

SUBCHAPTER E : UNAUTHORIZED LEVEES AND OTHER IMPROVEMENTS

§301.61. Construction Without Authorization.

If any person, corporation, political subdivision, or other entity has constructed or begun work upon a levee or other improvement for which commission approval is required by the Texas Water Code and this chapter, and if commission approval has not been obtained for such project, the executive director shall immediately notify the person, corporation, political subdivision, or other entity that it is in violation of the Texas Water Code and this chapter, and that unless the project is brought into compliance with the criteria and requirements of the Texas Water Code and this chapter within a period of time determined appropriate by the executive director and stated in such notice, the executive director may request the attorney general or the appropriate court for appropriate remedies under the Texas Water Code. At the expiration of the time period stated in such notice, the executive director may request its legal representative to institute such action in the courts.

§301.62. Removal or Modification of Levees and Other Improvements.

Removal or modification of a levee and/or other improvement shall be done at the owner's expense, and except for emergency action required to protect lives and property, only after executive director approval. The executive director may require the owner to provide plans and specifications. The executive director may seek an order from the commission or an injunction through the attorney general and the courts requiring the removal or modification of levees or other improvements which are not authorized by law or which have been determined to pose an unacceptable hazard to lives or property.

§301.63. Emergency Action.

Emergency orders may be issued, without notice to the owner, directing the owner of a levee or other improvement to take immediate and appropriate action to remedy situations posing serious threat to human life, health and/or property.

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