

SPECIAL DISTRICT LOCAL LAWS CODE  
TITLE 6. WATER AND WASTEWATER  
SUBTITLE A. DRAINAGE DISTRICTS  
CHAPTER 6603. BROOKSHIRE-KATY DRAINAGE DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 6603.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of supervisors of the district.

(2) "District" means the Brookshire-Katy Drainage District.

(3) "Supervisor" means a member of the board.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.05, eff. April 1, 2009.

Sec. 6603.002. NATURE OF DISTRICT. The district is:

(1) a conservation and reclamation district created and incorporated in Waller County under Section [59](#), Article XVI, Texas Constitution, for the sole purpose of the reclamation and drainage of the district's overflowed lands and other lands needing drainage;

(2) a fresh water supply district; and

(3) a municipal corporation.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.05, eff. April 1, 2009.

Sec. 6603.003. FINDINGS OF BENEFIT AND PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the creation of the district and the improvements the district will purchase, construct, or otherwise acquire.

(c) The district is essential to accomplish the purposes of Section [59](#), Article XVI, Texas Constitution.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.05, eff. April 1, 2009.

Sec. 6603.004. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section 1, Chapter 203, Acts of the 57th Legislature, Regular Session, 1961 (Article 8280-249, Vernon's Texas Civil Statutes), as that territory may have been modified under:

- (1) Subchapter J, Chapter 49, Water Code; or
- (2) other law.

(b) The legislature finds that the boundaries of the district as described by Section 1, Chapter 203, Acts of the 57th Legislature, Regular Session, 1961 (Article 8280-249, Vernon's Texas Civil Statutes), and the field notes relating to those boundaries form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect:

- (1) the district's organization, existence, or validity;
- (2) the district's authority to take any action authorized by this chapter and the general laws; or
- (3) the legality or operation of the district or the board.

(c) It is the intention of the legislature that all land included in the district as created in 1961 be included in the boundaries of the district as described by Section 1, Chapter 203, Acts of the 57th Legislature, Regular Session, 1961 (Article 8280-249, Vernon's Texas Civil Statutes).

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.05, eff. April 1, 2009.

#### SUBCHAPTER B. DISTRICT BOARD OF SUPERVISORS

Sec. 6603.051. COMPOSITION OF BOARD. The board consists of five supervisors.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.05, eff. April 1, 2009.

Sec. 6603.052. QUALIFICATIONS. A candidate for supervisor must:

- (1) be at least 18 years of age;

- (2) own land subject to taxation in the district; and
- (3) reside in the area from which the candidate seeks election.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.05, eff. April 1, 2009.

Sec. 6603.053. SUPERVISORS ELECTION. (a) For the election of supervisors, the district is divided into five areas, numbered one to five.

(b) Each candidate for supervisor must be designated on the official ballot according to the number of the area in which the candidate resides.

(c) Each district voter is entitled to vote for candidates from all five areas.

(d) The candidate from each area who receives the highest number of votes for supervisor is elected.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.05, eff. April 1, 2009.

#### SUBCHAPTER C. POWERS AND DUTIES

Sec. 6603.101. GENERAL POWERS AND DUTIES. To accomplish the purposes of Section 6603.002(1), the district has all the rights, powers, privileges, and duties conferred and imposed by general law, including Chapters 49 and 53, Water Code, on fresh water supply districts created under Section 59, Article XVI, Texas Constitution, including the power to conserve, transport, and distribute fresh water.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.05, eff. April 1, 2009.

Sec. 6603.102. CONSTRUCTION OF DRAINAGE FACILITIES OR IMPROVEMENTS. (a) Except as provided by Subsection (b), a person may not construct drainage facilities or improvements on or to serve a tract of land in the district unless the district has approved the plans and specifications for the facilities or improvements.

(b) Plans and specifications for drainage facilities or improvements located in the corporate limits or the extraterritorial jurisdiction of a municipality require only the approval of the municipality if:

(1) the municipality's corporate limits are located in more than one county;

(2) part of the municipality's corporate limits and extraterritorial jurisdiction in Waller County is located in the district;

(3) the municipality has a population of less than 100,000; and

(4) the drainage facilities or improvements are located outside district-owned property or facilities.

(c) The district may adopt reasonable rules and set reasonable standards to provide for adequate drainage construction in accordance with standard engineering practices. The rules and standards may require the drainage plan to be generally compatible with the district's master plan.

(d) The district by rule may establish procedures for:

(1) the presentation of plans and specifications to the district; and

(2) the review and disposition of the plans and specifications by the district.

(e) The district, after review by its engineer, shall determine the cost of any drainage facilities or improvements and recommend to the appropriate governing body with jurisdiction over the subdivision that a surety bond or other approved security in that amount for the construction of drainage facilities or improvements be secured in the name of the governing body. If the governing body does not secure a bond, the district may secure a bond for the cost of construction of drainage facilities or improvements.

(f) The district may refuse to approve plans and specifications if:

(1) the plans and specifications do not comply with district rules; or

(2) all applicable fees have not been paid.

(g) This section does not apply to agricultural activity.

(h) This section does not limit the authority or jurisdiction of a municipality or county to regulate plans and specifications for the construction of drainage facilities or improvements other than facilities owned or maintained by the district.

(i) The district's rules and standards for the construction of drainage facilities or improvements do not apply to a facility or improvement not owned or maintained by the district in the corporate limits of a municipality unless the governing body of the municipality or county requires the person to submit the plans and specifications for drainage construction to the district.

(j) The district may adopt rules to exempt from the requirements of this section a drainage facility or improvement on or to serve a tract of land in the district if the facility or improvement does not create an aggregate impervious area of more than one acre.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.05, eff. April 1, 2009.

Amended by:

Acts 2009, 81st Leg., R.S., Ch. 87 (S.B. 1969), Sec. 21.067, eff. September 1, 2009.

Sec. 6603.103. CONSISTENCY OF RULES. Rules adopted by the district must be consistent with Chapters 49 and 53, Water Code.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.05, eff. April 1, 2009.

Sec. 6603.104. LIMIT ON EMINENT DOMAIN POWER. The district may not exercise its power of eminent domain outside the district without the express consent of the governing body of the municipality or the commissioners court of the county in which the territory being condemned is located.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.05, eff. April 1, 2009.

## SUBCHAPTER D. TAXES

Sec. 6603.151. IMPOSITION OF TAXES. (a) Taxes shall be imposed under the provisions of the general laws applicable to fresh water supply districts, including Chapters 49 and 53, Water Code. The district must hold an election required for the imposition or increase of taxes in the manner provided by Section 49.107, Water Code.

(b) The district may not impose taxes at a rate that exceeds 75 cents on the \$100 valuation of taxable property in the district. Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.05, eff. April 1, 2009.

Sec. 6603.152. DISTRICT TAX ASSESSOR AND COLLECTOR. (a) The assessor and collector of taxes for Waller County is the assessor and collector of taxes for the district.

(b) For services to the district in assessing and collecting taxes for the district, the assessor and collector may deduct from all taxes collected on the current year's tax rolls an amount of money to which the board agrees, not to exceed the amount provided by the general laws relating to the imposition of ad valorem taxes.

(c) For the collection of delinquent taxes, the assessor and collector may receive compensation in the same manner as the assessor and collector receives for collecting delinquent state and county taxes. The assessor and collector may not duplicate a charge made for costs of suit related to enforcement of state and county taxes.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. 3166), Sec. 1.05, eff. April 1, 2009.

## SUBCHAPTER E. ENFORCEMENT

Sec. 6603.201. CIVIL PENALTY. (a) A person who violates this chapter or a rule adopted under this chapter is liable to the district for a civil penalty of not less than \$10 or more than \$200 for each violation.

(b) Each day a violation continues is a separate violation.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.05, eff. April 1, 2009.

Sec. 6603.202. INJUNCTIVE RELIEF. (a) The district may sue in a district court to enjoin a violation or threatened violation of this chapter or a rule adopted under this chapter.

(b) The district may sue for injunctive relief and a civil penalty in the same proceeding.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.05, eff. April 1, 2009.

Sec. 6603.203. DAMAGES, COURT COSTS, AND ATTORNEY'S FEES. If the district sues to recover a civil penalty or for injunctive relief under this chapter, or to recover any fee or charge under this chapter, the court may include in any final judgment in favor of the district an award for damages, the recovery of court costs, and reasonable attorney's fees.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.05, eff. April 1, 2009.

Sec. 6603.204. PENALTIES CUMULATIVE. A penalty under this subchapter is in addition to any other penalty authorized by law.

Added by Acts 2007, 80th Leg., R.S., Ch. 920 (H.B. [3166](#)), Sec. 1.05, eff. April 1, 2009.