

# CYPRESS RANCH WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1

## ORDER ESTABLISHING RULES GOVERNING DISTRICT TRAILS, GREENBELTS, AND OTHER LAND OWNED BY THE DISTRICT

WHEREAS, Cypress Ranch Water Control and Improvement District No. 1 of Travis County (the "District") is a water control and improvement district operating pursuant to Chapters 49 and 51 of the Texas Water Code.

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, 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 Greenbelt has been damaged and eroded from the unauthorized operation of vehicles and construction equipment on the District's land by contractors hired by District residents. The District Land has also been damaged and eroded by the unauthorized off-road operation of vehicles on the District Land.

WHEREAS, the District desires to implement an order to 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 RESOLVED BY THE BOARD OF DIRECTORS OF CYPRESS RANCH WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 OF TRAVIS COUNTY THAT:

### Section 1. Rules Applicable to District Lands

1.1. Horses are not permitted on District Land.

1.2. Motorized vehicles are not permitted on District Land, 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.

1.3. Travel or operation of unauthorized construction equipment of any kind is not permitted on District Land.

1.4. Pets must be restrained on a leash at all times on District Land.

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

1.6. Glass containers of any kind are not permitted on District Land.

1.7. Camping, cooking, and fires are not permitted on District Land.

1.8. Loud music and other nuisances are not permitted on District Land.

1.9. Residents and guests shall not disturb the landscape or wildlife in its native habitat. Destruction, modifications, and alterations to the landscape of any kind are not permitted, except as expressly allowed in the District's Policy for Resident Access for Clearing District-Owned Green Space for Wildfire Protection. The cutting or trimming of trees is not permitted, except as expressly allowed in the District's Policy for Resident Access for Clearing District-Owned Green Space for Wildfire Protection.

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

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

1.12. Hunting is prohibited on District Land.

1.13. Except for possession of a handgun by a valid handgun license holder, firearms are prohibited on District Land.

1.14. The discharge of firearms, pellet guns, paintball guns, bow and arrows, sling shots and other weapons or hazardous items is not permitted on District Land. The discharge of starter pistols is also not permitted on District Land.

1.15. The possession of, or setting off of fireworks, firecrackers, or any other type of explosive is not permitted on District Land.

1.16. The District may suspend access to the Greenbelt at any time for repairs or for hazardous conditions.

1.17. Marking, painting or placing graffiti on the District's facilities or trees is not permitted. Spray paint cans or other paint products that could be used for marking, painting, or placing graffiti on the District's property are not permitted on the District Land.

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### 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 Greenbelt 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, grass, yard, or tree clippings, leaves, brush piles, construction debris, pet waste, motor oil, or any type of hazardous waste. As used in this 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 AWR Services, Inc. at (512) 402-1990.

### 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 license 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 a license agreement with the District; pay all deposits and fees required under the license agreement, and complete all erosion control and site preparation measures required under the license agreement.

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5.3 In addition to the civil penalties set forth in this 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 a license agreement shall each be separately liable for the penalties for a violation of this Order.

### Section 6. Penalties for Violations

6.1 The rules adopted by this 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 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 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.

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 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 Order may be assessed a civil penalty in an amount not to exceed \$2,000.00 per offense. The violator 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 Travis County, Texas. If the District prevails in any suit to enforce the rules set forth in this Order, it may recover reasonable fees for attorneys, expert witnesses, and other costs incurred by the District before the court.

6.5 **Disconnection of Service.** Any failure of the owner or occupant of a property receiving water or wastewater service, or both, from the District to pay a civil penalty or other amount owed to the District under the rules set forth in this Order shall constitute a breach of the contract for service to such property. The District may, after written notice, disconnect all District service 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 Order by contractors or builders employed by the owner or occupant.

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

Section 8. Prior Rules Repealed

The District's Rules for Access on Trails and Greenbelts adopted May 17, 2018, are repealed effective November 15, 2020.

Passed and approved the 15th day of October, 2020.

**CYPRESS RANCH WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1**

By:  \_\_\_\_\_  
Antonio Salinas, President  
Board of Directors

ATTEST:

By: \_\_\_\_\_  
Joanne Molinyawe, Secretary  
Board of Directors



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