

**RESOLUTION ESTABLISHING RULES AND REGULATIONS REGARDING THE
USE OF THE DISTRICT'S LEVEES**

WHEREAS, Varner Creek Utility District (the "District") is a conservation and reclamation district, a governmental agency and body politic of the State of Texas created pursuant to Article XVI, Section 59 of the Texas Constitution, and Chapters 49 and 54 of the Texas Water Code, as amended; and

WHEREAS, for the purpose of providing flood protection to the land located within its boundaries the District owns and operates a levee system (the "Levees"); and

WHEREAS, to protect the District's property, the District's Board of Directors (the "Board") wishes to establish certain rules and regulations regarding the use of the Levees and to establish penalties for the violation thereof;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF VARNER CREEK UTILITY DISTRICT THAT:

Section 1. The facts recited above are hereby declared to be true and correct.

Section 2. Pursuant to the District's authority under Section 54.205 of the Texas Water Code, the following acts are hereby declared to be unlawful on the Levees:

- (a) use of any unauthorized motorized vehicles including but not limited to dirt bikes, all terrain vehicles, golf carts, motor scooters, cars, pickup trucks and sports utility vehicles. Utility maintenance and mowing equipment are considered to be authorized vehicles;
- (b) use of bicycles, roller blades, roller skates or skateboards;
- (c) disposal of trash, household or other hazardous materials, construction materials or debris, chemicals, or grass, tree or yard clippings;
- (d) use of herbicides, except for broadleaf weed killers, which are acceptable;
- (e) carrying or discharging any firecrackers, rockets, torpedoes, other fireworks, air guns, bows, arrows, blowguns, darts or slingshots;
- (f) discharging any firearm;
- (g) committing any obscene, lewd or indecent act or creating a nuisance of any kind;
- (h) tampering with or damaging any machinery, equipment, signs or fencing on the Levees;
- (i) penetrating the Levees or performing any act which would reduce the cross section of a Levee without first obtaining a permit from the Board; and
- (j) planting trees or shrubbery on the Levees.

Section 3. Any person, corporation or other entity violating Section 2 of this Resolution shall be subject to a fine of up to \$5,000 per violation.

Section 4. The District is hereby authorized to publish a substantive statement of these rules, regulations and penalties as required by Section 54.207 of the Texas Water Code, and such penalties described herein shall be effective and enforceable five days after publication.