

MATRIX OF LEGAL AUTHORITIES
For Northern Hays-Western Travis County Regional Water Quality Protection Plan

LEGAL AUTHORITY OR POWER	HOME RULE CITY (Austin; Kyle)	GENERAL LAW CITY	COUNTY (Travis and Hays Counties)	GROUNDWATER CONS. DISTRICTS
<p>General Ordinance or Rule-making Authority</p>	<p>Full power of local self-government. § 51.072 - .079.</p> <p>Any ordinance necessary to protect health, life and property. § 54.004.</p> <p>May promote and protect general health, safety and welfare of persons in ETJ. § 42.001.</p>	<p>Type A (Dripping Springs; Bee Caves; Rollingwood; Sunset Valley; Buda): Any ordinance necessary for the government, interest, welfare or good order of the city. § 51.001; .011 - .016</p> <p>Type B: Any ordinance for proper governance. Generally same powers as Type A. § 51.031 - .035.</p> <p>Type C: Generally same powers as Type A. § 51.051 - .052.</p> <p>May promote and protect general health, safety and welfare of persons in ETJ. § 42.001.</p>	<p>No general grant of authority; all powers must be specifically granted by law.</p>	<p>Make and enforce rules for conserving and protecting groundwater to control waste of groundwater. § 36.101</p> <p>Hays-Trinity GWCD: To conserve, preserve recharge and prevent waste of GW in western Hays County. All Chapter 36 TWC powers.</p> <p>BS-EA GWCD: To conserve, protect and enhance GW resources of BS segment of Edwards Aquifer. All Chapter 36 TWC powers.</p>

LEGAL AUTHORITY OR POWER	HOME RULE CITY (Austin; Kyle)	GENERAL LAW CITY	COUNTY (Travis and Hays Counties)	GROUNDWATER CONS. DISTRICTS
Regulatory Power to Protect Streams and Watersheds	<p>May police and prohibit pollution and degradation of watershed, stream, drain, or tributary that recharges a city water supply, both in city and ETJ. § 401.002.</p> <p>May regulate nonpoint pollution sources thru pollution control & abatement plans, both in city and ETJ. § 26.177 TWC.</p> <p>May enact Austin SOS Ordinance-type protections (impervious cover limits and non-degradation effluent limits). <i>Austin v. Quick</i> case.</p>	<p>May regulate nonpoint pollution sources thru pollution control & abatement plans, both in city and ETJ. § 26.177 TWC.</p> <p>May regulate public water supplies inside or outside city for convenience of residents and to prevent waste of water. § 402.015 - .016.</p>	<p>Under SB 873, may regulate plats and subdivisions of land to promote health, safety, morals, & general welfare and safe, orderly, healthful development of unincorporated areas. § 232.101.</p>	<p>No specific statutory authority to enact ordinances to protect streams and watersheds.</p>
Regulation of Subdivision Plats.	<p>May regulate plats and subdivisions within city or ETJ to promote health, safety or general welfare of city and safe, orderly and healthful development of city. § 212.002 - .003.</p> <p>Must allocate jurisdiction with county over ETJ plats. § 242.001.</p> <p>Utility service prohibited in city or ETJ unless developer has certificate of compliance with plat requirements. § 212.0115 - .012.</p>	<p>May regulate plats and subdivisions within city or ETJ to promote health, safety or general welfare of city and safe, orderly and healthful development of city. § 212.002 - .003.</p> <p>Must allocate jurisdiction with county over ETJ plats. § 242.001.</p> <p>Utility service prohibited in city or ETJ unless developer has certificate of compliance with plat requirements. § 212.0115 - .012.</p>	<p>May regulate plats and subdivision of land in unincorporated areas including city ETJ areas. § 232.001 - .002.</p> <p>Under SB 873, may regulate lot frontages on county roads; building and setback line limits; and major roadway widths. § 232.100 - .107; § 233.032 (re: building and setbacks).</p> <p>Must allocate jurisdiction with city over ETJ plats. § 242.001.</p>	<p>No specific statutory authority to regulate subdivision plats.</p>
Zoning	<p>May enact zoning regs within city limits (height, size, occupancy, density, location and use of buildings). § 211.003.</p>	<p>May enact zoning regs within city limits (height, size, occupancy, density, location and use of buildings). § 211.003.</p>	<p>May not enact zoning ordinances, even in unincorporated areas of county. § 232.101(b).</p>	<p>May not enact zoning ordinances.</p>

LEGAL AUTHORITY OR POWER	HOME RULE CITY (Austin; Kyle)	GENERAL LAW CITY	COUNTY (Travis and Hays Counties)	GROUNDWATER CONS. DISTRICTS
Drainage Requirements	<p>May regulate drainage as part of subdivision plat approval authority in unincorporated areas. § 212.002 - .003.</p> <p>May adopt Subchap. C of Chap. 402 and establish Municipal Drainage Utility to charge uniform rates and provide drainage services to all property in service area (up to ETJ for cities with land in Edwards recharge/transition zone. § 402.041 - .054.</p>	<p>May regulate drainage as part of subdivision plat approval authority in unincorporated areas. § 212.002 - .003.</p> <p>May adopt Subchap. C of Chap. 402 and establish Municipal Drainage Utility to charge uniform rates and provide drainage services to all property in service area (up to ETJ for cities with land in Edwards recharge/transition zone. § 402.041 - .054.</p> <p>May place a drain in street, change grade of land, and regulate culverts. Tx. Trans. Code § 311.002 - .003.</p>	<p>May regulate drainage as part of subdivision plat approval authority in unincorporated areas including city ETJ areas. § 232.001 - .003.</p>	<p>May drain lakes, depressions, draws and creeks. § 36.103 TWC.</p>
Regulation of Hazardous Substances	<p>May establish program for collection & disposal of household consumer and agricultural products containing hazardous constituents or hazardous substances, incl. waste collection sites and events. § 26.0135(g) TWC.</p> <p>May regulate hazardous substances in ETJ to protect water supply. AG Op. JM-226(1984)</p>	<p>May establish program for collection & disposal of household consumer and agricultural products containing hazardous constituents or hazardous substances, incl. waste collection sites and events. § 26.0135(g) TWC.</p>	<p>May establish program for collection & disposal of household consumer and agricultural products containing hazardous constituents or hazardous substances, incl. waste collection sites and events. § 26.0135(g) TWC.</p>	<p>May establish program for collection & disposal of household consumer and agricultural products containing hazardous constituents or hazardous substances, incl. waste collection sites and events. § 26.0135(g) TWC.</p>
Enter Into Developer Agreements	<p>May agree with landowner to extend city's planning authority to ETJ land under max. 45-year development plan authorizing land uses and development different from in-city rules. § 212.171 - .174 (HB 1197).</p>	<p>May agree with landowner to extend city's planning authority to ETJ land under max. 45-year development plan authorizing land uses and development different from in-city rules. § 212.171 - .174 (HB 1197).</p>	<p>Under SB 873, may enter into developer participation contracts to construct public improvements related to development, but not buildings (30% limit on county participation). § 232.105.</p>	<p>No specific statutory authority to waive otherwise applicable requirements in developer agreements.</p>

LEGAL AUTHORITY OR POWER	HOME RULE CITY (Austin; Kyle)	GENERAL LAW CITY	COUNTY (Travis and Hays Counties)	GROUNDWATER CONS. DISTRICTS
Require Certification of Adequacy of Groundwater Sources	May require that a subdivision plat for land supplied by GW be certified as having adequate supply of GW. § 212.0101.	May require that a subdivision plat for land supplied by GW be certified as having adequate supply of GW. § 212.0101.	May require subdivision plat applicant to provide engineer's certification of adequacy of GW supplies. § 232.0032.	Has authority to require permits for new GW wells, and set spacing and production requirements. § 36.113 - .117 TWC.
Utility Design Requirements	<p>May require plat to conform to general plan of city and its current and future public utility facilities. § 212.010.</p> <p>May extend development ordinances incl. utility design and construction standards to city's ETJ. <i>City of Lucas v. N. Tx. Mun. Water Dist.</i> case.</p> <p>May enact more stringent public water supply standards than TCEQ. § 341.081 THSC.</p>	<p>May require plat to conform to general plan of city and its current and future public utility facilities. § 212.010.</p> <p>May extend development ordinances incl. utility design and construction standards to city's ETJ. <i>City of Lucas v. N. Tx. Mun. Water Dist.</i> case.</p>	No specific statutory authority to regulate utility design and construction.	No specific statutory authority to regulate utility design and construction.
Ownership and Operation of Proprietary Water/Sewer Utility	May acquire, own, operate and regulate connections to municipal water or sewer utility inside or outside city. § 402.001.	May acquire, own, operate and regulate connections to municipal water or sewer utility inside or outside city. § 402.001.	County may acquire, own and operate water or sewer utility system to serve unincorporated areas. § 412.016. (e.g., Hays County creation of Hays County Water & Sewer Authority on 05/09/2000.)	No specific statutory authority to own or regulate utility service.
Regulation of On-Site Sewerage Facilities (septic tanks)	May implement and enforce TCEQ OSSF permitting rules if designated as TCEQ agent . § 366.001 - .071 THSC.	May implement and enforce TCEQ OSSF permitting rules if designated as TCEQ agent . § 366.001 - .071 THSC.	May implement and enforce TCEQ OSSF permitting rules if designated as TCEQ agent . § 366.001 - .071 THSC.	May implement and enforce TCEQ OSSF permitting rules if designated as TCEQ agent . § 366.001 - .071 THSC.

LEGAL AUTHORITY OR POWER	HOME RULE CITY (Austin; Kyle)	GENERAL LAW CITY	COUNTY (Travis and Hays Counties)	GROUNDWATER CONS. DISTRICTS
Solid Waste Management	<p>May regulate solid waste collection, handling, transportation, storage, processing and disposal consistent with TCEQ regs. § 363.111 - 112 THSC.</p> <p>May not abolish or restrict use or operation of existing solid waste facility in city or ETJ. § 361.166 THSC.</p>	<p>May regulate solid waste collection, handling, transportation, storage, processing and disposal consistent with TCEQ regs. § 363.111 - 112 THSC.</p> <p>May not abolish or restrict use or operation of existing solid waste facility in city or ETJ. § 361.166 THSC.</p>	<p>May regulate solid waste collection, handling, transportation, storage, processing and disposal consistent with TCEQ regs. in unincorporated areas § 363.111 - 112 THSC; § 364.001 - .016 THSC.</p> <p>May license and regulate solid waste facilities in unincorporated areas under rules approved by TCEQ. § 361.154 - .162THSC.</p>	No specific statutory authority to regulate solid waste.
Litter, Nuisances and Unsanitary Conditions	<p>May require the filling, draining of any area and regulate any place that is unwholesome or in any unsanitary condition that could produce disease. § 342.001 - .022 THSC.</p>	<p>May require the filling, draining of any area and regulate any place that is unwholesome or in any unsanitary condition that could produce disease. § 342.001 - .022 THSC.</p>	<p>May abate public nuisance and regulate storage of refuse and unsanitary conditions in unincorporated areas. § 343.011 - .025 THSC.</p> <p>May regulate and remove improperly disposed litter in unincorporated areas. §§ 365.017, 365.034 THSC.</p>	No specific statutory authority to abate litter or other unsanitary conditions.
Capping of Uncovered Water Wells	No specific statutory authority to require capping of wells.	No specific statutory authority to require capping of wells.	No specific statutory authority to require capping of wells.	May require landowner to cap any open or uncovered well. § 36.118 TWC.

LEGAL AUTHORITY OR POWER	HOME RULE CITY (Austin; Kyle)	GENERAL LAW CITY	COUNTY (Travis and Hays Counties)	GROUNDWATER CONS. DISTRICTS
Habitat Conservation Plan	<p>May develop and implement habitat conservation plan. § 83.011 - .020 TPWC.</p> <p>May agree with landowner in city or ETJ to establish alternative land development standards to facilitate creation of habitat preserve. § 83.013 TPWC.</p> <p>May not impose an ordinance or regulation related to endangered species unless such ordinance or regulation is necessary to implement a habitat conservation plan. § 83.014 TPWC.</p>	<p>May develop and implement habitat conservation plan. § 83.011 - .020 TPWC.</p> <p>May not impose an ordinance or regulation related to endangered species unless such ordinance or regulation is necessary to implement a habitat conservation plan. § 83.014 TPWC.</p>	<p>May develop and implement habitat conservation plan. § 83.011 - .020 TPWC.</p> <p>May not impose an ordinance or regulation related to endangered species unless such ordinance or regulation is necessary to implement a habitat conservation plan. § 83.014 TPWC.</p>	<p>May participate in study and creation of habitat conservation plan. § 83.013 TPWC.</p>
Regulation of Land Use for Flood Control Purposes	<p>May take reasonable and necessary actions to comply with Nat. Flood Ins. program, incl. regulation of land development to minimize flood damage. §16.311 -.324 TWC.</p>	<p>May take reasonable and necessary actions to comply with Nat. Flood Ins. program, incl. regulation of land development to minimize flood damage. §16.311 -.324 TWC.</p>	<p>May take reasonable and necessary actions to comply with Nat. Flood Ins. program, incl. regulation of land development to minimize flood damage. §16.311 -.324 TWC.</p>	<p>May take reasonable and necessary actions to comply with Nat. Flood Ins. program, incl. regulation of land development to minimize flood damage. §16.311 -.324 TWC.</p>
Eminent Domain and Condemnation	<p>May acquire property by condemnation inside or outside of city for water and sewer facilities, parklands, and roadways and may regulate use of such acquired property. § 273.001 - .009.</p>	<p>May acquire property by condemnation inside or outside of city for water and sewer facilities, parklands, and roadways and may regulate use of such acquired property. § 273.001 - .009.</p>	<p>May acquire property by condemnation inside or outside of city for water and sewer facilities, parklands, and roadways and may regulate use of such acquired property. § 273.001 - .009.</p>	<p>May acquire property within boundaries of district by condemnation if necessary to purposes of district. § 36.015 TWC.</p>
Require Financial Assurance of Developers	<p>May require as condition of plat approval that developer provide sufficient surety to guarantee that claims against the development will be satisfied if default occurs. § 212.901.</p>	<p>May require as condition of plat approval that developer provide sufficient surety to guarantee that claims against the development will be satisfied if default occurs. § 212.901.</p>	<p>May require as condition of subdivision plat approval that landowner post financial assurance adequate to ensure proper and timely construction of drainage and roadways. §§ 232.004 - .0045; 232.105.</p>	<p>No specific statutory authority to require financial assurance.</p>

LEGAL AUTHORITY OR POWER	HOME RULE CITY (Austin; Kyle)	GENERAL LAW CITY	COUNTY (Travis and Hays Counties)	GROUNDWATER CONS. DISTRICTS
Power to Enter and Inspect Private Property	May enter and inspect public or private property within its jurisdiction to investigate conditions relating to water quality. § 26.171 TWC; § 26.173 TWC.	May enter and inspect public or private property within its jurisdiction to investigate conditions relating to water quality. § 26.171 TWC; § 26.173 TWC.	May enter and inspect public or private property within its jurisdiction to investigate conditions relating to water quality. § 26.171 TWC; § 26.173 TWC.	May enter and inspect public or private property within its jurisdiction to investigate conditions relating to water quality. § 26.171 TWC; § 26.173 TWC. § 36.123 TWC
Enforcement Authority	<p>May impose fine up to \$2000 for violations of ordinances re: public health or safety. § 54.001.</p> <p>May bring civil action to enjoin and obtain civil penalties up to \$1000 (or \$5000 for point source pollution) to enforce land development ordinances. § 54.012-.016.</p> <p>May enforce requirements under Chaps. 26 TWC and 361 THSC thru civil penalties up to \$25,000/day and recover costs and atty fees. § 7.351 TWC.</p>	<p>May impose fine up to \$2000 for violations of ordinances re: public health or safety. § 54.001.</p> <p>May bring civil action to enjoin and obtain civil penalties up to \$1000 (or \$5000 for point source pollution) to enforce land development ordinances. § 54.012-.016.</p> <p>May enforce requirements under Chaps. 26 TWC and 361 THSC thru civil penalties up to \$25,000/day and recover costs and atty fees. § 7.351 TWC.</p>	<p>May bring civil action to enjoin and recover damages for violations of county platting requirements. Criminal Class B misdemeanor for knowing or intentional violations of platting requirements. § 232.005.</p> <p>May enforce requirements under Chaps. 26 TWC and 361 THSC thru civil penalties up to \$25,000/day and recover costs and atty fees. § 7.351 TWC.</p>	May enforce district rules thru injunction and civil penalties up to \$10,000/day, plus court costs and attys fees. § 36.102 TWC.
Moratoriums on Development	May impose up to 120-day moratorium on property development if needed to prevent shortage of essential public facilities (water, sewer, storm drainage). § 212.131 - .138.	May impose up to 120-day moratorium on property development if needed to prevent shortage of essential public facilities (water, sewer, storm drainage). § 212.131 - .138.	No specific statutory authority to impose moratoriums.	No specific statutory authority to impose moratoriums.
Creation and Operation of Public Facility Corporation (PFC)	May sponsor creation of PFC with “broadest possible powers” to finance, acquire, operate public facilities (any real or personal property devoted to public use).	May sponsor creation of PFC with “broadest possible powers” to finance, acquire, operate public facilities (any real or personal property devoted to public use).	May sponsor creation of PFC with “broadest possible powers” to finance, acquire, operate public facilities (any real or personal property devoted to public use).	May sponsor creation of PFC with “broadest possible powers” to finance, acquire, operate public facilities (any real or personal property devoted to public use).

LEGAL AUTHORITY OR POWER	HOME RULE CITY (Austin; Kyle)	GENERAL LAW CITY	COUNTY (Travis and Hays Counties)	GROUNDWATER CONS. DISTRICTS
Creation of Public Improvement District (PID)	May create PID upon petition of affected landowners to acquire water, wastewater, drainage, parks, roadways financed thru AV taxes on property within district. § 372.001 - .030.	May create PID upon petition of affected landowners to acquire water, wastewater, drainage, parks, roadways financed thru AV taxes on property within district. § 372.001 - .030.	May create PID upon petition of affected landowners to acquire water, wastewater, drainage, parks, roadways financed thru AV taxes on property within district. § 372.001 - .030.	No specific statutory authority to create PID.
Establishment of Regional Planning Commission (RPC)	May join with any governmental unit(s) to establish RPC as separate political subdivision for regional area to plan for public utilities, land uses, water supply, sanitation facilities, drainage, open spaces, and population densities. § 391.001 - .015.	May join with any governmental unit(s) to establish RPC as separate political subdivision for regional area to plan for public utilities, land uses, water supply, sanitation facilities, drainage, open spaces, and population densities. § 391.001 - .015.	May join with any governmental unit(s) to establish RPC as separate political subdivision for regional area to plan for public utilities, land uses, water supply, sanitation facilities, drainage, open spaces, and population densities. § 391.001 - .015.	May participate in RPC. § 391.003.
Cooperative Agreements	May enter into cooperative agreements with TCEQ and any local government to perform water quality management, inspection, enforcement, technical aid and education functions. § 26.175 TWC.	May enter into cooperative agreements with TCEQ and any local government to perform water quality management, inspection, enforcement, technical aid and education functions. § 26.175 TWC.	May enter into cooperative agreements with TCEQ and any local government to perform water quality management, inspection, enforcement, technical aid and education functions. § 26.175 TWC.	May enter into cooperative agreements with TCEQ and any local government to perform water quality management, inspection, enforcement, technical aid and education functions. § 26.175 TWC.
Creation of Economic Development Corp.	May create economic development corp. (funded by sales and use taxes) for economic development projects, including water pollution control, water supply, water conservation and waste disposal facilities. V.T.C.S. Art. 5190.6.	May create economic development corp. (funded by sales and use taxes) for economic development projects, including water pollution control, water supply, water conservation and waste disposal facilities. V.T.C.S. Art. 5190.6.	May create economic development corp. (funded by sales and use taxes) for economic development projects, including water pollution control, water supply, water conservation and waste disposal facilities. V.T.C.S. Art. 5190.6.	May create economic development corp. (funded by sales and use taxes) for economic development projects, including water pollution control, water supply, water conservation and waste disposal facilities. V.T.C.S. Art. 5190.6.

SUPPLEMENTAL MATRIX OF LEGAL AUTHORITIES
For Northern Hays-Western Travis County Regional Water Quality Protection Plan

LEGAL AUTHORITY OR POWER	All Art. XVI, Sec. 59 Water Districts - Powers Under Chap. 49 Tx. Water Code (LCRA; WCIDs; MUDs)	Water Control and Improvement Districts (WCIDs)	Municipal Utility Districts (MUDs)	Lower Colorado River Authority (LCRA)
Purposes For Which District is Created	[Refer to specific statute authorizing particular type of district]	<ul style="list-style-type: none"> • control and distribution of water; • reclamation and irrigation of land; • development of forests, water and hydroelectric power; • navigation of waterways; • control of excesses of water; • preserving and restoring purity and sanitary condition of water; • conservation of natural resources. § 51.121 	<ul style="list-style-type: none"> • control and distribution of water; • reclamation and irrigation of land; • development of forests, water and hydroelectric power; • navigation of waterways; • control of excesses of water; • preserving and restoring purity and sanitary condition of water; • conservation of natural resources. § 54.012 	Control, preservation and distribution of Colorado River watershed waters within LCRA boundaries for: <ul style="list-style-type: none"> • irrigation; • power generation; • land reclamation; • parklands; • conservation and development of water; • conservation and development of forests. § 222.001; 222.004; 222.016
General Ordinance or Rule-making Authority	As necessary to implement the purposes for which the district was created. § 49.211.	May adopt rules to: <ul style="list-style-type: none"> • maintain safe and sanitary sewer system; • preserve the sanitary condition of water controlled by the district; • prevent waste or unauthorized use of water; • regulate privileges on district property (i.e., hunting, fishing, boating, camping). • maintain safe and adequate freshwater distribution system. § 51.127 	May adopt rules to: <ul style="list-style-type: none"> • maintain safe and sanitary sewer system; • preserve the sanitary condition of water controlled by the district; • prevent waste or unauthorized use of water; • regulate privileges on district property (i.e., hunting, fishing, boating, camping). • maintain safe and adequate freshwater distribution system. § 54.205 	May adopt rules as necessary to implement the purposes for which the district was created. §§ 222.001; 222.004; 222.016 May adopt and enforce pollution control rules through exercise of police powers within LCRA boundaries. § 222.004(q)

LEGAL AUTHORITY OR POWER	All Art. XVI, Sec. 59 Water Districts - Powers Under Chap. 49 Tx. Water Code (LCRA; WCIDs; MUDs)	Water Control and Improvement Districts (WCIDs)	Municipal Utility Districts (MUDs)	Lower Colorado River Authority (LCRA)
Power to Acquire, Construct and Operate Facilities	May acquire, construct, operate, improve or extend facilities necessary for accomplishment of district's purposes, both inside and outside district boundaries. § 49.211	May construct works and improvements necessary for: <ul style="list-style-type: none"> • prevention of floods; • irrigation of land within district; • drainage of land within district; • construction of flood control levees; • alteration of land elevations; • supplying of water. § 51.125 	May acquire, construct, operate, improve or extend facilities inside and outside district boundaries for: <ul style="list-style-type: none"> • supply of water; • processing, disposal or control of any wastes; • diverting and controlling local storm water in the district; • irrigating land in the district; • altering land elevations in the district; • navigating waterways; • providing parks and recreational facilities. § 54.201 	May acquire, maintain, use and operate property of any kind within or outside LCRA boundaries. § 222.004(f) May construct, extend, improve, maintain, reconstruct, use and operate any facilities necessary and convenient to the exercise of its powers. § 222.004(j) May construct, own and operate a sewage collection, treatment & disposal system to protect the waters of the Colorado River within LCRA boundaries. § 222.004(r)
Extent of District Boundaries	[Refer to specific statute authorizing particular type of district]	May encompass one or more counties, cities or political subdivisions. Boundaries may encompass separate, non-contiguous tracts of land. § 51.012	May encompass one or more counties, cities or political subdivisions. Boundaries may encompass separate, non-contiguous tracts of land. § 54.103	All land within 10 counties: Blanco, Burnet, Llano, Travis, Bastrop, Fayette, Colorado, Wharton, San Saba, and Matagorda (not Hays County) § 222.003
Regulation and Control of Water Pollution	May investigate conditions relating to water quality and compliance with district's water quality rules. § 49.221	May provide for the protection, preservation and restoration of purity and sanitary condition of any water in the state. § 51.121 May prevent waste of water. § 51.127	May provide for the protection, preservation and restoration of purity and sanitary condition of any water in the state. § 54.012 May prevent waste of water. § 54.205	May provide for the study, correcting and control of artificial and natural pollution of all groundwater and surface water of Colorado River watershed waters within LCRA's boundaries. May adopt and enforce pollution control rules within LCRA boundaries. § 222.004(q)

LEGAL AUTHORITY OR POWER	All Art. XVI, Sec. 59 Water Districts - Powers Under Chap. 49 Tx. Water Code (LCRA; WCIDs; MUDs)	Water Control and Improvement Districts (WCIDs)	Municipal Utility Districts (MUDs)	Lower Colorado River Authority (LCRA)
Regulation and Control of Wastes and Wastewater	May contract for collection, conveyance, treatment and disposal of wastes. § 49.213	May provide for restoration of purity and sanitary condition of any water. § 51.121; § 51.127. May maintain a sanitary sewer system. § 51.127	May take any action to collect, transport, process, dispose and control wastes. § 54.201. May maintain and regulate a sanitary sewer system and preserve the sanitary condition of water. § 54.205	May own and operate a sewage and waste collection, treatment and disposal system and provide such services within LCRA boundaries. § 222.004(r)
Drainage and Flood Control	May adopt a master drainage plan including plan and design criteria for drainage control facilities and flood control improvements. May adopt rules for construction activity concerning drainage and flood control. § 49.211(c) May contract for diverting and control of local storm water. § 49.213	May construct facilities for flood control, drainage of land, and alteration of land elevations. §§ 51.121; 51.125 May control and abate harmful excesses of water. § 54.121	May construct facilities for control and drainage of local storm water. §§ 54.012; 54.201 May control and abate harmful excesses of water. § 54.012	May control Colorado River watershed waters within LCRA boundaries for reclamation of land and conservation and development of water. § 222.001 May prevent soil erosion, floods, and damage to persons or property from Colorado River waters. § 222.004(e).
Regulation of Soil Erosion and Soil Conservation	No specific statutory authority to regulate soil conservation practices, other than power to regulate drainage and storm water controls.	May take actions necessary for reclamation and irrigation of land and forests; for control of harmful excesses of water; and for conservation of natural resources. § 51.121	May take actions necessary for reclamation and irrigation of land and forests; for control of harmful excesses of water; and for conservation of natural resources. § 54.012	May take action necessary for land reclamation, and conservation of water and forests, § 222.001; 22.004 May prevent soil erosion within Colorado River watershed lands within LCRA boundaries. § 222.004(e); § 222.013(c)
Regulation of Subdivision Plats	No specific statutory authority to regulate subdivision plats.	No specific statutory authority to regulate subdivision plats.	No specific statutory authority to regulate subdivision plats.	No specific statutory authority to regulate subdivision plats.
Zoning	No specific statutory authority to regulate zoning.	No specific statutory authority to regulate zoning.	No specific statutory authority to regulate zoning.	No specific statutory authority to regulate zoning.

LEGAL AUTHORITY OR POWER	All Art. XVI, Sec. 59 Water Districts - Powers Under Chap. 49 Tx. Water Code (LCRA; WCIDs; MUDs)	Water Control and Improvement Districts (WCIDs)	Municipal Utility Districts (MUDs)	Lower Colorado River Authority (LCRA)
Enter Into Developer Agreements	<p>May enter into contracts with any person for:</p> <ul style="list-style-type: none"> • purchase/sale of water; • collection, treatment & disposal of wastes; • control of local storm water; • orderly development of land in the district; • O & M of district facilities. § 49.213 	<p>May enter into any contracts as necessary to accomplish its purposes. § 51.121</p>	<p>May enter into any contracts as necessary to accomplish its purposes. § 54.201</p>	<p>May enter into any contracts as necessary to accomplish its purposes. §§222.001; 222.004</p>
Ownership and Operation of Proprietary Water/Sewer Utility	<p>May construct all facilities necessary to accomplish its purposes, either inside or outside its boundaries. § 49.211</p>	<p>May construct works and improvements necessary for:</p> <ul style="list-style-type: none"> • prevention of floods; • irrigation of land within district; • drainage of land within district; • construction of flood control levees; • alteration of land elevations; • supplying of water. § 51.125 	<p>May acquire, construct, operate, improve or extend facilities inside and outside district boundaries for:</p> <ul style="list-style-type: none"> • supply of water; • processing, disposal or control of any wastes; • diverting and controlling local storm water in the district; • irrigating land in the district; 	<p>May construct, extend, improve, maintain, reconstruct, use and operate any facilities necessary and convenient to the exercise of its powers. § 222.004(j)</p> <p>May construct, own and operate a sewage collection, treatment & disposal system to protect the waters of the Colorado River within LCRA boundaries. § 222.004(r)</p>
Regulate Utility Design and Operations	<p>No specific statutory authority to regulate design and operations of non-district utility facilities.</p>	<p>No specific statutory authority to regulate design and operations of non-district utility facilities.</p>	<p>No specific statutory authority to regulate design and operations of non-district utility facilities.</p>	<p>No specific statutory authority to regulate design and operations of non-LCRA utility facilities.</p>

LEGAL AUTHORITY OR POWER	All Art. XVI, Sec. 59 Water Districts - Powers Under Chap. 49 Tx. Water Code (LCRA; WCIDs; MUDs)	Water Control and Improvement Districts (WCIDs)	Municipal Utility Districts (MUDs)	Lower Colorado River Authority (LCRA)
Regulation of On-Site Sewerage Facilities (septic tanks)	District that operates a wastewater system may prohibit installation of private on-site wastewater holding or treatment facilities. § 49.234	No specific statutory authority to regulate on-site sewerage facilities.	No specific statutory authority to regulate on-site sewerage facilities.	TCEQ authorized LCRA jurisdiction over 2,200 feet from msl contour of Highland Lakes (includes area within cities of Jonestown, Briarcliff, Lakeway, Lago Vista, and Granite Shoals). §§ 366.001 - .071 THSC
Solid Waste Management	May enter into contracts for treatment & disposal of municipal solid wastes and other wastes. § 49.213	No specific statutory authority to regulate solid waste management	No specific statutory authority to regulate solid waste management	No specific statutory authority to regulate solid waste management, but may enforce pollution control rules within its boundaries. § 222.004(q)
Litter, Nuisances and Unsanitary Conditions	May investigate conditions relating to water quality and compliance with district's water quality rules. § 49.221	May provide for the protection, preservation and restoration of purity and sanitary condition of any water in the state. § 51.121 May prevent waste of water. § 51.127	May provide for the protection, preservation and restoration of purity and sanitary condition of any water in the state. § 54.012 May prevent waste of water. § 54.205	May provide for the study, correcting and control of artificial and natural pollution of all groundwater and surface water of Colorado River watershed waters within LCRA's boundaries. May adopt and enforce pollution control rules within LCRA boundaries. § 222.004(q)
Parklands and Recreational Facilities	May develop parks and recreational facilities (including landscaping, parkways, greenbelts, sidewalks, trails, public r-o-w beautification projects and associated street lighting). §§ 49.461 - .466	No specific authority to develop parklands and recreational facilities other than as granted to all water districts under §§ 49.461 - .466.	May construct parks and recreational facilities to serve inhabitants of the MUD. § 54.201.	May develop and manage parks, recreational facilities and natural science labs and promote the preservation of fish & wildlife within LCRA boundaries. § 222.004(s)

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Eminent Domain and Condemnation	May acquire by eminent domain any interest in property (except groundwater rights) necessary to accomplish its purposes. § 49.222	No specific eminent domain powers other than as granted to all water districts under § 49.222.	No specific eminent domain powers other than as granted to all water districts under § 49.222.	May condemn an interest in property inside or outside its boundaries (except property of a political subdivision) necessary or convenient to the exercise of its powers. § 222.004(g)
Require Financial Assurance of Developers	No specific statutory authority to require financial assurance of land developers.	No specific statutory authority to require financial assurance of land developers.	No specific statutory authority to require financial assurance of land developers.	No specific statutory authority to require financial assurance of land developers.
Power to Enter and Inspect Private Property	May go onto private or public property to inspect, survey & test property for suitability for placement of district facilities. May inspect and investigate conditions relating to water quality or compliance with district rules, permits or orders. § 49.221	No specific power to enter property other than as granted to all water districts under § 49.221.	No specific power to enter property other than as granted to all water districts under § 49.221.	May adopt and enforce pollution control rules through exercise of police powers within LCRA boundaries. § 222.004(q)
Enforcement Authority	May set civil penalties for breach of any district rule up to jurisdiction of J.P. court (\$5,000) and recover attorney fees and court costs. § 49.004	No specific enforcement powers other than as granted to all water districts under § 49.004.	No specific enforcement powers other than as granted to all water districts under § 49.004.	May adopt and enforce pollution control rules through exercise of police powers within LCRA boundaries. § 222.004(q)
Right to Convert to Another Type of District	Any Art. XVI, Sec. 59 water district may convert to a WCID or a MUD. § 51.040; § 54.030	May convert to a MUD or to a freshwater supply district. § 54.030; § 51.045	May convert to a WCID. § 51.040	No specific power to convert to another type of district.