

COLLIN COUNTY MUNICIPAL UTILITY DISTRICT NO. 1

NOTICE OF ADOPTION OF AN AMENDED AND RESTATED ORDER OF COLLIN COUNTY MUNICIPAL UTILITY DISTRICT NO. 1 ADOPTING CERTAIN POLICIES FOR USE OF THE DISTRICT RIGHT-OF-WAY; PROVIDING FOR A PENALTY FOR THE VIOLATION FOR THIS ORDER; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF

Notice is hereby given that the Board of Directors of Collin County Municipal Utility District No. 1 (the "District") has adopted an Amended and Restated Order Of Collin County Municipal Utility District No. 1 Adopting Certain Policies For Use Of The District Right-of-Way; Providing For A Penalty For The Violation For This Order; Providing For An Effective Date; and Providing For The Publication Of The Caption Hereof ("Amended and Restated Order").

The Amended and Restated Order was adopted for the purposes of further regulating the use of the District Right-of-Way ("ROW") to help reduce disruption and interference with public use of District property, help prevent pavement and utility damage, help maintain the safe condition of the District streets, protect the public health, safety, welfare, and community aesthetics. To achieve these purposes, it was necessary to amend and restate the previously adopted Order to regulate the District ROW accordingly.

Failure to adhere to said rules and regulations can result in the assessment of penalties and fines. Any person, firm, corporation, or business entity violating the Order shall be subject to a fine not to exceed the sum of Two Thousand and No/100 Dollars (\$2,000.00). Each continuing day's violation under the Amended and Restated Order shall constitute a separate offense. The penal provisions imposed under the Amended and Restated Order shall not preclude the District from filing suit to enjoin the violation. The District retains all legal rights and remedies available to it pursuant to local, state and federal law.

A full copy of the Amended and Restated Order is on file at the offices of the District's General Counsel, Allen Boone Humphries Robinson LLP, 3200 Southwest Freeway, Suite 2600, Houston, Texas 77027, an office of the District, where it may be read by any interested person.

Executed this 24th day of January, 2024, with said Amended and Restated Order being in full force and effect from and after January 24, 2024.

COLLIN COUNTY MUNICIPAL UTILITY DISTRICT NO. 1

/s/ Lissa Shepard

By:

Lissa Shepard
President, Board of Directors



AN AMENDED AND RESTATED ORDER OF COLLIN COUNTY MUNICIPAL UTILITY DISTRICT NO. 1 ADOPTING CERTAIN POLICIES FOR USE OF THE DISTRICT RIGHT-OF-WAY; PROVIDING FOR A PENALTY FOR THE VIOLATION FOR THIS ORDER; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, Collin County Municipal Utility District No. 1 (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, Chapters 49 and 54, Texas Water Code, and Chapter 8164, Special District Local Laws Code (the “District Act”); and

WHEREAS, pursuant to Section 54.522, Texas Water Code, the District has the authority and obligation to maintain and repair the public road right-of-way within the District’s boundaries (the “District ROW”), with the exception of the maintenance, repair and improvement of any sidewalk or landscaping in the District road right-of-way, as such is the responsibility of the abutting property owner; and

WHEREAS, pursuant to the provisions of Chapter 54.205, Water Code, the District is authorized to adopt and enforce reasonable rules and regulations for the purpose, among others, of regulating privileges on any land or any easement owned or controlled by the District; and

WHEREAS, the condition and use of the District ROW impacts the health, safety and welfare of the people in the District; and

WHEREAS, pursuant to Section 49.004, Water Code, the District’s governing board may set reasonable civil penalties for the breach of any rule of the District; and

WHEREAS, the Board of Directors (the “Board”) of the District has determined that regulation of the use of the District ROW helps reduce disruption of and interference with public use of the District property, helps prevent pavement and utility damage, helps maintain the safe condition of the District streets, protects 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 the Board has determined that it is appropriate to adopt an amended formal policy to regulate the District ROW accordingly; and

WHEREAS, District adopted that certain Order Of Collin County Municipal Utility District No. 1 Adopting Certain Policies For Use of the District Right-Of-Way, dated April 28, 2021, and now wish to amend and restate such Order.

NOW, THEREFORE, BE IT ORDERED by the Board of Directors of Collin County Municipal Utility District No. 1 that the following policy and rules be adopted with respect to the condition and use of the District ROW:

1. The findings set forth above are incorporated into the body of this Amended Order as if fully set forth herein.

2. In consideration of the health, safety and welfare of the District's residents, the protection of District facilities, and to reduce disruption of and interference with public use of the District ROW, the Board formally prohibits the placement or storage in the District ROW of equipment (including sports equipment), structures, containerized storage, cargo storage, trailer storage, unauthorized traffic control devices, construction materials, or any other item. Notwithstanding the above, temporary storage pods may be placed within a private driveway (but not blocking any portion of the right-of-way or sidewalk), subject to the existing rules of any other authority with jurisdiction. The District ROW consists of District streets, sidewalks, and areas between the street and sidewalk.

3. Should a resident or owner ("Resident/Owner") violate this Amended Order, the Resident/Owner shall be subject to the following actions, penalties, and fines:

- A. **First Offense Warning**. Upon a first offense, the District shall provide written notice to the Resident/Owner of the applicable violation, including a copy of this Amended Order, and instruct the Resident/Owner that they shall have 72 hours from receipt of the written notice to remove the violating item completely from the District ROW. Should the violating item not be completely removed within 72 hours, then the Resident/Owner shall be subject to the Fine Structure defined below. A Resident/Owner shall only be entitled to a First Offense Warning once and any subsequent violation of this Amended Order by a Resident/Owner shall immediately begin incurring fines and penalties under the Fine Structure below.
- B. **Fine Structure**. Should a Resident/Owner fail to remove the violating item within the 72 hours of a First Offense Warning, or if the Resident/Owner has any subsequent violation of this Amended Order, the Resident/Owner shall be assessed the following fines for each independent violation:
 - a. \$50.00 fine for the first day of the violation and each day that the violation continues through the 10th day
 - b. \$100.00 fine for each day that the violation continues from the 10th day through the 25th day, but not to exceed a total of \$2,000.00.

4. Payment of any fine assessed under this Amended Order shall be made to Collin County Municipal Utility District No. 1 at:

COLLIN COUNTY MUNICIPAL UTILITY DISTRICT NO. 1
c/o Allen Boone Humphries Robinson, LLP
4514 Cole Avenue, suite 1450
Dallas, Texas 75205

5. Should a violating item remain in the District ROW in excess of 25 days, the violating item shall be subject to removal by the District. Should the District remove an item from the District ROW, a fine of \$500.00 shall be assessed upon the Resident/Owner to cover the costs to the District of the action taken. A Resident/Owner can contact the District's General Manager at gwilkerson@ccmud1.org to set up an appointment to retrieve the item. Upon delivery to the District of a cashier's check to pay any assessed fines, the Resident/Owner may recover the confiscated item.

6. Should a Resident/Owner desire to request a variance of this Amended Order for the purpose of construction materials or equipment, the Resident/Owner can contact the District's General Manager at gwilkerson@ccmud1.org to request the variance.

7. A Resident/Owner that believes that fines imposed are invalid may have the fine imposition reviewed, upon the delivery of written notice of appeal to the Board within five (5) business days of receipt of notice of the fine. The Board shall provide a written decision within thirty (30) business days of receipt of an appeal in accordance with this section. Failure to render a decision within thirty (30) business days shall constitute a denial. Any notice of appeal should be sent to the Board at:

Board of Directors
COLLIN COUNTY MUNICIPAL UTILITY DISTRICT NO. 1
c/o Allen Boone Humphries Robinson, LLP
4514 Cole Avenue, suite 1450
Dallas, Texas 75205

5. The penal provisions imposed under this Amended Order shall not preclude the District from filing suit to enjoin a violation of this Amended Order. The District retains all legal rights and remedies available to it pursuant to local, state and federal law.

6. This Amended Order shall become effective immediately upon passage and approval by the Board.

7. The Secretary of the Board of Directors of the District shall give notice of the adoption of this Amended Order by publishing a descriptive caption of the Amended Order in a newspaper of circulation within the District.

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THIS AMENDED ORDER ADOPTING CERTAIN POLICIES FOR USE OF THE DISTRICT RIGHT-OF-WAY IS PASSED AND APPROVED this 24th day of January, 2024.

COLLIN COUNTY MUNICIPAL UTILITY DISTRICT NO. 1

By: *Shane Shepard*
President

Attest: *[Signature]*
Secretary

