



## ATTACHMENT III

### COMMERCIAL OPERATING LICENSE GUIDELINES

[\_\_\_\_], 2025

This Attachment III – Commercial Operating License Guidelines (these “Guidelines”) shall be known and may be cited as the Tarrant Regional Water District Commercial Operating License Guidelines. These Guidelines shall regulate and apply to all **Annual Operating Licenses**, **Temporary Operating Licenses** and **Special Operating Licenses** issued by the District.

These Guidelines supplement the rules and regulations in the Tarrant Regional Water District General Ordinance, as adopted by the District’s Board of Directors on [\_\_\_\_], 2025 (the “General Ordinance”). The terms, provisions, and guidelines contained in these Guidelines are to be construed in conjunction with the General Ordinance, which is incorporated herein by reference. Capitalized terms used but not defined in these Guidelines will have the meaning given to them in the General Ordinance.

An **Annual Operating License** is required to operate a Commercial Facility on District Land or District Water. The Annual Operating License is valid for one (1) year and must be renewed annually. An Annual Operating License is always required when a Commercial Facility is operated on District Land or District Water.

A **Temporary Operating License** is required to operate a Commercial Facility on District Land or District Water after being deemed a Noncompliant Commercial Facility. A Temporary Operating License is valid for a period set by the District, not to exceed one (1) year. A Temporary Operating License is always required for a Noncompliant Commercial Facility that intends to operate during the time between it is deemed a Noncompliant Commercial Facility and when it is brought back into compliance with the General Ordinance.

A **Special Operating License** is required to operate a Commercial Activity on District Land or District Water. The Special Operating License is for Commercial Activities that will operate for one (1) year or less. The Special Operating License is valid for up to one (1) year or other period approved by District.

Commercial Activities are regulated by the General Ordinance and these Guidelines. No Commercial Facility may operate on District Land or District Water without the appropriate license issued by the District.

Always check the District's website or District Reservoirs' offices for the most recent version of these Guidelines.

## **SECTION 1. OPERATING LICENSE APPLICATION REQUIREMENTS**

**Section 1.01** Before any Annual Operating Licenses, Temporary Operating Licenses or Special Operating Licenses (collectively referred to herein as an "Operating License") may be considered, a complete application must be submitted electronically into the District's online permitting system, accessible through the TRWD website, along with such other documents or information as reasonably requested by the District or as required under the General Ordinance.

**Section 1.02** All fees must be paid before a permit or license is issued, unless a written alternative payment schedule is agreed upon. An Operating License application will not be considered until the applicable non-refundable application fee has been paid to the District. The District may charge fees for District Inspector review time.

**Section 1.03** Annual Operating License applications submitted to the appropriate District department will be processed in accordance with Section 8 of the General Ordinance and these Guidelines.

### **Section 1.04** Fee Schedule.

- (a) For an Annual Operating License:
  - (1) \$50.00 for a Commercial Facility under 1,200 square feet; and
  - (2) \$50.00 plus \$0.10 (ten cents) per square foot for a Commercial Facility over 1,200 square feet;
- (b) \$100.00 for a Temporary Operating License; and
- (c) \$500.000 for a Special Operating License.

**Section 1.05** Required Attachments. The following must be submitted with any Operating License application electronically into the District's online permitting system, accessible through the TRWD website:

- (a) If an application for a Temporary Operating License, a completed Commercial Facility Construction Permit application; and
- (b) If the Commercial Facility has boat slips, include attachment identifying whether the boat slips are covered or uncovered boat slips, and how many.

## **SECTION 2. LICENSING PROCEDURE.**

**Section 2.01** An Operating License application shall be considered to have been filed on the date that it is received by the appropriate District department. District staff shall not accept any application that is incomplete. The appropriate District department shall review an Operating

License application within ten (10) business days of receipt and declare the application either accepted for consideration or rejected. In the event the Operating License application is rejected, the applicant will be required to submit a new application for any further consideration. Acceptance of an Operating License application during the administrative review phase only indicates that the application contains all necessary information for consideration. Such acceptance is unrelated to the outcomes of subsequent phases of the application process.

**Section 2.02** The appropriate District department shall notify the applicant that their Operating License application has been accepted. Accepted Operating License applications shall proceed to the technical review phase.

**Section 2.03** District staff shall commence a technical review of an Operating License application after it is deemed administratively accepted. District staff shall consider any information submitted in the application. During the technical review, District staff shall notify the applicant of any additional information necessary to complete the review. The applicant shall provide the requested information within a period of ten (10) business days, unless otherwise authorized in writing by the District. Once the applicant has submitted all required information, the District staff shall complete the technical review within a reasonable timeframe, not to exceed thirty (30) business days.

**Section 2.04** If the applicant fails to provide further information as requested by District staff within the prescribed time period, unless the time period is extended in writing by District staff, the Operating License application shall be deemed technically incomplete and rejected. There shall be no restriction on subsequent Operating License applications.

**Section 2.05** Upon a determination that an application for an Operating License is technically approved, a final permit decision shall be made in accordance with Section 1.04(h).

**Section 2.06** An application may be amended at any time prior to the issuance of a permit for non-substantive changes. Non-substantive changes include slight alterations that do not change the size, footprint, or location of the Commercial Facility. Substantive changes may be proposed prior to the completion of the technical review phase. However, after completion of the technical review phase, substantive changes shall require a new Operating License application.

**Section 2.07** An Operating License application may be withdrawn at any time prior to the issuance of an Operating License. An applicant may request an extension of any deadline during the administrative review or technical review phases. Extension requests must be in writing and shall explain in detail the need for additional time. Such requests shall be subject to written approval by the District.

**Section 2.08** Upon completion of the technical review, District staff shall coordinate any necessary changes with the applicant and make a determination to approve, approve in part, or deny the Operating License application. If District staff approve the Operating License in full or approves the Operating License in part, District staff shall prepare and deliver, either by mail or electronic transmission, including the District's online permitting software system, a proposed Operating License to the applicant, which may include any conditions that the District deems appropriate, including a change in the proposed location of the Commercial Facility or necessary

modifications thereto. If District staff denies the Operating License, District staff shall deliver, either by mail or electronic transmission, a letter notifying the applicant that the Operating License has been denied. The applicant shall have thirty (30) calendar days to provide written comments, if any, to District staff. District staff shall then have ten (10) business days to consider applicant's comments and either issue an Operating License or reaffirm denial of such Operating License. A copy of the executed Operating License shall be delivered to the applicant either by mail, electronic transmission or the District's online permitting system.

#### **Section 2.09      Inspections**

(a) All Commercial Facilities are subject to the inspection requirements established in section 9.07 of the General Ordinance.

(b) District Inspectors or authorized representatives may be dispatched to the address specified in the license application during normal business hours to conduct inspections and ensure compliance with the General Ordinance and these Guidelines. Denying access may result in the immediate revocation of any District-issued license. The District may charge fees for the time spent by District Inspectors during these reviews, not to exceed \$50.00 per visit.

### **SECTION 3. ENVIRONMENTAL, SANITATION, AND POLLUTION CONTROL REGULATIONS.**

**Section 3.01** Commercial facilities with fifty (50) or more Boat slips accommodating Watercraft with Toilet Facilities must have a certified holding tank pump-out facility.

**Section 3.02** Watercraft sewage must be disposed of via a certified pump-out facility per Texas Commission on Environmental Quality regulations (Section 321.3). Certification must be displayed as required by the Texas Commission on Environmental Quality regulations (Section 321.9).

**Section 3.03** Sewage from pump-out facilities must be discharged into an approved private Sewage facility, a licensed vacuum truck, or a permitted Sewage treatment plant.

**Section 3.04** Fuel Facilities must prevent fuel and pollutant discharge into District Water and onto District Land. Maintenance and paint application/removal must avoid contaminating District Water and District Land.

**Section 3.05** Spills must be reported to the District within twenty-four (24) hours, including details on time, substance, cause, quantity, and cleanup efforts.

**Section 3.06** On-site garbage and trash collection facilities must be provided, with timely removal arranged by the facility owner or operator.

## **SECTION 4. INSURANCE.**

**Section 4.01** Each Commercial Facility shall maintain comprehensive general liability insurance in such amounts and on such terms as shall be required by the District from time to time.

**Section 4.02** A certificate of insurance and a copy of the full policy showing the District as an additional insured, with a waiver of subrogation, and providing that such insurance may not be canceled without thirty (30) days written notice to the District, shall be furnished to the District:

- (a) Upon reasonable request by the District;
- (b) Prior the issuance of an Annual Operating License or Temporary Operating Permit; and
- (c) Before issuance, and at any time after the issuance, of a Construction Permit or Landowner Improvement Permit.

**Section 4.03** As of the date hereof, Commercial Facility insurance requirements are as follows:

- (a) The minimum level of acceptable liability insurance coverage shall be \$100,000 per person and \$300,000 per occurrence.
- (b) The minimum level of acceptable property insurance coverage shall be \$100,000.
- (c) The maximum acceptable insurance deductible shall be \$25,000.
- (d) The insurance company providing the above coverage must be acceptable to the District.

**Section 4.04** Community Docks are considered a Commercial Activity subject to these Guidelines and the General Ordinance; provided, however, Community Dock owners will not be required to meet insurance requirements or pay the annual square-foot fee if they meet all of the following criteria:

- (a) The Community Dock is 1200 square feet or less in size;
- (b) The Community Dock is used exclusively by members of a development, property owners' association, homeowners' association, or multi-family residence complex; and
- (c) The Community Dock is used only by current residents or property owners of the development, association, or complex.

## **SECTION 5. NONCOMPLYING, DILAPIDATED, ABANDONED, OR NUISANCE COMMERCIAL FACILITIES.**

**Section 5.01** Noncomplying Commercial Facilities must obtain a Temporary Operating License in accordance with Section 8.05 of the General Ordinance.

**Section 5.02** Notwithstanding any provision in the General Ordinance, the District has the sole discretion to deny or revoke a Commercial Facility's Annual Operating License if after inspection the District determines that:

- (a) The Commercial Facility is a Noncomplying Commercial Facility;
- (b) That the Commercial Facility permit would cause or contribute to unsafe Watercraft traffic or congestion on District Waters; or
- (c) That the applicant or owner of the proposed Commercial Facility has not shown sufficient financial ability to complete or operate the facility satisfactorily or in compliance with the General Ordinance or applicable law.

**Section 5.03** Any Commercial Facility deemed a Noncomplying Commercial Facility must be repaired by the owner to comply with Section 9.15 of the General Ordinance, or it will be demolished or removed by the District at the facility owner's expense. The District shall have no liability to the owner for the removal of any such facility.

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