charge any responsible party for the encroachment for cost of the removal, as well as any cost to repair any damage to the District Land resulting from the encroachment or the removal of the encroachment.

Section 3. Dumping and Disposal of Refuse and Hazardous Waste Prohibited

No foreign materials or debris may be littered, dumped, placed, thrown, disposed of, deposited on, discharged into, or allowed to migrate into on District Land. Foreign materials include, but are not limited to, trash, grass, yard, or tree clippings, leaves, brush piles, construction debris, pet waste, motor oil, or any type of hazardous waste. As used in this Amended Order, “Hazardous Waste” means any chemical, compound, mixture, substance or article designated by the United States Environmental Protection Agency or the Texas Commission on Environmental Quality to be “hazardous,” as the term is defined by federal or state law.

Section 4. Vandalism Policy

Damage to District property is a crime. Persons causing damage to District property will be prosecuted to the full extent of the law. Acts of vandalism, damage, or concerns regarding the District Land or personal property or facilities owned by the District may be reported to the District’s General Manager at (469) 296-1062.

Section 5. Access for Construction Projects on Private Property

5.1 The entry, travel, or operation of vehicles or construction equipment on District Land for the purpose of landscaping, constructing swimming pools, constructing structures, or any other project on land that is not owned by the District is prohibited, except as authorized by an executed, written agreement signed by an authorized representative of the District.

5.2 A party wishing to access the District Land for the purpose of construction projects on private property must first execute an agreement with the District; pay all deposits and fees required under the agreement, and complete all erosion control and site preparation measures required under the agreement. The District can be contacted for more information by contacting the District’s General Manager at (469) 296-1062.

5.3 In addition to the civil penalties set forth in this Amended Order, the District may charge a party that accesses the District Land without permission, to undertake a construction project on private property, all of the costs incurred by the District to repair any damage caused by

such party to the District Land. The owner or occupant of the private property and the contractor undertaking the construction project without an agreement shall each be separately liable for the penalties for a violation of this Amended Order.

Section 6. Penalties for Violations

6.1 The rules adopted by this Amended Order may be enforced to the fullest extent permitted by Chapters 49 and 51, Texas Water Code.

6.2 Criminal Penalties. These rules set forth in this Amended Order are adopted under the authority set forth in Sections 51.122 and 51.127, Texas Water Code. As provided in Section 51.128, Texas Water Code, the provisions of this Amended Order will be recognized by the courts as if they were penal ordinances of a city. As provided in Section 51.241, Texas Water Code, any person who violates a rule adopted by the District commits a Class C misdemeanor offense, punishable by a fine not to exceed \$500.00.

6.3 Civil Penalties. Pursuant to Section 49.004, Texas Water Code, the Board establishes a civil penalty for a violation of the rules set forth in this Amended Order in an amount not to exceed \$2,000.00 per offense, with each day of a violation constituting a separate offense. Any person or entity that violates any of the provisions of this Amended Order may be assessed a civil penalty in an amount not to exceed \$2,000.00 per offense. Specific violations of Sections 1.8 and 3 of this Amended Order shall be assessed a civil penalty of \$250.00 for any first-time offense, and a \$1,000.00 fine for any violation after the first violation, with each day of a violation constituting a separate offense. Any violator under this Section may also be assessed all costs of clean-up, remediation, regulatory compliance, and administrative and professional fees incurred by the District related to the violation.

6.4 Enforcement. As permitted by Section 49.004, Texas Water Code, a civil penalty under this section may be enforced by complaints filed in the courts of Denton County, Texas. If the District prevails in any suit to enforce the rules set forth in this Amended Order, it may recover reasonable fees for attorneys, expert witnesses, and other costs incurred by the District before the court.

6.5 Discontinuation of Services. Any failure of the owner or occupant of a property in the District to pay a civil penalty or other amount owed to the District under the rules set forth in this Amended Order could result in the discontinuation of certain services provided by the District. The District may, after written notice, discontinue District services to the property in question until any such breach is remedied. Owners and occupants shall be responsible for any violations of the rules set forth in this Amended Order by contractors or builders employed by the owner or occupant.

Section 7. Publication of Notice

The President and Secretary of the Board, and the District's consultants, are hereby authorized to do all acts and things necessary pursuant to this Amended Order, including

publishing a substantive statement of the rules adopted by this Order as required by Section 51.129, Texas Water Code.

Passed and approved the 14th day of December, 2023.

**ELM RIDGE WATER CONTROL AND
IMPROVEMENT DISTRICT OF DENTON
COUNTY**

By: /s/ Amy Myers
Amy Myers, President
Board of Directors

ATTEST:

By: /s/ Maggie Hernandez
Maggie Hernandez, Secretary
Board of Directors