ORDINANCE NO. 591

AN ORDINANCE EXTENDING THE
EXTRA TERRITORIAL JURISDICTION OF
THE TOWN OF FULSHEAR, TEXAS

WHEREAS, heretofore, on the 21st day of January, 1983, Jamie W. Roberts, Mayor, of the Town of Fulshear, Texas submitted to the Board of Alderman, a petition executed by persons who are all of the owners of the area of the hereinafter described property; and

WHEREAS, on January 21, 1983 at 7:30 P.M. in the City Council Chambers at 199 Main in the Town of Fulshear, Texas a hearing was held pursuant to petition application and every person interested in the extension of the Extra Territorial Jurisdiction of the Town of Fulshear over such territory was given an opportunity to appear and be heard, after which hearing the Town of Fulshear, Texas, considered all the testimony of the persons appearing thereto and did determine that such property herein described is proper to consider for inclusion within the Extra Territorial Jurisdiction of the Town of Fulshear, Texas, and an ordinance was passed as follows:

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF FULSHEAR, TEXAS:

Section I. Based on the testimony of witnesses and parties appearing at the hearing held in the City Council Chambers at 199 Main , in the Town of Fulshear, Texas, at 7:30 P.M. on January 21, 1983 , the Board of Alderman does hereby expressly determine and find the following:

1. The Board of Alderman does find that the petition for extension of Extra Territorial Jurisdiction of the Town of Fulshear over the lands herein described in Section III is executed by all of the owners of the lands herein described in Section III.

2. The Board of Alderman does find that the lands petitioned to be included within the Extra Territorial Jurisdiction of the Town of Fulshear and hereinafter described in Section III

do adjoin and are contiguous to the present City limits and/or Extra Territorial Jurisdiction of the Town of Fulshear, Texas.

3. The Board of Alderman does find that there are no claims that any part of such lands are territory hereinafter described in Section III is in conflict with the Extra Territorial Jurisdiction of any other city.

Section II. That by virtue of the authority vested in The Town of Fulshear, Texas, as a General Law City under the laws of the State of Texas, and by adoption of Title 28, of Vernon's Annotated Civil Statutes of the State of Texas, and particularly Vernon's Ann. Civ. St., Art. 970a, the lands and territory described in Section III hereof be and the same is hereby included in the Extra Territorial Jurisdiction of the Town of Fulshear, Texas, and said lands and territory shall hereinafter be included within the Extra Territorial Jurisdiction of the Town of Fulshear, Texas.

Section III. That the lands and territory included within the Extra Territorial Jurisdiction of the Town of Fulshear, Texas, by this ordinance is described by metes and bounds as follows, to-wit:

METES AND BOUNDS DESCRIPTION
4,724.794 ACRES
FOSTER TRACT
EXTENSION OF EXTRA TERRITORIAL JURISDICTION
TOWN OF FULSHEAR

Being a tract or parcel of land containing 4,724.794 acres, located in the John Foster 2½ League Grant, Abstract 26, in Fort Bend County, Texas; said 4,724.794 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a stake in the center of Cottonwood Bayou (sometimes known as Jones Creek), said point also being on the Extra Territorial Jurisdiction Line of the Town of Fulshear, and also being on the common line between the Randon & Pennington League and the John Foster 2½ League Grant;

THENCE, S 67° 36' 50" E, leaving said common line and following the centerline of said creek, same being the Extra Territorial Jurisdiction Line of the Town of Fulshear, a distance of 2,041.63 feet more or less, to a point from which the Extra Territorial Jurisdiction Line of the Town of Fulshear bears in a northerly direction, same being a corner of the tract herein described;

THENCE, leaving said Extra Territorial Jurisdiction Line of the Town of Fulshear and continuing along said centerline of Jones Creek as follows:

S 75° 34' 10" E, a distance of 999.67 feet;
S 79° 06' 20" E, a distance of 320.08 feet;
N 74° 23' 30" E, a distance of 196.72 feet;

THENCE, N 53° 03' 50" E, a distance of 658.00 feet to a point on which the Extra Territorial Jurisdiction Line of the Town of Fulshear and said centerline of Jones Creek intersect;

THENCE, N 49° 12' 00" E, along said Extra Territorial Jurisdiction Line of the Town of Fulshear and also along the meanders of said centerline of Jones Creek, a distance of 247.48 feet more or less, to a corner of the tract herein described, same being 4,074.00 feet more or less, east of the west boundary line of said Foster Grant;

THENCE, S 00° 28' 00" W, leaving said centerline of Jones Creek and continuing along the Extra Territorial Jurisdiction Line of the Town of Fulshear, a distance of 54.85 feet more or less, to a point on the south bank of said Jones Creek, same being a corner of the tract herein described;

THENCE, along said Extra Territorial Jurisdiction Line of the Town of Fulshear, and also along the meanders of said south bank of Jones Creek as follows:

N 49° 12' 00" E, a distance of 37.99 feet;
N 73° 12' 20" E, a distance of 277.48 feet;
N 64° 11' 20" E, a distance of 114.44 feet;
N 54° 31' 20" E, a distance of 145.76 feet;
N 44° 04' 20" E, a distance of 706.04 feet;
N 42° 29' 20" E, a distance of 285.46 feet;
N 35° 17' 20" E, a distance of 345.87 feet;

THENCE, N 31° 11' 15" E, a distance of 402.71 feet to a point in said south bank, same being a corner of the tract herein described;

THENCE, N 00° 22' 00" E, leaving said south bank and continuing along the Extra Territorial Jurisdiction Line of the Town of Fulshear, at a distance of 80.47 feet more or less, pass the centerline of Cottonwood Bayou (sometimes known as Jones Creek), at a distance of 2,392.00 feet more or less, pass the centerline of Flewellen Creek, at a distance of 6,718.00 feet more or less, pass an iron pipe, and a total distance of 7,242.00 feet more or less, to a corner of the tract herein described;

THENCE, S 89° 15' 00" E, leaving said Extra Territorial Jurisdiction Line of the Town of Fulshear, a distance of 1,834.00 feet more or less, to an iron pipe, for a corner of the tract herein described;

THENCE, S 00° 40' 10" W, a distance of 1,613.96 feet more or less, to an iron pipe for corner of the tract herein described;

THENCE, S 00° 51' 10" W, at a distance of 2,100.00 feet more or less, pass the centerline of Flewellen Creek and a total distance of 2,431.50 feet more or less, to a point on the westerly R.O.W. line of Winner-Foster Road, same being a corner of the tract herein described;

THENCE, S 00° 23' 43" W, leaving last aforementioned westerly R.O.W. line and along a line in Winner-Foster Road, a distance of 4,696.5 feet more or less, to a corner of the tract herein described;

THENCE, S 01° 23' 00" W, at a distance of 9.20 feet more or less, pass a corner post in the southeast line of said Winner-Foster Road and a total distance of 1,415.80 feet more or less, to a corner of the tract herein described;

THENCE, N 89° 51' 10" E, a distance of 1,638.16 feet more or less, to a point on the centerline of Jones Creek, same being a corner of the tract herein described;

THENCE, in a southeasterly direction, along the meanders of said centerline of Jones Creek as follows:

S 86° 10' 20" E, a distance of 206.15 feet;
S 65° 44' 50" E, a distance of 129.70 feet;
S 49° 08' 50" E, a distance of 140.90 feet;
S 35° 24' 50" E, a distance of 853.60 feet;
S 51° 33' 50" E, a distance of 179.20 feet;
S 69° 36' 50" E, a distance of 252.00 feet;
S 77° 26' 50" E, a distance of 253.10 feet;

THENCE, S 89° 42' 50" E, a distance of 173.60 feet to a piont on said centerline, same being a corner of the tract herein described;

THENCE, S 00° 51' 50" E, leaving said centerline of Jones Creek, a distance of 101.80 feet more or less, to a piont on the bank of said Creek, same being a corner of the tract herein described;

THENCE, S 00° 31' 10" W, leaving said bank of Jones Creek, a distance of 1,532.80 feet more or less, to a point on said centerline of Jones Creek, same being a corner of the tract herein described;

THENCE, in a northeasterly direction, along the meanders of said centerline of Jones Creek as follows:

S 67° 55' 50" E, a distance of 179.20 feet;
S 74° 05' 10" E, a distance of 209.70 feet;
N 84° 19' 00" E, a distance of 345.70 feet;
N 74° 03' 50" E, a distance of 406.00 feet;
N 60° 15' 10" E, a distance of 249.50 feet;
N 40° 38' 10" E, a distance of 140.10 feet;
N 29° 35' 50" E, a distance of 206.30 feet;
N 37° 10' 30" E, a distance of 179.60 feet;
N 46° 43' 10" E, a distance of 231.00 feet;
N 58° 14' 30" E, a distance of 210.50 feet;
N 60° 56' 30" E, a distance of 234.75 feet;
N 63° 58' 20" E, a distance of 209.90 feet;
N 76° 21' 50" E, a distance of 245.40 feet;
N 84° 51' 30" E, a distance of 314.25 feet;
S 87° 07' 30" E, a distance of 228.80 feet;

THENCE, S 77° 50' 00" E, a distance of 125.98 feet more or less, to a point for corner of the tract herein described;

THENCE, due North, leaving said centerline of Jones Creek, a distance of 150.94 feet more or less, to a point on the north bank of said Creek, same being a corner of the tract herein described;

THENCE, along the meanders of said north bank of Jones Creek as follows:

S 79° 35' 00" E, a distance of 195.00 feet;
S 72° 35' 00" E, a distance of 360.00 feet;
N 82° 25' 00" E, a distance of 270.00 feet;
N 28° 44' 00" E, a distance of 270.00 feet;
N 10° 46' 00" W, a distance of 350.00 feet;
N 07° 09' 00" W, a distance of 300.00 feet;
N 03° 39' 00" W, a distance of 300.00 feet;
N 06° 07' 00" E, a distance of 300.00 feet;

THENCE, N 02° 22' 00" W, a distance of 50.89 feet to a point for corner of the tract herein described;

THENCE, S 78° 02' 50" E, leaving the bank of said Creek, a distance of 206.39 feet more or less, to an interior corner of the tract herein described;

THENCE, N 11° 57' 10" E, a distance of 23.31 feet more or less, to a point for corner of the tract herein described, same being on the southerly R.O.W. line of State Farm Market Road No. 359;

THENCE, S 69° 22' 20" E, along said southerly R.O.W. line, a distance of 1,402.20 feet more or less, to the point of curve of a curve to the right;

THENCE, in a southeasterly direction following said curve to the right, having a central angle of 01° 24' 16", a radius of 3,770.00 feet, a length of 92.41 feet, a tangent of 46.21 feet, and a chord which bears S 68° 40' 12" E, a distance of 92.41 feet to the point of tangent, same being a corner of the tract herein described;

THENCE, due South, at a distance of 2,400.00 feet more or less, pass the centerline of an abandoned railroad, and a total distance of 4,516.14 feet more or less, to a concrete monument on the north R.O.W. line of Beadle Road (based on a width of 80.00 feet), same being a corner of the tract herein described;

THENCE, N 89° 33' 20" W, along said north R.O.W. line, a distance of 13,321.94 feet more or less, to an iron pipe at the intersection of said north R.O.W. line with the east R.O.W. line of Stratmore Road, same being a corner of the tract herein described;

THENCE, S 00° 22' 50" W, leaving said north R.O.W. line, a distance of 80.00 feet more or less, to an iron pipe marking the intersection of the south R.O.W. line of Beadle Road with said east R.O.W. line of Stratmore Road, same being a corner of the tract herein described;

THENCE, S 89° 33' 20" E, leaving said east R.O.W. line and along said south R.O.W. line, a distance of 13,322.47 feet more or less, to a concrete monument for a corner of the tract herein described;

THENCE, S 00° 12' 10" E, leaving said southerly R.O.W. line, a distance of 222.50 feet more or less, to a concrete monument, same being an interior corner of the tract herein described;

THENCE, S 88° 08' 40" E, a distance of 331.42 feet more or less, to a concrete monument on the common line between William Andrews League A-3 and John Foster League Grant A-26, same being a corner of the tract herein described;

THENCE, S 00° 22' 00" W, along said common line, a distance of 8,803.69 feet more or less, to a concrete monument, same being a corner of the tract herein described;

THENCE, S 03° 30' 20" W, continuing along said common line, a distance of 1,460.00 feet more or less, to a concrete monument on the northerly R.O.W. line of Evans Road (based on a width of 40.00 feet), same being a corner of the tract herein described;

THENCE, S 71° 27' 40" W, along said northerly R.O.W. line, a distance of 193.60 feet to a corner of the tract herein described;

THENCE, S 83° 50' 20" W, continuing along said northerly R.O.W. line, a distance of 94.60 feet more or less, to a corner of the tract herein described;

THENCE, N 78° 13' 00" W, continuing along said northerly R.O.W. line, a distance of 123.30 feet more or less, to a corner of the tract herein described;

THENCE, N 70° 02' 40" W, continuing along said northerly R.O.W. line, a distance of 196.30 feet more or less, to a corner of the tract herein described;

THENCE, N 60° 18' 40" W, continuing along said northerly R.O.W. line, a distance of 154.40 feet more or less, to a corner of the tract herein described;

THENCE, N 53° 46' 30" W, continuing along said northerly R.O.W. line, a distance of 2,586.55 feet more or less, to a corner of the tract herein described;

THENCE, N 59° 42' 20" W, continuing along said northerly R.O.W. line, a distance of 167.80 feet more or less, to a corner of the tract herein described;

THENCE, N 64° 01' 30" W, continuing along said northerly R.O.W. line, a distance of 1,714.80 feet more or less, to a corner of the tract herein described;

THENCE, S 17° 17' 30" W, leaving said northerly R.O.W. line, a distance of 40.16 feet more or less, to a point on the southerly R.O.W. line of said Road, same being a corner of the tract herein described;

THENCE, S 00° 48' 00" W, leaving said southerly R.O.W. line, a distance of 1,525.20 feet more or less, to a point on the northerly bank of the Brazos River, same being a corner of the tract herein described;

THENCE, along the meanders of said Brazos River northerly bank as follows:

N 59° 13' 40" W, a distance of 152.20 feet;
N 43° 59' 50" W, a distance of 258.50 feet;
N 45° 15' 20" W, a distance of 328.10 feet;
N 21° 22' 30" W, a distance of 292.20 feet;
N 19° 25' 20" W, a distance of 461.00 feet;
N 32° 55' 30" W, a distance of 889.20 feet;
N 22° 53' 00" W, a distance of 381.20 feet;
N 32° 59' 30" W, a distance of 705.90 feet;
N 59° 22' 40" W, a distance of 535.00 feet;
N 75° 02' 40" W, a distance of 643.50 feet;
S 87° 41' 00" W, a distance of 259.31 feet;
S 69° 21' 20" W, a distance of 397.00 feet;
S 52° 15' 20" W, a distance of 756.00 feet;
S 47° 48' 20" W, a distance of 470.70 feet;
S 44° 53' 20" W, a distance of 240.25 feet;
S 13° 52' 20" W, a distance of 130.20 feet;
S 32° 12' 00" W, a distance of 429.30 feet;
S 23° 12' 00" W, a distance of 149.10 feet;
S 30° 10' 00" W, a distance of 104.75 feet;
S 32° 13' 20" W, a distance of 163.70 feet;
S 28° 19' 40" W, a distance of 210.40 feet;
S 35° 27' 10" W, a distance of 374.80 feet;
S 28° 11' 40" W, a distance of 468.00 feet;

THENCE, N 59° 19' 10" W, a distance of 39.22 feet, to a Cottonwood tree, same being a corner of the tract herein described;

THENCE, due North, leaving said northerly bank, a distance of 5,120.00 feet more or less, to a corner of the tract herein described, same being in the southerly R.O.W. line of Ablen Road;

THENCE, N 89° 24' 00" W, along said southerly R.O.W. line of Ablen Road, a distance of 1,757.20 feet more or less, to a corner of the tract herein described;

THENCE, N 89° 32' 40" W, at a distance of 1,576.60 feet more or less, pass the easterly R.O.W. line of Stratmore Road, and a total distance of 1,667.60 feet more or less, to the westerly R.O.W. line of said Stratmore Road, same being a corner of the tract herein described;

THENCE, N 00° 16' 50" E, along said westerly R.O.W. line, a distance of 1,682.69 feet more or less, to a point for a corner of the tract herein described;

THENCE, N 89° 31' 10" W, a distance of 2,913.25 feet more or less, to a point on the bank of the Brazos River, same being a corner of the tract herein described;

THENCE, N 30° 51' 40" W, along said bank, a distance of 440.85 feet, to a point on the common line between the Randon & Pennington League and the John Foster 2½ League Grant, same being on the Extra Territorial Jurisdiction Line of the Town of Fulshear;

THENCE, N 00° 28' 00" E, along said common line, same being the Extra Territorial Jurisdiction Line of the Town of Fulshear, at a distance of 8.842.00 feet more or less, pass the southerly bank of the Brazos River, and a total distance of 8,971.45 feet more or less, to the POINT OF BEGINNING, containing within these metes and bounds. 4.764.813 acres of land more or less, save and except the Goss Cemetary 0.516 acre tract and the Brazos Canal Company 31.74 acre tract (as per Vol. 27, Pg. 548, F.B.C.D.R.) and surveyed as 39.503 acres, leaving a net acreage of 4,724.794 acres of land more or less.

The above Metes and Bounds were based on survey made on the ground by Henry Steinkamp, Jr., dated November 1971, also being the same property described in Vol. 362, Page 549, F.B.C.D.R., from Sugarland Industries to Foster Farms, Inc., dated March 29, 1957 and filed for record on April 3, 1957.

Section IV. The City Engineer is authorized and directed to make additions and corrections to the map of the Town of Fulshear, Texas, showing the territory covered by this ordinance and the number of this ordinance, and deliver a copy of such map to the City Secretary, all in accordance with the conditions and requirements of Vernon's Ann. Civ. Art. 971a.

PASSED and APPROVED this 21 day of January, 1983.

THE TOWN OF FULSHEAR, TEXAS

By: Jamie W. Roberts
Jamie W. Roberts
Mayor

ATTEST:

By: Carolyn H. Smith
City Secretary

Voting

Alderman:

E. DOZIER	YES
V. RANDLE	YES
S. WEST	ABSENT
N. BANKS	YES
B. G. WALLING	YES

REPEALED: JANUARY 07, 1992

ORDINANCE NO. 592

AN ORDINANCE REGULATING THE SPEED OF RAILROAD TRAINS THROUGH THE CITY OF FULSHEAR, TEXAS; PROVIDING PENALTIES FOR VIOLATIONS; AND PROVIDING AN EFFECTIVE DATE AND PUBLISHING OF CAPTION;

BE IT ORDAINED BY THE CITY COUNCIL OF FULSHEAR, TEXAS:

Section 1. It shall be unlawful for any conductor, engineer, fireman or other person in charge or control of, or operating any train of cars, or a part thereof, or any locomotive or car belonging to any railroad, to propel or run, or to order or cause to be propelled or run, any such train of cars, or a part thereof, or any such locomotive or car, within the corporate limits of this City at a greater rate of speed than twenty-five (25) miles per hour.

Section 2. Any conductor, engineer, fireman or other person violating this ordinance shall be guilty of a misdemeanor and upon conviction shall be subject to punishment by fine not exceeding TWO HUNDRED ($200.00) DOLLARS.

Section 3. In any section, provision, subdivision, clause, or part of this ordinance shall be adjudged invalid or held unconstitutional, that shall not affect the validity of this ordinance as a whole or any part or provision contained herein.

Section 4. The City Secretary is instructed to publish the caption of this Ordinance as required by law.

Section 5. This Ordinance shall be passed and effective upon publishing of the ordinance as required by law.

PASSED AND APPROVED this 21st day of January, 1983.

THE CITY OF FULSHEAR, TEXAS

By: Jamie W. Roberts
Mayor

ATTEST:

By: Carolyn H. Smith
City Secretary

VOTING ALDERMEN:

E. DOZIER	Yes
S. WEST	Yes
V. RANDLE	Yes
N. BANKS	Yes
B.G. WALLING	Yes

Ord # 593

Hart Graphics, Austin, Texas

ORDER FOR CITY OFFICERS' ELECTION

THE STATE OF TEXAS
CITY OF FULSHEAR

I, JAMES W. ROBERTS, in my capacity as Mayor of the City of FULSHEAR, Texas, do hereby order that an election be held in said City on the 2nd day of APRIL, 19 83, for the purpose of electing the following officials for said City:

THREE (Number of) Aldermen

That in accordance with an order adopted by the City Council/Commission[1] of said City, said election shall be held at the following place____ in said City, and the following named persons are hereby appointed officers for said election.

In Election Precinct No. 6, at HUGGINS ELEMENTARY SCHOOL Building, in said City, with CAROLYN H. SMITH as Presiding Judge, and PHYLLIS G. SNYDER as Alternate Presiding Judge, and said Presiding Judge shall appoint the necessary clerks to assist him which shall not exceed 1 clerks.[3]

In Election Precinct No. ____, at ____ Building, in said City, with ____ as Presiding Judge, and ____ as Alternate Presiding Judge, and said Presiding Judge shall appoint the necessary clerks to assist him which shall not exceed ____ clerks.[3]

In Election Precinct No. ____, at ____ Building, in said City, with ____ as Presiding Judge, and ____ as Alternate Presiding Judge, and said Presiding Judge shall appoint the necessary clerks to assist him which shall not exceed ____ clerks.[3]

In Election Precinct No. ____, at ____ Building, in said City, with ____ as Presiding Judge, and ____ as Alternate Presiding Judge, and said Presiding Judge shall appoint the necessary clerks to assist him which shall not exceed ____ clerks.[3]

The polls at each of the above designated polling places shall on said election day be open from 7:00 o'clock a.m. to 7:00 o'clock p.m.[4]

CAROLYN H. SMITH is hereby appointed Clerk for absentee voting, and ____ and ____ are hereby appointed Deputy Clerks for absentee voting. The absentee voting for the above designated election shall be held at THE BENTLEY BUILDING, 199 Main Street within said City and said place of absentee voting shall remain open for at least eight hours on each day for absentee voting which is not a Saturday, a Sunday, or an official State holiday, beginning on the 20th day and continuing through the 4th day preceding the date of said election. Said place of voting shall remain open between the hours of 9:00 a.m and 5:00p.m on each day for said absentee voting. The above described place for absentee voting is also the absentee clerk's mailing address to which ballot applications and ballots voted by mail may be sent.

In accordance with previous order wherein it was determined that the electronic voting system/voting machines[1] shall be used in the above mentioned election for absentee voting by personal appearance, and in accordance with said order and the Election Code, ____, as Presiding Judge, ____, ____ and ____, as Clerks, are hereby appointed the Special Canvassing Board for said election.[2]

Absentee voting, both by personal appearance and by mail, shall be by paper ballots and shall be canvassed by a special canvassing board, and CAROLYN H. SMITH, as Presiding Judge, Phyllis G. Snyder, as Alternate Presiding Judge, and ____, as Clerks, are hereby appointed the Special Canvassing Board for said election.[2]

That said election shall be held in accordance with the Election Code of this State and only resident qualified voters of said city shall be eligible to vote at said election.

Notice of said election will be given in accordance with the terms and provisions of Article 4.06 of the Election Code and Art. 29e and the City Secretary/Clerk is hereby instructed to have said notice posted and/or published in accordance with said Articles 4.06 and 29e.

That immediately after said election is held, the officers holding the same shall make returns of the result thereof to the Mayor of this city as required by the Election Code of this State.

A copy of this order shall also serve as a writ of election which shall be delivered to the above appointed Presiding Judge____, for said election.

James W. Roberts
Mayor

(1) Strike one not applicable.
(2) Strike if not applicable.
(3) Art. 3.01(b) of the Election Code provides for the appointment of a presiding judge and alternate presiding judge and fixing the minimum number of clerks which shall be not less than two.
(4) Art. 2.01 of the Election Code provides that polls shall be open from 7:00 a.m. to 7:00 p.m., provided that by order of Commissioners' Court in counties of 1,000,000 or more, polls may be open one hour earlier.

ORDINANCE NO. 594

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS - DEFINING AND REGULATING ITINERANT MERCHANTS, ITINERANT VENDORS, PEDDLERS, AND PERSONS TAKING ORDERS FOR OR OFFERING FOR SALE, GOODS, WARES, MERCHANDISE, SERVICES, PHOTOGRAPHS, NEWSPAPERS, MAGAZINES, OR SUBSCRIPTIONS TO NEWSPAPERS OR MAGAZINES; PROVIDING FOR A LICENSE AND LICENSE FEE; PROHIBITING SELLING OR SOLICITING WITHOUT THEM CARRYING SUCH LICENSE WHILE SO ENGAGED; REQUIRING SUCH PERSON OR PERSONS TO MAKE APPLICATION FOR LICENSE, THEREIN MAKING FULL DISCLOSURE OF ALL MATTERS PERTINENT TO SUCH ACTIVITY; REQUIRING A BOND; EXEMPTING THOSE ENGAGED IN INTERSTATE COMMERCE FROM LICENSE FEE AND BOND BUT REQUIRING SUCH PERSONS TO REGISTER WITH THE CITY SECRETARY AND SUBMIT ALL INFORMATION PERTINENT TO SUCH ACTIVITY; PROVIDING PENALITIES FOR THE VIOLATION OF THIS ORDINANCE, INCLUDING A FINE OF NOT MORE THAN $200.00 FOR EACH OFFENSE AND DEFINING WHAT SHALL CONSTITUTE A SEPARATE OFFENSE; PROVIDING A SAVINGS CLAUSE; AND REPEALING CONFLICTING ORDINANCES OR PARTS OF ORDINANCES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

Section 1. This entire ordinance is and shall be deemed an exercise of the police power of the State of Texas, and of the City of Fulshear, for the public safety, comfort, convenience and protection of the city and citizens of said City, and all of the provisions hereof shall be construed for the accomplishment of that purpose.

Section 2. That it shall hereafter be unlawful for any person to go from house to house from place to place in the City of Fulshear, Texas, soliciting, selling or taking orders for or offering to sell or take orders for any goods, wares, merchandise, services, photographs, newspapers, magazines, or subscriptions to newspapers or magazines, without having first applied for and obtained a license so to do from the City Secretary of said City. It shall also hereafter be unlawful to sell or solicit in said City as aforesaid without carrying such license while engaged in such soliciting or selling. It shall hereafter be unlawful for any person to solicit or sell in the manner hereinabove provided except between the hours of ~~8:30~~ 9:00 a.m. to 6:00 p.m. on week days only.

Section 3. That any person desiring to go from house to house or from place to place in the City of Fulshear, Texas, to sell or solicit orders for goods, wares, merchandise, services, photographs, newspapers, magazines, or subscriptions to newspapers or magazines, shall make written application to the City Secretary of said City for a license so to do, which application shall show the name and address of applicant, the name and address of the person, firm, or corporation, if any, that he or she represents and the kind of goods offered for sale, and whether such applicant upon any sale or order shall demand, accept or receive payment or deposit of money in advance of final delivery, and the period of time such applicant wishes to sell or solicit in said city.

Section 4. The application mentioned in Section 3 hereof shall be accompanied by a bond in the penal sum of $1,000.00, signed by applicant and signed, as surety, by some surety company authorized to do business in the State of Texas, conditioned for the final delivery of goods, wares, merchandise, services, photographs, magazines and newspapers in accordance with the terms of any order obtained prior to delivery and also conditioned to indemnify any and all purchasers or customers for any and all defects in material or workmanship that may exist in the article sold by the principal of said bond, at the time of delivery, and which bond shall be for the use and benefit of all persons, firms or corporations that may make any purchase or give any order to the principal on said bond, or to an agent or employee of the principal. Provided that in case applicant is a person, firm, company, partnership, corporation or association engaging in any activity mentioned in paragraph two hereof through one or more agents or employees, such persons, firm, company, partnership, corporation or association shall be required to enter into only one bond, in the sum of $1,000.00 as above required, which bond shall be made to cover the activities of all its agents or employees.

Section 5. That an itinerant merchant or an itinerant vendor as the terms are used in this ordinance shall be held to be any person, firm, company, partnership, corporation or association engaged in any activity mentioned in Section Two hereof.

Section 6. That the license fee for an itinerant merchant or itinerant vendor shall be $60.00 for the calendar year ending December 31. Provided, however, when any person, firm, company, partnership, corporation or association engages in any activity mentioned in Section Two hereof through one or more agents or employees, such person, firm, company, partnership, corporation or association shall, in addition to said $60.00 fee above mentioned, pay a license fee of $10.00 for each agent or employee so engaged. Provided further that fees for license issued during the calendar year shall be prorated on the basis of the remaining number of months, or fraction thereof, that shall remain before December 31, with the minimum fee for the vendor to be $30.00 and each agent of the vendor $5.00. The fees herein provided for shall be used for the purpose of defraying expenses incident to the issuing of said license.

Section 7. The provisions of this ordinance shall not apply to sales made to dealers by commercial travellers or sales agents in the usual course of business, nor to sales made under authority and by order of law, nor to vendors of farm or dairy products.

Section 8. The provisions of this ordinance shall not apply to persons engaged in interstate commerce as that term is herein defined; provided, however, that it shall be unlawful for persons engaged in interstate commerce to go from house to house or from place to place in the City of Fulshear without having first registered with the City Secretary of said City giving the following information:

(a) Name, home address and local address, if any, of registrant.

(b) Name, and address of person, firm or corporation, if any, that he or she represents or for whom or through whom orders are to be solicited or cleared.

(c) Nature of the articles or things which are to be sold or for which orders are to be solicited.

(d) Whether registrant, upon any sale or order shall demand or receive or accept payment or deposit of money in advance of final delivery.

(e) Period of time which registrant wishes to solicit or sell in said City.

The registrant at the time of the registration, as herein provided for, shall submit for inspection of the City Clerk or City Secretary written proof of his identity which may be in the form of an automobile operator's license, identification letter or card issued to registrant by the person, firm or corporation for whom or through whom orders are to be solicited or cleared.

The term "Interstate Commerce" means soliciting, selling or taking orders for or offering to take orders for any goods, wares, merchandise, photographs, newspapers or magazines, or subscriptions to newspapers or magazines which, at the time the order is taken, are in another state or will be produced in another state and shipped or introduced into this city in the fulfillment of such orders.

Section 9. Any person, firm or corporation violating any provisions of this ordinance or failing to observe any provisions hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined a sum of not more than $200.00 and each and every day or fraction of a day during which this ordinance, or any part thereof, shall be violated, shall be deemed a separate offense and punishable as such.

Section 10. Each and every provision, paragraph, sentence and clause of this ordinance has been separately considered and passed by the City Council, and each of said provision would have been separately passed without any other provision, and if any provision hereof should be ineffective, invalid, or unconstitutional for any cause, it shall not impair, nor affect the remaining-portion nor any other part thereof, but the valid portion shall be enforced just as if it had been passed alone, and all oridnances and parts of ordinances in conflict herewith are hereby repealed.

Section 11. This ordinance shall take effect and be in force from and after its passage and publication as provided by law.

PASSED AND APPROVED THIS THE 21st day of February, 1983.

THE CITY OF FULSHEAR, TEXAS

By: Jamie W. Roberts
JAMIE W. ROBERTS
Mayor

ATTEST:

By: Carolyn H. Smith
CAROLYN SMITH
City Secretary

ALDERMEN VOTING

E. DOZIER	yes
S. WEST	yes
V. RANDLE	yes
N. BANKS	yes
B. G. WALLING	yes

ORDINANCE NO. 595

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS; PROVIDING FOR THE CREATION AND ESTABLISHMENT OF A RESERVE OFFICERS UNIT WITHIN THE CITY POLICE DEPARTMENT, APPOINTING OF OFFICERS TO SERVE THEREUNDER, ESTABLISHMENT OF QUALIFICATIONS, SALARIES, TERMS OF APPOINTMENT, GUIDELINES FOR OFFICIAL CONDUCT, AND THE ACQUISITION OF NECESSARY EQUIPMENT FOR SAID RESERVE UNIT.

WHEREAS, the City Council of Fulshear, Texas, acting in various special called and regular meetings, determined that there is a public necessity for the creation, establishment and maintenance of a Reserve Officers Unit within the City Police Department for the general protection of life and property for the citizens and residents of the City of Fulshear, and for the enforcement of all constitutions, laws, statutes, rules and regulations of the United States of America, State of Texas, County of Fort Bend, Texas and City of Fulshear, Texas.

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

SECTION I.

That there is hereby created and established in accordance with Art. 998 (A) V.T.C.S. for the City of Fulshear, as a part of the City Police Department composed of up to FOUR (4) patrolmen and officers. The personnel to fill such positions shall be appointed by the Chief of Police confirmed by the City Council. The terms of office, salaries of officers, or patrolmen, if any, shall be established by the City Council and all such appointees shall give bond for the faithful performance of their duties in the amount as the City Council may require and in accordance with all the laws of the State of Texas.

SECTION II.

All such appointees shall have the powers, rights, duties, and authorities of peace officers and/or law enforcement officers within the jurisdiction of the City of Fulshear as described by the Laws and Statutes of the State of Texas.

SECTION III.

All reserve officers and patrolmen are subject to being called into active duty under emergency conditions as determined by the Chief of Police when it is necessary to preserve the peace and/or enforce the laws; otherwise, reserve officers shall act only in a supplemental capacity to the regular police force and shall not assume full time duties. All officers and patrolmen shall be at least 18 years of age and certified in accordance with the governing statutes of the State of Texas and the rules and regulations of the Texas Commission of Law Enforcement Officer Standards and Education. Specifically included for compliance are all Procedural Rules promulgated and authorized by Article 4413 (29aa), V.T.C.S.

SECTION IV.

Members of the Reserve Officers' Unit may serve without compensation, but the city will provide a single uniform allowance of $150.00 and ammunition, ammunition not to exceed 50 rounds every 60 days. The City will provide police officers professional liability coverage at an annual cost of $99.00 per reserve officer, and Blanket Accident Policy coverage at an annual cost of $125.00 per reserve officer.

SECTION V.

This action does not limit the power of the Mayor to summons into service a special police force as provided by Article 995 of Revised Civil Statutes of Texas, 1925.

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SECTION V.

This action does not limit the power of the Mayor to summons into service a special police force as provided by Article 995 of Revised Civil Statutes of Texas, 1925.

SECTION VI.

Said appointees are hereby authorized as part of their duty to serve all process issuing out of the Municipal Court of Fulshear, Texas, anywhere within the territorial limits of Fort Bend County, Texas.

SECTION VII.

1. All applicants for Reserve Officer shall be subject to review and approval by any State and Federal agencies.

2. No Reserve Officer shall serve as a security guard in any bar or dance hall.

3. No Reserve Officer shall go into any bar or dance hall either in or out of uniform as a representative of the City Police Department.

4. Every Reserve Officer shall serve thirty two (32) hours a month on active duty to retain his status.

5. The Reserve Officer may be terminated at will by the Chief of Police, Mayor or City Council.

6. Every Reserve Officer must be 25 years of age or older to fill in for a regular officer who is on leave or absent from duty.

PASSED AND APPROVED this the 21st day of February, 1983.

THE CITY OF FULSHEAR, TEXAS

By: Jamie W. Roberts
JAMIE W. ROBERTS
Mayor

ATTEST:

By: Carolyn H. Smith
CAROLYN SMITH
City Secretary

ALDERMEN VOTING:

E. DOZIER	Yes
S. WEST	No
V. RANDLE	No
N. BANKS	Yes
B.G. WALLING	Yes

INCORPORATED 1977

Town of Fulshear

P. O. BOX 279 — FULSHEAR, TEXAS 77441

Jamie W. Roberts
Mayor
Edward Dozier
Mayor Pro-Tem
Sethora West
Councilwoman
Viola Randle
Councilwoman
Narvelene Banks
Councilwoman
B. G. Walling
Councilman
David Frishman
City Attorney
Carolyn Smith
City Secretary

ORDINANCE NUMBER 596

AN ORDINANCE ADOPTING THE 1983 BUDGET
FOR THE TOWN OF FULSHEAR, TEXAS

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FULSHEAR,TEXAS:

1. The Budget as proposed and presented by the Mayor and Board of Aldermen of the Town of Fulshear, Texas, for the fiscal year, January 1, 1983 through December 31, 1983, is hereby approved and adopted by the Town of Fulshear,Texas.

2. The Public Hearing having been duly held on March 21, 1983, at 8:00 o'clock p.m., at the Bentley Bldg., 199 Main Street, Fulshear, Texas, with all persons having been heard, this Ordinance shall take effect and be in full force from and after its adoption.

PASSED AND APPROVED THIS THE 21 day of March, 1983.

James W. Roberts
MAYOR

ATTEST:

Carolyn H. Smith
City Secretary

Ord. # 597

Order Declaring Result Of City Officers' Election

THE STATE OF TEXAS
CITY OF FULSHEAR

On this the 4 day of APRIL, 1983, the City Council/~~Commission~~ of the City of FULSHEAR, Texas, convened in SPECIAL session open to the public at the regular meeting place thereof with the following members present, to-wit:

EDWARD N. DOZIER, Mayor, Pro-Tem
SETHORA WEST, Alderman/Commissioner[1]
NARVELENE BANKS, Alderman/Commissioner[1]
VIOLA RANDLE, Alderman[2]
_____, Alderman[2]
DAVID FRISHMAN, ~~Alderman~~ CITY ATTORNEY
Carolyn H. Smith, City Secretary/~~Clerk~~

and the following absent: J.W.Roberts and B.G.Walling, constituting a quorum, and among other proceedings had were the following:

Alderman/~~Commissioner~~ SETHORA WEST introduced a resolution and order and moved its adoption. The motion was seconded by Alderman/~~Commissioner~~ NARVELENE BANKS, and the motion carrying with it the adoption of the resolution and order prevailed by the following vote,

AYES: Four, NOES: None

The resolution is as follows:

There came on to be considered the returns of an election held on the 2nd day of APRIL, 1983, for the purpose of electing the hereinafter named officials, and it appearing from said returns, duly and legally made, that there were cast at said election ~~fifty-seven~~ (57) valid and legal votes; that each of the candidates in said election received the following votes:

FOR MAYOR[2]

NAME OF CANDIDATE	TOTAL NUMBER OF VOTES RECEIVED

FOR ALDERMAN/~~COMMISSIONER~~ ~~and~~

NAME OF CANDIDATE	TOTAL NUMBER OF VOTES RECEIVED
EDWARD N. DOZIER	53
TOM HARKNESS	49
FRANCES SMART	46

FOR _____ [3]

NAME OF CANDIDATE — TOTAL NUMBER OF VOTES RECEIVED

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

FOR _____ [3]

NAME OF CANDIDATE — TOTAL NUMBER OF VOTES RECEIVED

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

FOR _____ [3]

NAME OF CANDIDATE — TOTAL NUMBER OF VOTES RECEIVED

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL/COMMISSION OF THE CITY OF FULSHEAR, **TEXAS:**

That said election was duly called; that notice of said election was given in accordance with law, and that said election was held in accordance with law, and that ____ ~~was duly elected Mayor of said City at said election~~[2] and EDWARD N. DOZIER, TOM HARKNESS and FRANCES SMART were duly elected Aldermen/~~Commissioners~~ of said City at said election, and that xxx xxx was duly elected xxx,[2] and said above named parties are hereby declared duly elected to said respective offices, subject to the taking of their oaths and filing bond as provided by the laws of the State of Texas.

It is further found and determined that in accordance with the order of this governing body the Secretary/~~Clerk~~ posted written notice of the date, place and subject of this meeting on the bulletin board located in the City Hall, a place convenient and readily accessible to the general public, and said notice having been so posted and remaining posted continuously for at least 72 hours preceding the scheduled time of said meeting. A copy of the return of said posting shall be attached to the minutes of this meeting and shall be made a part thereof for all intents and purposes.

PASSED, ADOPTED AND APPROVED this the 4th day of APRIL 19 83.

Edward N Dozier
Mayor - Pro-Tem

ATTEST:
Carolyn H. Smith
Secretary/~~Clerk~~

[1]Strike one not applicable.
[2]Strike if not applicable.
[3]If Aldermen are elected by the place system, insert the place to be filled.

INCORPORATED 1977

Town of Fulshear

713/346-1796 P. O. BOX 279 FULSHEAR, TEXAS 77441

James W. Roberts
Mayor
Edward N. Dozier
Mayor Pro-Tem
Tom Harkness
Councilman
Viola Randle
Councilwoman
Frances Smart
Councilwoman
B. G. Walling
Councilman
David Frishman
Attorney for the City
Carolyn H. Smith
City Secy-Treas.

AMENDMENT TO SPEED LIMIT ORDINANCE

LEGAL NOTICE

NOTICE IS HEREBY GIVEN THAT ORDINANCE NUMBER 598 BEARING THE FOLLOWING CAPTION WAS ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF FULSHEAR,TEXAS, ON MAY 16, 1983:

> AMENDMENT TO ORDINANCE 580 PROVIDING THAT THE MAXIMUM SPEED LIMIT PER HOUR IS ESTABLISHED AND DETERMINED FOR ANY VEHICLE TRAVELING ALONG CERTAIN STREETS OR PORTIONS OF STREETS IN THE TOWN OF FULSHEAR, TEXAS.

BY ORDER OF MAYOR
AND TOWN COUNCIL
TOWN OF FULSHEAR,TEXAS
May 16, 1983

* *

I HEREBY CERTIFY POSTING COPIES OF ORDINANCE NUMBER 598 in its entirety at 5:00 o'clock P.M. Thursday, May 19, 1983, at Town Hall,199 Main Street; at Meier's Grocery,101 Main Street; at the U.S. Post Office,30506 First Street; at Dozier's Grocery,Inc.,N.W. Corner Third Street, Fulshear,Texas.

Carolyn H. Smith

Carolyn H. Smith,City Secretary
MAY 19, 1983

PUB. 5-25-83

ORDINANCE NUMBER 598

AMENDMENT TO ORDINANCE 580 PROVIDING THAT THE MAXIMUM SPEED LIMIT PER HOUR IS ESTABLISHED AND DETERMINED FOR ANY VEHICLE TRAVELING ALONG CERTAIN STREETS OR PORTIONS OF STREETS IN THE TOWN OF FULSHEAR, TEXAS.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FULSHEAR, TEXAS, THAT:

A. The streets hereinafter named are hereby expressly designated as street within an urban district within the Town and that the maximum speed limit of 20 miles per hour is established and determined for any vehicle traveling along any portion of these streets listed as follows:

Huggins Drive
Wallis Street
Harris Street
Wilson Street
Symms Street
Fifth Street
Fourth Street
Third Street
Second Street
First Street
Shady Lane
Country Lane

B. The streets hereinafter named are hereby expressly designated as street within an urban district within the Town and that the maximum speed limit of 30 miles per hour is established and determined for any vehicle traveling along any portion of these streets listed as follows:

Red Bird Lane
Walker Lane
Oak Lane

C. The street hereinafter named is hereby expressly designated as a street within an urban district within the Town and that the maximum speed limit of 30 miles per hour is established and determined for any vehicle traveling along the following portion of Old Katy Fulshear Road: The North boundary line of Huggins Elementary School South to FM 1093.

D. The street hereinafter named is hereby expressly designated as a street within an urban district within the Town and that the maximum speed limit of 45 miles per hour is extablished and determined for any vehicle traveling along the following portion of Old Katy Fulshear Road: The North boundary line of Huggins Elementary School North to the City Limits of the Town of Fulshear.

This Ordinance shall take effect and be in force from and after its publication by posting a copy thereof at the Town Hall of said Town. The Ordinance shall be published in the official newspaper by law.

The Mayor is authorized to post and maintain speed limit signs along highways within the Town of Fulshear, displaying the speed limits provided by this Ordinance to vehicular traffic traveling along such highways.

PASSED AND APPROVED this the 16th day of May, 1983.

THE TOWN OF FULSHEAR, TEXAS

By: _____
MAYOR

ATTEST:

ORDINANCE NO. 599

AN ORDINANCE PROVIDING FOR THE INSPECTION AND REGULATION OF FOOD SERVICE ESTABLISHMENTS, ENFORCEMENT OF THE STATE DEPARTMENT OF HEALTH, DIVISION OF FOOD AND DRUGS "RULES ON FOOD SERVICE SANITATION;PROVIDING FOR COMPLIANCE PROCEDURES; PROVIDING FOR PERMITS; PROVIDING FOR SUSPENSION OF PERMITS; PROVIDING FOR REVOCATION OF PERMITS; PROVIDING FOR SERVICE OF NOTICES; PROVIDING FOR HEARINGS; PROVIDING FOR APPLICATION AFTER REVOCATION; PROVIDING FOR INSPECTIONS; PROVIDING FOR CORRECTIONS OF VIOLATIONS;PROVIDING FOR INSPECTION REPORT FORM; PROVIDING FOR EXAMINATION AND CONDEMNATION OF FOOD; PROVIDING FOR REVIEW OF PLANS; PROVIDING FOR PRE-OPERATIONAL INSPECTION; PROVIDING FOR PROCEDURE WHEN INFECTION IS SUSPECTED; PROVIDING FOR PENALTIES AND INJUNCTIONS; PROVIDING FOR PERMIT FEES; PROVIDING FOR A SEVERANCE CLAUSE; PROVIDING FOR PUBLISHING, POSTING, AND EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

Section 1. Definitions

The inspection of food service establishments; the issuance, suspension and revocation of permits to operate food service establishments; the prohibition of the sale of unsound or mislabeled food or drink; and the enforcement of this ordinance shall be regulated in accordance with the Texas Department of Health, Division of Food and Drugs "Rules on Food Service Sanitation 301.73.11.001-011", one copy of which shall be on file in the office of the City Secretary.

Section 2. Mayor Authority

The Mayor is hereby authorized and shall designate an inspector or regulatory authority to fulfill the inspection requirements herein set out.

Section 3. Reference to Ordinance

Any reference to rules herein shall mean this Ordinance.

Section 4. Compliance Procedures

A. Permits, Licenses, or Certificates

1. General

No person shall operate food service establishment who does not have a valid permit, license, or certificate issued to him by the regulatory authority. Only a person who complies with the requirements of these rules shall be entitled to receive or retain such a permit, license, or certificate. Permits, licenses, or certificates are not transferrable. A valid permit, license, or certificate shall be posted in every food service establishment.

2. Issuance of Permit,License, or Certificates

a. Any person desiring to operate a food service establishment shall make written application for a permit, license, or certificate, on forms provided by the City of Fulshear, Texas. Such application shall include the name and address of each applicant, the location and type of the proposed food service establishment, and the signature of each applicant.

b. Prior to approval of an application for a permit, license, or certificate the regulatory authority shall inspect the proposed food service establishment to determine compliance with the requirements of this Ordinance.

c. The regulatory authority shall issue a permit, license, or certificate to the applicant if its inspection reveals that the proposed food service establishment complies with the requirements of this Ordinance.

B. Suspension of Permit, License or Certificate

1. The regulatory authority may, without warning, notice, or hearing suspend any permit, license, or certificate to operate a food service establishment if the holder of the permit, license, or certificate does not comply with the requirements of these rules, or if the operation of the establishment does not comply with the requirements of these rules, or if the operation of the food service establishment otherwise constitutes a substantial hazard to public health. Suspension is effective upon service of the notice required

Section 6. Service of Notices

A notice provided for in these rules is properly served when it is delivered to the holder of the permit, license or certificate, or the person in charge, or when it is sent by registered or certified mail, return receipt requested, to the last known address of the holder of the permit, license, or certificate. A copy of the notice shall be filed in the records of the regulatory authority.

Section 7. Hearings

The hearings provided for in these rules shall be conducted by the regulatory authority at a time and place designated by it. Based upon the recorded evidence of such hearing, the regulatory authority shall make a final finding, and shall sustain, modify or rescind any notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the holder of the permit, license,or certificate by the regulatory authority.

Section 8. Application After Revocation

Whenever a revocation of a permit, license, or certificate has become final, the holder of the revoked permit, license, or certificate may make written application for a new permit, license, or certificate.

Section 9. Inspection

A. Inspection Frequency

An inspection of a food service establishment shall be performed at least once every six months. Additional inspection of the food service establishment shall be performed as often as are necessary for the enforcement of these rules.

B. Access

Agents of the regulatory authority, after proper identification, shall be permitted to enter any food service establishment at any reasonable time, for the purpose of making inspections to determine compliance with these rules. The agents shall be

permitted to examine the records of the establishments to obtain information pertaining to food and supplies purchased, received, or used, or to persons employed.

C. Report of Inspections

Whenever an inspection of a food service establishment or commissary is made, the findings shall be recorded on the inspection report form set out in Section 4 subsection B 2 of this rule. The inspection report form shall summarize the requirements of these rules and shall set forth a weighted point value for each requirement. Inspectional remarks shall be written to reference, by section number, the section violated and shall state the correction to be made. The rating score of the establishment shall be the total of the weighted point values for all violations, subtracted from 100. A copy of the inspection report form shall be furnished to the person in charge of the establishment at the conclusion of the inspection. The completed inspection report form is a public document that shall be made available for public disclosure to any person who requests it according to law.

D. Correction of Violations

1. The inspection report form shall specify a reasonable period of time for the correction of the violations found, and correction of the violation shall be accomplished within the period specified, in accordance with the following provisions:

   a. If an imminent health hazard exists, such as complete lack of refrigeration or sewage backup into the establishment, the establishment shall immediately cease food service operations. Operations shall not be resumed until authorized by the regulatory authority.

   b. All violations of 4- or 5- point weighted items shall be corrected as soon as possible, but in any event, within 10 days following inspection. Within 15 days after inspection, the holder of the permit, license, or certificate shall submit a written report to the regulatory authority stating that the 4- or 5-point violations have been corrected. A follow-up inspection shall be conducted to confirm correction.

   c. All 1- or 2- point weighted items shall be corrected as soon as possible, but in any event, by the time of the next routine inspection.

   d. When rating score of the establishment is less than 60, the establishment shall initiate corrective action on all identified violations within 48 hours. One or more reinspections will be conducted at reasonable time intervals to assure correction.

E. Hearing

The inspection report shall state that failure to comply with any time limits for corrections may result in cessation of food service operations. An opportunity for appeal from the inspection findings and time limitations will be provided if a written request for a hearing is filed with the regulatory authority within ten days following cessation of operations. If a request for a hearing is received, a hearing shall be held within 20 days of receipt of that request.

F. Suspension of Operation

Whenever a food service establishment is required under the provisions of this rule to cease operations, it shall not resume operations until such time as a reinspection determines that conditions responsible for the requirement to cease operations no longer exists.

Section 10. Inspection Report Form

An inspection report form based on the requirements of these rules is appended.

Section 11. Examination and Condemnation of Food

General

Food may be examined or sampled by the regulatory authority as often as necessary for enforcement of these rules. The regulatory authority may, upon written notice to the owner or person in charge specifying with particularity the reasons therefor, place a hold order on any food which it believes is in violation of Subsection (a) of rule .003. or any other provision of these rules. The regulatory authority shall tag, label, or otherwise identify any food subject to the hold order. No food subject to a hold order shall be used, served, or moved from the establishment. The regulatory authority shall permit storage of the food under conditions specified in the hold order, unless storage is not possible without risk to the public health, in which case immediate destruction shall be ordered and accomplished.

The hold order shall state that request for hearing may be filed within ten days and that if no hearing is requested the food shall be destroyed. A hearing shall be held if so requested, and on the basis of evidence produced at that hearing, the hold order may be vacated, or the owner or person in charge of the food may be directed by written order to denature or destroy such food or to bring it into compliance with the provisions of these rules.

Section 12. Review of Plans

A. Submissions of Plans

Whenever a food service establishment is constructed or extensively remodeled and whenever an existing structure is converted to use as a food service establishment, properly prepared plans and specifications for such construction, remodeling, or conversion shall be submitted to the regulatory authority for review and approval before construction, remodeling or conversion is begun. The plans and specifications shall indicate the proposed layout, arrangement, mechanical plans, and construction materials of work areas, and the type and model of proposed fixed equipment and facilities. The regulatory authority shall approve the plans and specifications if they meet the requirements of these rules. No food service establishment shall be constructed, extensively remodeled, or converted except in accordance with plans and specifications approved by the regulatory authority.

B. Pre-operational Inspection

Whenever plans and specifications are required by Paragraph (1) of Subsection (d) of this rule to be submitted to the regulatory authority, the regulatory authority shall inspect the food service establishment prior to its beginning operation to determine compliance with the approved plans and specifications and with the requirements of these rules.

Section 13. Procedure When Infection Is Suspected

When the regulatory authority has reasonable cause to suspect the possibility of disease transmission from any food service establishment employee, it may secure morbidity history of the suspected employee or make any other investigation as may be indicated and shall

take appropriate action. The regulatory authority may require any or all of the following measures:

A. The immediate exclusion of the employee from all food service establishments;

B. The immediate closing of the food service establishment concerned until, in the opinion of the regulatory authority, no further danger of disease outbreak exists;

C. Restriction of the employee's services to some area of the establishment where there would be no danger of transmitting disease;

D. Adequate medical and laboratory examination of the employee, of other employees and of his and their body discharges.

Section 14. Remedies

A. Penalties

Any person who violates a provision of these rules and any person who is the permit holder of or otherwise operates a food service establishment that does not comply with the requirements of these rules and any responsible officer of that permit holder or those persons shall be fined not more than two hundred dollars.

B. Injunctions

The regulatory authority may seek to enjoin violations of these rules.

Section 15. Permit Effectiveness; Renewal Permit

Each permit issued shall be effective for a period of one (1) year. Not less than thirty (30) days nor more than sixty (60) days prior to the conclusion of the permit year, applications may be made for a one (1) year extension of the permit. Such application shall be submitted in such form as the City of Fulshear may prescribe, accompanied by payment of applicable fees, and shall be executed, and contain the information described in Section 4. If the application for extension of permit fully meets the requirements of applicable law or Ordinance in effect at the time of such application, the City of Fulshear shall issue a renewal permit for an additional one (1) year period.

Section 16. Permit Fees

Permit Fees shall be as follows:

A. Site inspections - no charge

B. Operating permit - $5.00

Section 17. Severence

If any provision, section, subsection, sentence, clause, phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this ordinance are declared to be severable for that purpose.

Section 18. Publishing and Effective Date

This ordinance shall go into force and effect after June 1, 1983. The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

PASSED AND APPROVED this the 16th day of MAY , 1983.

THE CITY OF FULSHEAR, TEXAS

By: Jamie W. Roberts
JAMIE W. ROBERTS
Mayor

ATTEST:

By: Carolyn H. Smith
CAROLYN SMITH
City Secretary

ALDERMEN VOTING:

E. DOZIER	Yes
V. RANDLE	Yes
B.G. WALLING	ABSENT
T. HARKNESS	YES
F. SMART	YES

HEALTH DEPARTMENT

PERMIT

This is to Certify That _____ No. _____

has complied with the rules and regulations of this Department and is hereby granted this PERMIT which entitles him to conduct

_____ at _____

and this Permit is to remain in full force until _____ 19 __ unless sooner revoked for non-compliance of the rules and regulations of this Department

Issued this date _____ 19 __

SANITARIAN

DEPARTMENT DIRECTOR

PROPERTY OF THE DEPARTMENT OF HEALTH - DO NOT DEFACE

TEXAS DEPARTMENT OF HEALTH
Division of Food and Drugs

Est. I.D. [1-10]	County	Dist.	Est. No.	Census Tract 11-13	Sanit. Code 14-16	17-22 Yr.	Mo.	Day	Travel Time 23-25	Inspec. Time 26-28

Owner Name: _____ Establishment Name: _____

Address: _____ Zip _____

PURPOSE
Regular 29-1
Follow-up 2
Complaint 3
Investigation 4
Other 5

Food Service Establishment Inspection Report

Based on an inspection this day, the items circled below identify the violations in operations or facilities which must be corrected by the next routine inspection or such shorter period of time as may be specified in writing by the regulatory authority. Failure to comply with any time limits for corrections specified in this notice may result in cessation of your Food Service operations.

ITEM NO.		WT.	COL.
FOOD			
*01	Source; sound condition, no spoilage	5	30
02	Original container; properly labeled	1	31
FOOD PROTECTION			
*03	Potentially hazardous food meets temperature requirements during storage, preparation, display, service transportation	5	32
*04	Facilities to maintain product temperature	4	33
05	Thermometers provided and conspicuous	1	34
06	Potentially hazardous food properly thawed	2	35
*07	Unwrapped and potentially hazardous food not re-served	4	36
08	Food protection during storage, preparation, display, service, transportation	2	37
09	Handling of food (ice) minimized	2	38
10	In use, food (ice) dispensing utensils properly stored	1	39
PERSONNEL			
*11	Personnel with infections restricted	5	40
*12	Hands washed and clean, good hygienic practices	5	41
13	Clean clothes, hair restraints	1	42
FOOD EQUIPMENT & UTENSILS			
14	Food (ice) contact surfaces: designed, constructed, maintained, installed, located	2	43
15	Non-food contact surfaces: designed, constructed, maintained, installed, located	1	44
16	Dishwashing facilities: designed, constructed, maintained, installed, located, operated	2	45
17	Accurate thermometers, chemical test kits provided, gauge cock (¼" IPS valve)	1	46
18	Pre-flushed, scraped, soaked	1	47
19	Wash, rinse water: clean, proper temperature	2	48
*20	Sanitization rinse: clean, temperature, concentration, exposure time; equipment, utensils sanitized	4	49
21	Wiping cloths: clean, use restricted	1	50
22	Food-contact surfaces of equipment and utensils clean, free of abrasives, detergents	2	51
23	Non-food contact surfaces of equipment and utensils clean	1	52
24	Storage, handling of clean equipment/utensils	1	53
25	Single-service articles, storage, dispensing	1	54
26	No re-use of single service articles	2	55
WATER			
*27	Water source, safe: hot & cold under pressure	5	56

ITEM NO.		WT.	COL.
SEWAGE			
*28	Sewage and waste water disposal	4	57
PLUMBING			
29	Installed, maintained	1	58
*30	Cross-connection, back siphonage, backflow	5	59
TOILET & HANDWASHING FACILITIES			
*31	Number, convenient, accessible, designed, installed	4	60
32	Toilet rooms enclosed, self-closing doors, fixtures, good repair, clean; hand cleanser, sanitary towels/tissues/hand-drying devices provided, proper waste receptacles	2	61
GARBAGE & REFUSE DISPOSAL			
33	Containers or receptacles, covered: adequate number insect/rodent proof, frequency, clean	2	62
34	Outside storage area enclosures properly constructed, clean; controlled incineration	1	63
INSECT, RODENT, ANIMAL CONTROL			
*35	Presence of insects/rodents — outer openings protected, no birds, turtles, other animals	4	64
FLOORS, WALLS & CEILINGS			
36	Floors, constructed, drained, clean, good repair, covering installation, dustless cleaning methods	1	65
37	Walls, ceiling, attached equipment: constructed, good repair, clean, surfaces, dustless cleaning methods	1	66
LIGHTING			
38	Lighting provided as required, fixtures shielded	1	67
VENTILATION			
39	Rooms and equipment — vented as required	1	68
DRESSING ROOMS			
40	Rooms clean, lockers provided, facilities clean, located	1	69
OTHER OPERATIONS			
*41	Toxic items properly stored, labeled, used	5	70
42	Premises maintained free of litter, unnecessary articles, cleaning maintenance equipment properly stored. Authorized personnel	1	71
43	Complete separation from living/sleeping quarters. Laundry.	1	72
44	Clean, soiled linen properly stored	1	73

FOLLOW-UP
Yes 74-1
No 2

RATING SCORE 75-77
100 less weight of items violated → ___

Type of Est. 78-80 ___

Received by: name _____
title _____

Inspected by: name _____
title _____

*Critical Items Requiring Immediate Attention.

Remarks on back [80-1]

CITY OF FULSHEAR

FOOD LICENSE APPLICATION FORM

NAME OF ESTABLISHMENT: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

NAME OF OWNER: _____

OWNER'S ADDRESS: _____

OWNER'S TELEPHONE NUMBER: _____

NUMBER OF EMPLOYEES: _____

FEE PAID: _____

The undersigned has read and understands the terms of this application and the Food Ordinance of the City of Fulshear, Texas Number and that the undersigned will observe and follow the requirements set out in that Ordinance and will furnish any and all changes in the information furnished herein by the undersigned within one week of the change in information occuring; failure to notify of any change is grounds for revocation of the Food Permit granted. The Food Permit is not assignable.

Date: _____

Applicant signature and quthority

BY: _____

ANTI-LITTERING
ORDINANCE

ORDINANCE NO. 600

AN ORDINANCE PROVIDING FOR DEFINITIONS; PROVIDING FOR A PROHIBITION OF LITTERING, PROVIDING FOR A PROHIBITION OF ABANDONMENT OF REFUSE; PROVIDING FOR A FINE OF NOT MORE THAN $200.00 UPON CONVICTION OF A VIOLATION UNDER THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR POSTING AND PUBLISHING AND DECLARING AN EMERGENCY.

WHEREAS, it is against the public interest within in the City of Fulshear, to allow the littering and abandonment of refuse; and,

WHEREAS, littering and abandonment of refuse cost tax dollars to clean up, creates unsightly and unsafe conditions hazardous to the lives and property of the citizens of the City of Fulshear.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

SECTION I

Definitions.

A. When used in this ordinance the word refuse shall include but not be limited to garbage, trash, ashes, rubbish, junk, automobile parts, paper and litter.

B. When used in this ordinance the word place and its derivatives shall include but not be limited to throw, dump, unload, discharge and deposit.

C. When used in this ordinance the word litter and its derivatives shall include but not be limited to throw, dump, unload, discharge and deposit.

D. When used in this ordinance the word right-of-way shall mean a street, alley or sidewalk.

E. The word person shall include but not be limited to natural persons, corporations and partnerships and shall mean all persons provided under state law who may be prosecuted under the laws of the State of Texas.

SECTION II

Offenses.

A. It shall be unlawful for any person to place or cause to be placed any refuse on any privately owned lot, tract or parcel of land located within the city limits with the intention of abandoning the same.

B. It shall be unlawful for any person to place or cause to be placed any refuse on any public right-of-way or on any other public property within the city limits.

C. It shall be unlawful for any person is the owner, lessee or occupant of any lot, tract or parcel of land fronting on a public right-of-way within the city limits to knowingly permit any refuse to be or remain on such right-of-way opposite such property at any point between the line of such property and the center of the right-of-way. A person shall be presumed to have knowingly permitted refuse to be or remain on the right-of-way if such refuse has remained in the right-of-way for twenty-four hours or more.

SECTION III

Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and shall be fined not more than $200.00 upon conviction of such violation.

SECTION IV

If any part of this ordinance or any requirement thereunder shall be held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of any other part or other requirement herein.

SECTION V

This ordinance shall take effect and be in force from and after its publication by posting a copy thereof at the City

Hall of said City. The City Secretary shall post and publish this Ordinance in the official newspaper as required by law.

SECTION VI

The fact that there is no local regulation of the abandonment of refuse in the City of Fulshear which represents a danger to the citizens of the City and a hazard to the lives and property of the citizens within in the City causes an emergency, requiring the reading of an ordinance at more than one meeting to be dispensed with, therefore this ordinance shall be passed and approved on the date of its introduction and shall be enforceable from the date of its publication.

PASSED AND APPROVED this the 20th day of June, 1983.

THE CITY OF FULSHEAR, TEXAS

By: Jamie W. Roberts
JAMIE W. ROBERTS
Mayor

ATTEST:

By: Carolyn H. Smith
CAROLYN SMITH
City Secretary

VOTING
ALDERMEN:

E. DOZIER	YES
V. RANDLE	YES
B.G. WALLING	ABSENT
F. SMART	YES
T. HARKNESS	ABSENT

ORDINANCE NO. 601

ORDINANCE GRANTING USE OF CITY RIGHT-OF-WAY

BE IT ORDAINED by the City Council of the City of Fulshear,

I.

THAT KIMBERLYN WOMACK, her heirs and assigns, who have petitioned the City for use of a portion of the First Street Right-of-Way described as a tract or parcel of land

> 4.4 feet by 130 feet being North of and adjacent to the North line of Lots Eleven (11) and Twelve (12), in Block One (1) of the Townsite of Fulshear.

II.

Such use is granted upon a finding by City Council that the existing building encroaches into the City Right-of-Way 4.4 feet and has been located on such encroachment for many years without interference with any public use of the right-of-way.

III.

Such use is granted only for so long as the existing structure remains in its present position.

PASSED AND APPROVED this 15 day of August, 1983.

CITY OF FULSHEAR, TEXAS

BY: Jamie W. Roberts
JAMIE W. ROBERTS, Mayor

ATTESTED:

Carolyn H. Smith
CAROLYN SMITH, City Secretary

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that those certain hereinabove described alleys in the town of Fulshear, Fort Bend County, Texas, be and the same are hereby declared and ordered closed, discontinued and abandoned, and a reversion thereof is hereby declared to the adjacent landowners, as prayed for in the aforesaid written petition.

THIS ORDER AND DECREE is made and entered in the minutes of the Commissioners Court of Fort Bend County, Texas, on this the 24th day of April, A. D. 1967, upon the motion of [illegible], Commissioner of Precinct No. [illegible], seconded by [illegible], Commissioner of Precinct No. [illegible], and unanimously adopted.

SIGNED AND EXECUTED this the 24th day of April, A. D. 1967.

County Judge

Commissioner, Precinct #1 — Commissioner, Precinct #2

Commissioner, Precinct #3 — Commissioner, Precinct #4

There being no further business, Court Adjourned.

COUNTY JUDGE

ATTEST:

COUNTY CLERK

****

SPECIAL SESSION

THE STATE OF TEXAS)
COUNTY OF FORT BEND)

BE IT REMEMBERED, That on the 1st day of May, 1967, the Commissioners Court of Fort Bend County, Texas, met in Special Session with the following present:

Josh Gates	County Judge
E. H. Muegge	Commissioner Prect. # 1
Louis Teykl	Commissioner Prect. # 2
J. M. Davis	Commissioner Prect # 3
Johnnie Philipp	Commissioner Prect. # 4

and when the following proceedings were had and the following orders passed, to-wit:

On Motion of Commissioner E. H. Muegge, seconded by Commissioner Louis Teykl, and duly passed, the Minutes of Special Meeting of April 24, 1967, were approved.

ORDINANCE NO. 602

AN ORDINANCE TO REGULATE SIGNS AND BILLBOARDS, REQUIRING A PERMIT THEREFOR; AND PROVIDING PERMIT FEES; PROVIDING FOR A SIGN ADMINISTRATOR; PROVIDING A PENALTY AND FOR ENFORCEMENT SETTING STANDARDS FOR CONSTRUCTION AND MAINTENANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE AND EFFECTIVE DATE PROVIDING FOR POSTING AND PUBLISHING.

WHEREAS, the City Council of the City of Fulshear finds that the unregulated construction of signs, billboards, and other outdoor advertising structures can present structural hazards which threaten the health and safety of the citizens of the City of Fulshear, and

WHEREAS, the City Council of the City of Fulshear finds that the unregulated siting and placement of signs, billboards, and other outdoor advertising structures can present impediments and dangers to traffic along City thoroughfares and easements; and,

WHEREAS, the City Council of the City of Fulshear finds that the control of siting and placement of signs, billboards, and other outdoor advertising structures will promote and enhance the efficient and safe use of public thoroughfares; and,

WHEREAS, the City Council of the City of Fulshear finds that the continued construction of off-premise signs leads to the diminution of property values for adjacent properties and thereby adversely impacts on the taxable value of such affected properties; and,

WHEREAS, the City Council of the City of Fulshear finds that the continued construction of off-premise signs causes increased risk of distraction and danger to citizens driving and walking on streets and thoroughfares due to Fulshear's increasing volume of traffic on streets and thoroughfares; and,

WHEREAS, the City Council of the City of Fulshear finds that a portable or mobile signs present special traffic hazards when towed on public streets or displayed on public rights-of-way and present dangers to the health and safety of the citizens of

Fulshear because of their propensity to be blown about if not properly anchored; and,

WHEREAS, Texas Revised Civil Statute Art. 1011 and 1015 specifically enumerates as one of the powers possessed by the City of Fulshear the authority to license, regulate, control or prohibit the erection of signs or billboards; NOW THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS

I.

SECTION I: SIGN CODE

A. SCOPE

The provisions of this Section shall apply to all signs, as that term is defined herein, within the City limits of the City of Fulshear.

B. DEFINITIONS

The following definitions shall apply to this Chapter:

(1) Advertising shall mean to seek the attraction of or to direct the attention of the public to any goods, services, or merchandise whatsoever.

(2) Business purposes shall mean the erection or use of any property, building, or structure, permanent or temporary, for the primary purpose of conducting in said building or structure or on said property a legitimate commercial enterprise in compliance with all ordinances and regulations of the City of Fulshear governing such activity; business purpose shall not include any property, building, or structure erected or used for the primary purpose of securing a permit to erect a sign.

(3) Curb line shall mean an imaginery line drawn along the edge of the pavement on either side of a public street.

(4) Federal Primary System shall mean the "Interstate and Freeway Primary System" and the "Non-Freeway Primary System."

(5) Interstate and Freeway Primary System shall mean that portion of the national system of interstate and defense highways located within Texas which are now or hereafter may be officially designated the "Interstate System" by the Texas Highway and Public Transportation Commission and approved pursuant to Title 23, United States Code Section 131, as amended.

(6) Non-Freeway Primary System shall mean that portion of the connective main highways located within Texas which now or hereafter may be designated the "Primary System" by the Texas Highway and Public Transportation Commission and approved pursuant to Title 23, United States Code Section 131, as amended.

(7) Person shall mean a person, individual, company, corporation, partnership, association, or any other entity.

(8) Public right-of-way shall mean any part of a right-of-way not privately owned or controlled, and which is the responsibility of the City or other similar public agency to maintain.

(9) Public street shall mean the entire width between property lines of any road, street, way, alley, bridge, or other similar thoroughfare, not privately owned or controlled, when any part thereof is dedicated to the public or is open to the public for vehicular traffic, is the responsibility of the City or other similar public agency to maintain, and over which the City has legislative jurisdiction under its police power.

(10) Residential purposes shall mean property devoted to use as a single family or multi-family residence. Residential purposes shall include, but not be limited to, property used for houses, duplexes, condominiums, townhouses, townhomes, patio homes, and apartments; property used for hotels, motels and boarding houses shall not be considered as used for residential purposes. Property devoted to both residential and non-residential use shall be considered as used for residential purposes.

(11) Right-of-way shall mean the property fronting on, immediately adjacent to, and on either side of a public street or a non-public street.

(12) Sign shall mean any outdoor display, design, pictorial, or other representation, which shall be so constructed, placed, attached, painted, erected, fastened or manufactured in any manner whatsoever so that the same shall be used for advertising. The term "sign" shall include the sign structure. Every sign shall be classified and conform to the requirements of each of such classifications set forth in this Section.

(13) Sign structure shall mean any structure which supports or is capable of supporting any sign. A sign structure may be a single pole and may or may not be an integral part of a building.

(14) Total front footage shall mean the total length of the footage of property fronting on both sides of a public street.

(15) City shall mean the City of Fulshear, Texas.

C. CLASSIFICATIONS

(1) On-Premise and Off-Premise Signs

For the purpose of this Section and the regulations and provisions thereof, a sign shall be first classified as either an "on-premise sign"or an "off-premise sign."

(a) On-premise sign shall mean any sign identifying or advertising the business, person, activity, goods, products or services primarily sold or offered for sale or distributed on the premises where the sign is installed and maintained when such premise is used for business purposes.

(b) Off-premise sign shall mean any sign advertising a business, person, activity, goods, product or service not usually located on the premises where the sign is installed and maintained, or which directs persons to any location not on the premises.

(2) Types of Signs

All signs shall further be classified into one of the following type signs:

(a) Ground sign shall mean a sign which is supported by uprights or braces in or upon the ground, including portable signs as defined herein.

(b) Marquee sign shall mean a projecting sign attached to or hung from a canopy of covered structure projecting from and supported by a frame or pipe support extending beyond a building.

(c) Projecting sign shall mean any sign which is affixed to any building wall or structure and extends beyond the building wall or structure more than 12 inches.

(d) Roof sign shall mean any sign erected, constructed or maintained above the roof of any building.

(e) Wall sign shall mean any sign affixed to or painted upon the wall of any building.

(3) Special Function Signs

Any on-premise or off-premise sign of any type may also be included within one or more of the following additional classifications according to special functions:

(a) Electrical sign shall mean any sign containing electrical wiring or utilizing electric current, but not including signs illuminated by an exterior light source.

(b) Portable sign shall mean any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier, or other non-motorized mobile structure; a portable sign which has its wheels removed shall still be considered a portable sign hereunder. For the purpose of this ordinance, by way of illustration but not limitation, trailer signs and signs on benches are portable signs.

(c) Spectacular sign shall mean any sign which has automatically changing advertising, or which is equipped with glaring lights or rotating strobe lights or spot lights, or which has any moving message whatsoever. A changing or moving message that does not change or move more than once every four (4) hours shall not be considered "automatically changing advertising."

(d) Temporary sign shall mean any sign constructed of any material such as metal, wood, cloth, plastic, canvas, light fabric, cardboard, wallboard, or other light material, not to exceed six (6) square feet in size. A portable sign shall not be considered a temporary sign.

D. SIGN ADMINISTRATOR AND ENFORCEMENT

(1) Sign Administrator

The City Secretary shall administer and enforce the terms and conditions of this Ordinance and all other provisions of laws relating to signs. The City Secretary hereinafter called "Sign Administrator" is empowered to delegate the duties and powers granted to and imposed upon him by this Section to other persons serving under him. The Sign Administrator is directed to enforce and carry out all provisions of this Ordinance.

(2) Enforcement Responsibility

The duties of the Sign Administrator shall include not only the issuance of permits as required by this Ordinance but also the responsibility of insuring that all signs comply with this Ordinance and any other applicable law, and that all signs for which a permit is required do in fact have a permit. The Sign Administrator shall make such inspections as may be necessary and initiate appropriate action to bring about compliance with this Ordinance and other applicable law if such inspection discloses any instance of noncompliance. The Sign Administrator shall investigate thoroughly any complaints of alleged violations of this Ordinance.

(3) Powers of Sign Administrator

The Sign Administrator shall have the power and authority to administer and enforce the conditions of this Ordinance and all other laws relating to signs. Included among such powers are the following specific powers:

(a) Every sign for which a permit is required shall be subject to the inspection and approval of the Sign Administrator. When deemed advisable by the Sign Administrator, a sign may be inspected at the point of manufacture if such point is within or adjacent of the city limits of the City

(b) Upon presentation of proper identification to the owner, agent, or tenant in charge of such property, the Sign Administrator or his representative may enter, for the purposes of inspecting and investigating signs or sign structures, any building,

structure, or other premises or property between the hours of 8 a.m. and 5 p.m., Mondays through Saturdays; provided, however, that in cases of emergency where extreme hazards are known to exist which may involve imminent injury to persons, loss of life or severe property damage, and where the owner, agent or tenant in charge of the property are not available after the Sign Administrator has made a good faith effort to locate same, the Sign Administrator may enter the aforementioned structures and premises at any time upon presentation of proper identification to any other person on the premises. Whenever the Sign Administrator or his representative shall enter upon private property, under any circumstances, for the purpose of inspecting and/or investigating signs or sign structures, which property has management in residence, such management, or the person then in charge, shall be notified of his presence and shown his proper and official credentials. The Sign Administrator or his representative, when on private property, shall observe the establishment's rules and regulations concerning safety, internal security and fire protection. Whenever the Sign Administrator is denied admission to inspect any premises, inspection shall be made only under authority of a warrant issued by a magistrate authorizing the inspection for violations of this Chapter. In applying for such a warrant, the Sign Administrator shall submit to the magistrate his affidavit setting forth his belief that a violation of this Chapter exists with respect to the place sought to be inspected and his reasons for such belief. Such affidavit shall designate the location of such place and the name of the person believed to be the owner, operator or occupant thereof. If the magistrate finds that probable cause exists for a search of the premises in question he shall issue a warrant authorizing the search, such warrant describing the premises with sufficient certainty to identify the same. Any warrant so issued shall constitute authority for the Sign Administrator to enter upon and inspect the premises described therein.

(c) Upon notice and issuance of a stop order from the Sign Administrator, work on any sign that is being conducted in a manner contrary to the provisions of this Ordinance or is being conducted in a dangerous or unsafe manner shall be immediately stopped. Such notice and order shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, written notice shall not be required to be given by the Sign Administrator. Following the issuance of a stop order, the Sign Administrator shall initiate proceedings to revoke any permit issued for the work covered by such stop order, consistent with Paragraph D(3) (c) of this Section , unless the cause of the stop order is resolved to the Sign Administrator's satisfaction.

(d) The Sign Administrator shall have, and is hereby granted, the power and authority to revoke any and all licenses or permits authorized by this Ordinance for violation of the terms and provisions of this Ordinance; provided that, the Sign Administrator shall conduct a hearing prior to the revocation of any license or permit authorized under this Ordinance to determine the facts incident to the pending revocation. The person whose license or permit is under consideration shall be given at least ten (10) calendar days written notice of the hearing and shall be permitted to present relevant facts and legal argument regarding the pending revocation. Following such hearing, the Sign Administrator shall consider the merits of the case and shall present a written opinion prior to any act. Provided further, however, that if in the opinion of the Sign Administrator the health, safety, or welfare of the citizens of the City is endangered by any violation of this Ordinance, the Sign Administrator may immediately revoke any or all licenses or permits authorized by this Ordinance and shall conduct the necessary hearing as soon as possible thereafter, but in no case later than three (3) business days after the effective date of the revocation unless the affected licensee or permittee shall request in writing a later date.

(e) The Sign Administrator shall have the authority to adopt regulations required to implement the provisions of this Ordinance.

(f) Pursuant to and in accordance with any agreement between the City and the County of ~~Waller~~ Ft. Bend and/or the State of Texas and/or the United States Government, the Sign Administrator is hereby authorized to enforce any applicable terms and provisions of the Texas Highway Beautification Act, Tex.Civ.Stat.Ann.,Art. 6674v-1, The Agreement for Carrying out National Policy Relative to Control of Outdoor Advertising, entered into between the United States of America and the State of Texas, by instrument dated May 2, 1972, any supplements or amendments to that agreement, and any rules or regulations promulgated by the County of ~~Waller~~ Ft. Bend and/or the State of Texas, and/or the Texas Highway Department, pursuant to the said act or agreements, with regard to signs.

(g) The Sign Administrator shall have the power to designate administrative employees of the City to assist the Sign Administrator and enforce the provisions of this Ordinance.

(4) <u>Violations and Penalties</u>

Any person who shall violate any provision of the Ordinance shall be guilty of a misdemeanor and shall, upon conviction therof, be punished by a fine of not less than $150 and not more than $200 for each violation. Each day in which any violation shall occur shall constitute a separate offense. In addition, the City Attorney is hereby authorized to take all actions, both legal and equitable, necessary to assure compliance with this Ordinance.

(5) Appeals

Any person wishing to appeal a decision of the Sign Administrator on the grounds that the decision misconstrues or wrongly interprets this Ordinance may within thirty (30) days after the decision appeal the same to the City Council, provided that the appealing party shall give notice of appeal in writing to the City Secretary of the City no less than ten (10) days following the decision appealed from and provided further that the appealing party shall comply with the Sign Administrator's decision pending appeal unless the Sign Administrator shall direct otherwise.

E. SIGN PERMITS AND FEES

(1) Permit Required

No person shall hereafter maintain, erect, construct, reconstruct, alter or use a sign without first having secured a written permit from the Sign Administrator of the City to do so, subject to the exceptions set forth in subsection (2) below.

(2) Exceptions

No permit shall be required under this Chapter for signs of the following descriptions, unless any such sign is a spectacular sign, or a portable sign. Any sign listed hereunder shall be erected and maintained in a safe condition in conformity with Paragraph H of this Ordinance and other Ordinances of the City.

(A) On-Premise Signs

(a) Signs painted on windows or doors; or

(b) Wall signs not over 100 square feet in area; or

(c) Signs erected by the City, State of Texas (including its political subdivisions such as counties and school districts), or the Federal Government and the lessees of such governmental entities; or

(d) Railroad signs; or

(e) Legal notices and house numbers; or

(f) A sign not over 40 square feet in area setting forth information concerning a building or other structure under repair or construction of advertising the sale or rental of the premises; or

(g) An on-premise non-electrical ground sign of not over 30 square feet in area, no closer than 2 feet to the curb line, no higher than 25 feet, setting forth the address, name of owner, and name of business, provided there shall be no more than one such sign; or

(h) On-premise temporary signs, provided the number of such signs on any premise does not exceed two (2) in number, and provided such signs are displayed on consecutive days, and only for a maximum of one hundred eighty (180) days in any ninety (90) day period; or

(i) Signs otherwise required by Federal, State or local laws; or

(j) On-premise signs setting forth the location of or directions to parking or buildings located on the premises, or regulating the flow of on-premise traffic. Such directional signs may be lighted, consistent with the other requirements of the City of Fulshear; or

(k) Signs displayed, designed, or used for or upon motor vehicles; or

(l) Signs designed and used for display upon or with lighter or heavier-than-air craft.

(m) Signs which are mounted on the face of a building no higher than the roof line or form an integral part of a canopy or

(n) School signs; or

(o) Church signs

(B) Off-Premise Signs

(a) School signs; or

(b) Church signs; or

(c) Signs otherwise required by Federal, State or local laws; or

(3) Application Procedure

(a) The application for a permit shall be submitted in such form as the Sign Administrator may prescribe and shall be accompanied by drawings and descriptive data to verify compliance with the provisions of this Ordinance. Construction permit applications for new ground signs when erected or constructed to heights exceeding 30 feet above ground level, or for new roof signs when erected 30 feet above roof level, shall be accompanied by a drawing of the sign structure and the sign prepared by and certified by a professional engineer registered in the State of Texas; the Sign Administrator at her option may also require similar certification by a registered professional engineer where any unusual structural provisions of a proposed sign indicate such certification is necessary in the interest of public safety.

(b) Every application shall be executed and verified under oath by both the owner of the premises upon which the sign is to be or has been constructed, or the authorized

lessee of such premises, and the sign company if the sign is an off-premise sign, that the sign is authorized to be erected or to be thereafter maintained on the premises, and shall contain the sworn affidavit of the owner or lessee and the sign company that the sign does not violate any applicable deed restriction or other similar restrictions on the premises.

(c) If the location, plans and specifications set forth in any application for permit conform to all of the requirements of this Ordinance and other applicable provisions of the Building Code, the Sign Administrator shall issue the permit.

(4) Operating Permit Effectiveness; Renewal Permit

Each off-premise operating permit issued shall be effective for a period of one (1) year. Not less than thirty (30) days nor more than sixty (60) days prior to the conclusion of each one (1) year period, applications may be made for a one (1) year extension of the permit. Such application shall be submitted in such form as the Sign Administrator may prescribe, accompanied by payment of applicable fees, and shall be executed, verified and contain the sworn affidavit described in Paragraph E (3) (a) above. If the application for extension of permit fully meets the requirements of applicable law or Ordinance in effect at the time of such application, the Sign Administrator shall issue a renewal permit for an additional one (1) year period.

(5) Existing Signs; Operating Permits

(a) After the date of passage of this Ordinance, all signs then existing must receive operating permits according to the following schedule:

(i) All portable signs, by ninety (90) days after the date of passage of this Ordinance.

(ii) All other signs by one hundred eighty (180) days after the date of passage of this Ordinance.

(b) In order to receive operating permits, all signs existing on the date of passage of this Ordinance must conform to the requirements of Paragraph G and Paragraph I (1) through (12) when an operating permit is issued; with reference to the remainder of this Ordinance, all signs existing on the date of passage of this Ordinance must conform to the requirements of this Section as follows:

(i) Existing portable signs must conform when an operating permit is issued.

(ii) Existing spectacular signs must conform with the provisions of the Ordinance when an operating permit is issued; otherwise, existing spectacular signs must conform six (6) years after the date of passage of this Ordinance.

(iii) Existing signs, unless portable signs or spectacular signs, or properly exempt from having a permit, must conform with the provisions of this Ordinance herein when an operating permit is issued following six (6) years after the date of passage of this Ordinance.

(c) When any sign, or a substantial part thereof, is blown down or otherwise destroyed, or taken down or removed for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on such sign, it shall not be re-erected, reconstructed, or rebuilt, except in full conformance with this Ordinance.

(6) Subterfuge

Any permit secured before or after the effective date of this Ordinance which in the opinion of the Sign Administrator has been secured through subterfuge and not in full compliance with the provisions of this Ordinance shall be revoked by the Sign Administrator; provided that, such revocation shall conform with the provisions of Paragraph D (3) (c) regarding notice and hearing.

(7) Identification of Signs

Every sign for which a permit is required shall be plainly marked with the name of the owner, lessee or the sign company erecting and maintaining the sign and shall have affixed on the front thereof or on some other location so as to be conspicuous and easily identifiable from an adjacent public street, an individually numbered sticker, tag or token.

(8) Construction Permit Effectiveness; Renewal Permit

Any permit for construction of a sign shall become null and void unless construction of the sign is completed within 180 days, or the permit is renewed for an additional 180 days, in which case an additional fee shall be payable equal to one-half the original fee paid and the proposed sign shall meet all of the requirements of this Ordinance on the date of renewal.

(9) Fees

Permit Fees shall be as follows:

a. Operating Permits

1. On Premise

(a) Permanent permits shall be issued for $5.00

2. Off Premise

(a) Annual permits shall be issued

(b) All annual permits shall expire on December 31 of each calendar year.

(c) There shall be no proration of permit fee

(d) The permit shall be issued for $100.00

b. Inspection Permits

1. On Premise

(a) Permanent permits shall be issued for $5.00

2. Off Premise

(a) Annual permits shall be issued

(b) All annual permits shall expire on December 31 of each calendar year

(c) There shall be no proration of permit fee

(d) The permit fee shall be $100.00

c. Construction or Reconstruction Permits

1. On-Premise

(a) No permit fee required

2. Off-Premise

(a) Permit fee of $500.00 for the first 50 square feet of sign face; and

(b) $10.00 each square foot or fraction thereof exceeding 50 square feet.

(10) No Refund of Fees

The applicant for a permit or holder of a permit shall not be entitled to a refund of any fee paid in case the permit is revoked.

(11) Deposit or Bond

When any work on a sign or sign structure is to be done beyond the curb line or on or above public property which may cause the City to sustain loss, damage or injury to public property, or to be put to expense in correcting conditions resulting therefrom, the Sign Administrator shall require the person proposing to do such work to furnish a bond in the amount of $50,000.00, in the form determined by the City Legal Department, or to post a deposit of a like amount, to indemnify the City against any cost that may be sustained by the City because of such work, and as a guaranty of compliance with this and other applicable laws and Ordinances. Such required bond or deposit shall be furnished or posted before any permit is issued to work.

(a) Electrical Signs

1. Any on-premise electrical sign shall conform fully to the requirements of the electrical code and all the Ordinances now in effect or hereafter adopted or as amended.

2. There shall be no off-premise electrical signs allowed.

F. SIGN COMPANIES

Each person constructing, repairing, or replacing or removing any sign that in any manner includes the use of electricity shall adhere to the requirements of City Electrical Code and shall pass such examinations and tests required to qualify for an electrician's license.

G. SIGN MAINTENANCE AND REMOVAL

(1) Maintenance

All signs shall be kept in good repair and,unless of galvanized or non-corroding metal or treated with appropriate wood preservative, shall be thoroughly painted as often as is necessary consistent with good maintenance. All braces, bolts, clips, supporting frame and fastenings shall be free from deterioration, termite infestation, rot, or loosening. All signs shall be able to withstand safely at all times the wind pressures specified elsewhere in this Ordinance or as required by law. In case any sign is not so maintained, the Sign Administrator shall give written notice to the owner or lessee thereof to so maintain the sign, or to remove the sign.

(2) Unsafe Signs

Should any sign in the opinion of the Sign Administrator become insecure or in danger of falling or otherwise unsafe the Sign Administrator shall give written notice of the condition of the sign to the person owning, leasing, or responsible for the sign. Said person so notified shall correct the unsafe condition of the sign in a manner to be approved by the Sign Administrator in conformity with the provisions of this Ordinance. Should the Sign Administrator deem that emergency conditions exist created by a dangerous sign to life or property then in such event the Sign Administrator shall take appropriate action to preserve life and property including removal of said dangerous sign without compliance with the notice provision of this Section (2).

(3) Unlawful Signs

In case any sign shall be installed, erected, constructed or maintained in violation of any of the terms of this Ordinance, the Sign Administrator shall give written notice to the owner, lessee, or person responsible for said sign ordering said owner, lessee or person to alter the sign so as to comply with this Ordinance, or to remove the sign.

(4) Removal of Signs

Any written notice to alter or to remove a sign shall be given by the Sign Administrator by certified mail or written notice served personally upon the owner, lessee, or person responsible for the sign, or the owner's agent. If such order is not complied with within 10 days, the Sign Administrator shall initiate proceedings under Section D (3) (d) herein to revoke the permit and remove sign at the expense of the owners, lessee, or person responsible therefor.

H. MISCELLANEOUS SIGN PROVISIONS

(1) Christmas Displays

Christmas displays and similar temporary displays erected without advertising shall not be subject to the provisions of this Section, but shall be subject to the rules and regulations for fire safety promulgated by the Fire Marshal.

(2) Political Signs

No permit shall be required under this Section for a sign erected solely for and relating to a public election for a period commencing 60 days prior to and for 10 days following such public election, provided that such unpermitted sign shall be located on private property only, shall be constructed of lightweight material, and shall not exceed 50 square feet in size.

(3) Signs on Public Rights-of-Way

(a) With the exception of signs approved by City Council or exempt signs erected prior to the passage of this ordinance, it shall be unlawful to place a sign upon a public street, public sidewalk, public alley, public right-of-way, public curb or other public improvement in any public street or grounds, or any public bridge or part of same, or on any public building or structure of any kind belonging to the City, or in any public place or on any public improvement unless express consent therefor shall have been first granted by the City Council. However, coin-operated devices used to display and vend newspapers may be so placed, so long as they are not placed to impede vehicular or pedestrian traffic. This subsection does not apply to public property leased for private business purposes.

(b) Any unlawful sign found within a public right-of-way of a public street, public sidewalk or public alley shall be seized and removal thereof is hereby authorized. The Sign Administrator, employees of the Police Department, and the Department of Public Works are hereby authorized to impound any signs found on a public street, public sidewalk or public alley and transport or cause the same to be transported to a location to be designated by the Sign Administrator for storage. The Sign Administrator shall maintain records of where such signs were located when they were so impounded and the date on which they were so impounded and shall hold the same in the storage area for a period of not more than 30 days. Any sign so held may be redeemed by the owner thereof upon the payment of a fee to the City through the Sign Administrator, consisting of a total of $200.00 for hauling the same to storage plus $50.00 per day storage fee for each day the sign is stored. Such fee shall be in addition to and not in lieu of any fine imposed upon such owner for violation of this Ordinance. Any sign impounded and stored and not redeemed by the owner thereof within 30 days may be sold at public auction in the same manner as surplus or abandoned property of the City or destroyed.

(4) Signs on Private Property

No person shall place a sign on private property without the written consent of the owner or agent for the owner of said private property, which consent shall be dated, signed by the owner and permanently affixed to said sign and a duplicate original of the written consent filed with the Sign Administrator, said written consent must be obtained annually.

(5) Signs Resembling Official Signs

No sign shall be constructed which resembles any official marker erected by the City, State or any governmental agency or which by reason of position, shape or color would conflict with the proper functioning of any traffic sign, signal or which by its shape or color would conflict with or be confused with emergency vehicle lights, especially blinking lights. Use of words such as "stop", "look,","danger," or any other work, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic is prohibited.

(6) Signs on Traffic Islands

Signs are prohibited on traffic islands or any area having a minimum distance of less than 50 feet between the curb lines of any street or streets.

(7) Signs Not to Obstruct

(a) No sign shall be erected, constructed, or maintained so as to obstruct any means of egress, or any opening necessary for required light, ventilation or fire fighting or for escape from the premises, or so as to prevent free passage from one part of a roof to any other part thereof.

(b) No sign shall be attached to any exterior stairway, fire escape, fire tower balcony, or balcony serving as a horizontal exit.

(c) No sign shall be erected, constructed, or maintained so as to interfere with the free operation of a counterbalanced section of a fire escape, and no projecting sign shall be erected, constructed or maintained without a minimum of seven feet of clearance over any such counterbalanced section.

(d) No sign shall obstruct the free use of any window above the first story.

(8) Signs Employing Motion Picture Machines

No sign shall employ a stereopticon or motion picture machine.

(9) Signs Not to Create Easements

No permit for a sign extending beyond private property onto a public street, public sidewalk or public alley shall constitute a permanent easement, and every such permit shall be revocable at any time by action of the City Council and the City shall not be liable for any damages to the owner by reason of such revocation.

(10) Change of Ornamental Features, Electrical Wiring, or Advertising Display

No sign permit is required for the change of any of the ornamental features, electric wiring or devices, or the advertising display of a sign previously permitted. This provision shall not apply to spectacular signs with respect to advertising display, nor shall it release a person from complying with all other applicable permitting requirements of the City.

(11) Signs Obscuring or Interfering with View

Signs may not be located or illuminated in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device, or so as to obstruct or interfere with the view of the driver of approaching, emerging or intersecting traffic, or so as to prevent any traveler on any street from obtaining a clear view of approaching vehicles for a distance of 250 feet along the street.

(12) Proper Shielding of Lighted Signs; Interference with Drivers of Motor Vehicles

Signs containing lights which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled way from which the sign is primarily viewed and which are of such intensity or brillance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle, are prohibited.

(13) Spectacular Signs

Spectacular signs shall be subject to the following restrictions:

(a) Spectacular signs with glaring lights, strobe lights or spot lights or rotating strobe lights or spot lights are prohibited.

(b) All other spectacular signs shall be prohibited, with the exception that moving or intermittent lights may be used to give time, date, temperature, weather, reports only.

I. STRUCTURAL REQUIREMENTS

(1) Design

(a) General - All signs and sign structures shall be designed and constructed to resist wind forces as specified in this Section. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings the dead and lateral loads shall be transmitted through the structural frame of the building to the ground in such manner as not to overstress any of the elements thereof.

The overturning moment produced from lateral forces shall in no case exceed two-thirds of the dead-load resisting moment for all signs. Uplift due to overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building for all signs. The weight of earth superimposed over footings may be used in determining the dead-load resisting moment. Such earth shall be carefully placed and thoroughly compacted.

The allowable stresses in wire ropes and steel guy rods and their fastenings shall not exceed one-fourth (1/4) of their rated tensile strength.

(b) Wind loads - All signs and sign structures shall be designed to resist wind loads as follows:

WIND LOAD PRESSURES
IN POUNDS PER SQUARE FOOT FOR ALL SIGNS

Height Above Ground*/ft.	Pressure, lbs./ft.
0 - 30	20
31 - 50	25
51 - 99	35
100 - 199	45
200 - 299	50
300 - 399	55
400 - 500	60
501 - 800	70
Over 800	77

*Measured above the average level of the ground adjacent to the structure.

(2) Construction

(a) General - The supports for all signs or sign structures shall be erected in conformance with the requirements of the City Building Code, now in effect or as adopted or amended.

(b) Materials - Materials for construction of all signs and sign structures shall be of the quality and grade as specified for buildings in the City Building Code, now in effect or as adopted or amended.

(3) Electrical Requirements

(a) All electrical fixtures, equipment and appurtenances installed in conjunction with a sign shall be designed and installed in accordance with the City Electrical Code now existing or as adopted or amended.

(4) Use of Plastic Materials

(a) For the purposes of this subsection (4), the following definitions shall apply:

(i) Display surface shall mean the entire surface of a sign, on one side, devoted to exhibiting or contrasting exhibits of advertising. The display surface shall generally include the entire sign surface except for the sign frame and incidental supports thereto.

(ii) Sign facing or facing shall mean a separate and distinguishable portion of the overall display surface.

(b) Nothwithstanding any other provisions of this Section, plastic materials which burn at a maximum rate of two and one-half inches per minute, in sheets of 0.060 thickness when tested in accordance with "Test for Flammability of Rigid Plastics over 0.050 inches in Thickness, ASTM D635-1974," as that test is generally understood shall be deemed "approved plastics" for the purposes of this Ordinance, and may be used as the display surface material and for the letters, decorations and facings on signs; provided that, the structure of the sign in which the plastic is mounted or installed is non-combustible.

(c) Individual plastic facings of electrical signs shall not exceed 200 square feet in area. If the area of a display surface exceeds 200 square feet, the area occupied or covered by approved plastics shall be limited to 200 square feet plus 50 percent of the difference between 200 square feet and the total square footage area of the sign.

(d) The area of plastic on a display surface shall not in any case exceed 550 square feet.

(e) Letters and decorations mounted upon an approved plastic facing or display surface shall be made of approved plastics.

(5) Height Limitation

Except as stated herein, no ground sign shall be established, constructed or erected which exceeds an over-all height of 41-1/2 feet including cutouts extending above the rectangular border, measured from the highest point on the sign to the grade level of the ground surface in which the sign supports are placed. A roof sign having a tight or solid surface shall not at any point exceed 24 feet above the roof level. Open roof signs in which the uniform open area is not less than 40% of total gross area may be erected to a height of 40 feet above the roof level. Projecting signs shall be a minimum of 14 feet in height above grade. These height limitations shall not apply to on-premise signs lawfully permitted or lawfully erected prior to the date of passage of this Ordinance.

(6) Size Limitation

Except as stated herein, no on-premise sign other than an on-premise wall sign shall be established, constructed, or erected which has a face area exceeding 300 square feet, including cutouts, but excluding uprights, or which has face dimensions that exceed 15 feet in height or 30 feet in width. No off-premise sign shall be established, constructed or erected which has a face area exceeding 672 square feet, including cutouts, but excluding uprights. No doublefaced off-premise sign shall be established, constructed, or erected unless each face is 75 square feet or less and the faces are abutting on one edge.

(7) Method of Determining the Area of a Sign

In determining the area of any sign, the dimensions of the rectangle enclosing the signboard, excluding the supporting structure, shall be used. If the sign includes cutouts or facings extending beyond the dimensions of the rectangular signboard, the measurement of sign area shall include the actual area of the cutout or extended facings. For signs of a double faced, back-to-back, or V-type nature, each face shall be considered a separate sign in computing the face area.

(8) Clearances

(a) Clearances from High Voltage Power Line: Signs shall be located a minimum distance of six feet measured horizontally and 12 feet measured vertically from overhead electric conductors which are energized in excess of 750 volts. The term "overhead conductors" as used in this subsection (8) means any electrical conductor, either bare or insulated, installed above the ground.

(b) No portion of a sign or sign structure shall project into any public alley unless said portion is a minimum of 14 feet in height above grade.

(9) Fire Prevention Requirements

(a) For the purposes of this Ordinance the following definitions shall apply:

(i) Non-combustible material shall mean material no less flammable than steel, iron, or other similar metal, or as the term shall be otherwise defined by the Fire or Building Codes of the City, or by the Sign Administrator; non-combustible material shall include incombustible material.

(ii) Combustible material shall mean material more flammable than metal, but no more flammable than wood or approved plastic, as that term is defined in Paragraph I(4)(b) herein; no material more flammable than wood or approved plastic shall be used in any sign.

(b) When signs are required herein to be constructed of non-combustible material, all parts of such signs, including the sign structure, shall be of noncombustible material, except that the following parts made out of combustible material shall be permitted:

(i) Small ornamental moldings, battens, cappings and nailing strips;

(ii) Individual letters, symbols, figures and insignia supported by or within a noncombustible frame or a permitted combustible facing as permitted by Paragraph I(4);

(iii) Portions of each face of a sign, up to but not exceeding one hundred (100) square feet of facing, as long as the total area of facing for such sign does not exceed two hundred (200) square feet.

(iv) Wood posts and braces for signs whose surface is no more than ten (10) feet six (6) inches in height when such signs are determined to be non-hazardous by the Sign Administrator based on health and safety considerations, including, but not limited to, their location, their proximity to other flammable materials, their proximity to occupied structures, and their proximity to necessary fire fighting equipment.

(c) Subject to the specific exceptions stated in Paragraph I(9)(b) herein, or as otherwise stated in this Section, all roof signs, projecting signs, and marquee signs shall be constructed of non-combustible materials.

(d) Subject to the specific exceptions stated in Paragraph I(9)(b) herein, or as otherwise stated in this Section, all ground signs and wall signs in Fire Zones 1 and 2, as said Fire Zones are now or hereafter established by City ordinance, shall be constructed of non-combustible materials. Ground signs and wall signs in other Fire Zones may be constructed of combustible materials.

(10) Ground Signs

(a) Lighting reflectors on ground signs may project beyond the face of the sign.

(b) Every ground sign shall provide rigid construction to withstand wind action in all directions.

(c) Any person, including owner, lessee, or other person, using any vacant lot or premises for the location of a ground sign shall keep such premises clean, sanitary, inoffensive, and free and clear of all obnoxious subtances and unsightly conditions on the ground in the vicinity of such ground sign.

(11) Wall Signs

(a) Wall signs attached to exterior walls of solid masonry, concrete or stone, shall be safely and securely attached to the same by means of metal anchors, bolts or expansion screws of not less than three-eights inch in diameter and shall be embedded at least five inches. Wood blocks shall not be used for anchorage, except in the case of wall signs attached to buildings with walls of wood. A wall sign shall not be supported by anchorages secured to an unbraced parapet wall.

(b) The surface face of all signs must be of sheet metal, but the ornamental moulding surrounding same may be of wood construction.

(12) Roof Signs

(a) All roof signs shall be so constructed as to leave a clear space of not less than six feet between the roof level and the lowest part of the sign and shall have at least five feet clearance between the vertical supports thereof; provided, however, no portion of any roof sign structure shall project beyond an exterior wall.

(b) Every roof sign shall be constructed entirely of steel, including the upright supports and braces, except that the ornamental moulding and battens behind the steel facing and the decorative lattice work may be of wood construction.

(c) The bearing plates of all roof signs shall distribute the load directly to or upon masonry walls, steel roof girders, columns or beams. The building shall be designed to avoid overstress of these members.

(d) All roof signs shall be thoroughly secured to the building upon which they are installed, erected or constructed by iron, metal anchors, bolts supports, chains, stranded cables, steel rods or braces and they shall be maintained in good condition as set forth in Section G(1).

(13) Projecting Signs

(a) All projecting signs shall be constructed entirely of metal or other non-combustible material and securely attached to a building or structure by metal supports such as bolts, anchors, supports, chains, guys or steel rods. Staples or nails shall not be used to secure any projecting sign to any building or structure.

(b) The dead load of projecting signs, not parallel to the building or structure, and the load due to wind pressure shall be supported with chains, guys, or steel rods having net cross sectional dimension of not less than three-eights inch in diameter. Such supports shall be erected or maintained at an angle of at least 45 degrees with the horizontal to resist the dead load and at an angle of 45 degrees or more with the face of the sign to resist the specified wind pressure. If such projecting sign exceeds 30 square feet in one facial area, there shall be provided at least two such supports on each side of the sign not more than eight feet apart to resist the wind pressure.

(c) All supports shall be secured by an expansion shield to a bolt or expansion screw of such size that will develop the strength of the supporting chain, guys or steel rod, with a minimum five-eights inch bolt or lag screw. Turn buckles shall be placed in all chains, guys or steel rods supporting projecting signs.

(d) Chains, cables, guys, or steel rods used to support the live or dead load of projecting signs may be fastened to solid masonry walls with expansion bolts or by machine screws in iron supports, but such supports shall not be attached to an unbraced parapet wall. Where the supports must be fastened to walls made of wood, the supporting anchor bolts must go through the wall and be plated and fastened on the wall in a secure manner.

(e) A projecting sign shall not be erected on the wall of any building so as to project above the roof or cornice wall or above the roof level where there is no cornice wall; except that a sign erected at a right angle to the building, the horizontal width of which sign perpendicular to such wall does not exceed 18 inches may be erected to a height not exceeding two feet above the roof or cornice wall or above the roof level where there is no cornice wall. A sign attached to a corner of a building and parallel to the vertical line of such corner, shall be deemed to be erected at a right angle to the building wall.

(14) Marquee Signs

Marquee signs shall be constructed entirely of metal or non-combustible material and may be attached to or hung from a marquee. The lowest point of a sign hung from a marquee shall be at least 8 feet above the sidewalk or ground level, and further, such signs shall not extend or project beyond the corners of the marquee. Marquee signs may be attached to the sides and front of a marquee, and a sign may extend the entire length and width of said marquee, provided that no sign shall extend more than 6 feet above nor one foot below such marquee, nor have a vertical dimension greater than 8 feet.

(15) Portable Signs

(a) Every portable sign shall be equipped with a trailer hitch and locking devise approved by the Sign Administrator to hold the trailer in a securely locked position during transport. All such hitching equipment shall also comply with all applicable Federal, State and local laws regulating same.

(b) Every portable sign not in transit shall be securely anchored to the ground by cables, ground supports, or other means acceptable to the Sign Administrator to prevent overturning in high winds.

(c) Portable signs shall for the purposes of this Section be considered non-mobile, non-portable ground signs and thereby subject to all provisions of this Section, including the structural requirements, spacing requirements, permitting and fee requirements, on-premise and off-premise provisions, and all other provisions of this Section applicable to ground signs unless a provision which applies by its terms to portable signs is in conflict with a provision applying to ground signs, in which case the provision applying specifically to portable signs would control.

(16) Signs of V-Type or Back-to-Back Construction

(a) The angle between the faces of V-type signs shall be no greater than 45 degrees measured back to back and if the area of each face is 300 square feet or less, the maximum distance at the nearest point between the two backs, as measured at the apex, shall not exceed one and one-half feet; if the area of either face exceeds 300 square feet, then the maximum distance between the two backs, as measured at the apex, shall not exceed three and one-half feet.

(b) Back-to-back signs must be on common supports and if the area of each is 300 square feet or less, than the nearest point between the two backs shall not exceed five feet plus the diameter of the intervening upright or support.

J. ON-PREMISE SIGN PROVISION

The provisions of this Section shall apply only to on-premise signs, as that term is defined in Paragraph C(1)(a) of this Ordinance, within the City limits of the City.

(1) Definitions

The following definitions shall apply to the terms and provisions used in this Section:

(a) Predominantly residential right-of-way shall mean a public right-of-way between two intersecting public streets in which a majority of the total front footage is used for residential purposes.

(b) General right-of-way shall mean a right-of-way which is not classified as a predominantly residential right-of-way or scenic or historical right-of-way or district and which is owned, leased, or otherwise legally controlled by the person placing a sign thereon.

(2) Signs on General Rights-of-Way

Signs on general rights-of-way shall be subject to the following limitations:

(a) No business shall have more than a total of five (5) on-premise signs; provided, however, that each business may select any combination of the signs described below in this subsection to reach that total:

(i) Each business shall place no more than two (2) on-premise ground signs.

(ii) Each business shall place no more than three (3) on-premise wall signs, which shall not occupy more than fifty percent (50%) of the total wall surface.

(iii) Each business shall place no more than three (3) on-premise roof signs, designed to be architecturally compatible with the building.

(iv) Each business shall place no more than three (3) on-premise projecting signs, which shall not extend above the uppermost portion of the building to which it is attached except as provided in Section I(13)(3) herein.

(v) Each business shall place no more than three (3) on-premise marquee signs.

(b) With the exception of on-premise signs lawfully permitted or erected prior to the passage of this ordinance, all on-premise signs and sign structures shall be contained wholly within the premises upon which they are located and shall not extend onto the public right-of-way; provided that, on-premise projecting signs may extend up to 10 feet outward from the building to which they are attached as long as such extension is no closer than 2 feet behind the curb line.

(c) Spectacular signs shall be prohibited.

(3) Residential Rights-of-Way; Scenic and Historical Rights-of-Way and Districts

All on-premise signs on residential rights-of-way shall conform in all respects to the requirements set forth herein for general rights-of-way, and shall be subject to the following additional restrictions:

(a) Ground signs shall not exceed 12 feet in height or 75 square feet in size.

(b) Spectacular signs shall be prohibited.

(c) Electrical signs shall be limited to not more than 10 bulbs of 100 watts or less, shall be limited to 120 volts in the lighting circuit, and may be illuminated only indirectly.

(4) Business Purpose Required

An on-premise sign must be erected in connection with a business purpose as defined in this Ordinance; any sign not connected with a business purpose shall be considered an off-premise sign.

K. OFF-PREMISE SIGN PROVISIONS

The provisions of this Section shall apply only to off-premise signs, as that term is defined in Paragraph B of this Section, within the city limits of the City.

(1) Definitions

The following definitions shall apply to this Paragraph:

(a) Commercial or industrial activity shall mean property that is devoted to use for commercial or industrial purposes, and not for residential purposes. "Commercial or industrial activity" shall not include the following:

(i) Signs;

(ii) Agricultural, forestry, ranching, grazing, farming and related activites including but not limited to temporary wayside fresh produce stands;

(iii) Activities not housed in a permanent building or structure;

(iv) Activities not visible from the traffic lanes of the main-traveled way;

(v) Activities conducted in a building primarily used as a residence; and

(vi) Railroad right-of-way.

(b) Primarily residential area shall mean the right-of-way (and adjoining property area) between two intersecting public streets in which a majority of the total front footage is used for residential purposes.

(2) Prohibition of New Off-Premise Signs

Effective the date of passage of this Ordinance, no new construction permits shall be issued for off-premise signs within the city limits of the City and no additional off-premise signs shall be erected within the city limits of the City. This prohibition shall apply to all classifications of signs, types of signs, and special function signs, and all other signs used as off-premise signs, including portable signs, with the exception that off-premise signs which advertise the sale or rental of real property or direct persons to the location of real property for sale or rental, and which signs shall be limited to forty (40) square feet in area, shall continue to be permitted for a single three-year term.

(3) General Location

(a) All off-premise signs shall be located within 800 feet of a commercial or industrial activity.

(b) No off-premise sign shall be located in a primarily residential area.

(c) No off-premise sign shall be erected, constructed, or established such that the face of the structure may be viewed from a scenic or historical right-of-way or district.

(d) All off-premise signs other than those located on the Interstate and Freeway Primary System shall be subject to the following spacing requirements from other off-premise signs on the same side of the public right-of-way (See also "Spacing of Off-Premise Signs" below):

(i) No off-premise sign having a face area in excess of 300 square feet shall be located within 400 feet of another off-premise sign.

(ii) No off-premise sign having a face area of from 100 to 300 square feet shall be located within 200 feet of another off-premise sign.

(iii) No off-premise sign having a face area up to 100 square feet shall be located within 100 feet of another off-premise sign.

SPACING OF OFF-PREMISE SIGNS

Face Area of Sign	Distance to Other Signs in Feet		
	Area 300-900	Area 100-300	Area less than 100
In excess of 300 sq. ft.	400	400	400
100-300 sq. ft.	400	200	200
Less than 100 sq. ft.	400	200	100
All signs on Interstate and Freeway Primary System	500	500	500

(e) The spacing provisions stated in this Section relating to the location of off-premise signs shall not apply to the following signs:

(i) Signs lawfully erected and lawfully existing on the date of final passage of this Ordinance which are on the Federal Primary System and subject to regulation under the provisions of the Texas Highway Beautification Act, TEX.REV.CIV.STAT.Ann., Art. 6674 V-1, including all amendments (the Texas Act), or are subject to regulation under the Federal Highway Beautification Act, 23 U.S.C.A. Section 131, et. seq., including all amendments (the Federal Act). Location and spacing of signs subject to the Texas Act or the Federal Act shall be regulated by the City only to the extent required by and in accordance with the directives of the appropriate State or Federal agencies regulating such signs. Signs governed by the Texas Act or the Federal Act with respect to location and spacing shall be subject the remaining provisions of this Section unless specifically excluded therefrom by the Texas Act or the Federal Act or by the rules and regulations of the State and Federal agencies implementing such Acts.

(ii) Signs separated by buildings, natural surroundings or other obstructions in such a manner that only one sign located within the above space distances is visible from the highway or street at any one time.

(iii) Signs at street intersections which are located so that each is to be viewed primarily from a separate street; in no instance, however, shall any off-premise sign be located less than 25 feet from any other off-premise sign when located on street corner intersections.

(f) Each double-faced, back-to-back, or V-type sign shall be considered as single off-premise sign for spacing purposes. The largest face on a double-faced, back-to-back, or V-type sign will govern spacing requirements.

(g) In computing the distance between off-premise signs, all measurements shall be made parallel to the edge of the street and on the same side of the street. In measuring the distance from back-to-back and V-type signs, the measurements shall be made from the street end of the nearest sign on the back-to-back or V-type structure.

(4) Location of Property

All off-premise signs and sign structures shall be within the deeded front building line, or if no such line exists, within the property line, but in no event closer than 20 feet to the curb line of any public street.

(5) Construction of Certain Off-Premise Sign Structures

All off-premise sign structures which are not located on the Interstate and Freeway Primary System shall be supported by not more than three steel columns or three columns of material that is of strength equal to or stronger than steel, if the face area of the sign is over 300 square feet. If the face area of any such sign is 300 square feet or less, the structure shall be supported by not more than two steel columns or two columns of material that is of strength equal to or stronger than steel.

(6) Visibility Triangle

Within 45 feet of an intersection, no part of the face of an off-premise sign shall be lower than a height of eight feet above the grade level of the nearest street.

(7) Abandonment of Off-Premise Sign Structures

Any off-premise sign structure lawfully erected and maintained which has no copy, transcript, reproduction, model, likeness, image, advertisement or written material for a period of 120 consecutive days is hereby declared to be a violation of this Paragraph, and as such shall be restored to use or removed by the owner or permittee within 30 days after notice by the Sign Administrator of such violation. If the owner or permittee fails to restore the off-premise sign structure to use or move the abandoned off-premise sign structure within the specified 30 days, the sign company which received a permit for the sign shall be deemed to have forfeited the removal bond required by Paragraph D(5) and the Sign Administrator shall use the proceeds to remove the abandoned off-premise sign structure.

II

This Ordinance shall take effect from and after the date of its passage, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

III

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

IV

The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

PASSED AND APPROVED this 15th day of August, 1983.

THE CITY OF FULSHEAR, TEXAS

BY: Jamie W. Roberts
JAMIE W. ROBERTS
Mayor

ATTEST:

BY: Carolyn H. Smith
CAROLYN SMITH
Secretary

ALDERMEN VOTING:

E. DOZIER yes
V. RANDLE yes
B.G. WALLING absent
F. SMART yes
T. HARKNESS yes

ORDINANCE NO. 603

AN ORDINANCE OF THE CITY OF FULSHEAR, FORT BEND COUNTY, TEXAS, PROVIDING FOR PLAT SUBMISSION TO THE PLANNING COMMISSION AND CITY COUNCIL; PROVIDING GENERAL AND SPECIAL PROVISIONS, DEFINITIONS; PROVIDING SPECIAL PROVISIONS FOR THE ISSUANCE OF BUILDING, REPAIR, PLUMBING OR ELECTRICAL PERMITS; PROVIDING FOR REPAIR, MAINTENANCE, INSTALLATION OF STREETS OR PUBLIC UTILITY SERVICES; PROVIDING RESTRICTIONS ON SALE AND SUPPLY OF WATER, ELECTRICITY OR SEWERAGE SERVICE; PROVIDING AN EXCEPTION FOR BUILDING OR SUBDIVISIONS IN EXISTENCE PRIOR TO THE EFFECTIVE DATE HEREOF; PROVIDING SPECIFICATIONS AND APPROVAL OF PRELIMINARY AND FINAL PLATS; PROVIDING FOR VARIANCES; PROVIDING FOR SUBMISSION OF PRELIMINARY PLATS AND ACCOMPYING DATA; PROVIDING FOR GUARANTEES OF PERFORMANCE; PROVIDING FOR DEVELOPMENT STANDARDS AND SPECIFICATIONS; PROVIDING FOR MINIMUM CONSTRUCTION STANDARDS; PROVIDING FOR STREET AND UTILITIES INSTALLATION; PROVIDING FOR DEVELOPER RESPONSIBILITIES; PROVIDING FOR PARKS, PLAYGROUNDS, SCHOOLS AND OTHER PUBLIC FACILITIES; PROVIDING FOR THE AUTHORITY OF THE CITY ENGINEER; PROVIDING FOR SCREENING WALLS; PROVIDING FOR DEDICATIONS AND CERTIFICATES; PROVIDING FOR A COMPREHENSIVE PLAN; PROVIDING A PENALTY; PROVIDING A SEVERANCE CLAUSE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR WRITTEN REQUESTS FOR VARIANCES, RESERVATION BY CITY COUNCIL OF RIGHT TO GRANT VARIANCES; PROVIDING FOR CANCELLATION OF PRELIMINARY PLAT OR FINAL PLAT APPROVAL GRANTED IN ERROR WHERE SUCH APPROVAL DOES NOT SPECIFY APPROVAL OF A VARIANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, FORT BEND COUNTY, TEXAS:

That this Ordinance is adopted under the authority of the Constitution and Laws of the State of Texas, including with particularity Chapter 231, Acts of the 40th Legislature, Regular Session of 1927, as heretofore or hereafter amended, (compiled as Article 974a, Vernon's Texas Civil Statutes) and the provisions of the Texas Municipal Annexation Act as heretofore or hereafter amended, (compiled as Article 970a, Vernon's Texas Civil Statutes).

PURPOSE

The purpose of this Ordinance is to provide for the orderly, safe and healthful development of the area within the City or within one-half (1/2) mile of the City, or a greater area when such

greater contiguous area shall come within the extraterritorial jurisdiction of the city as provided for under the Texas Municipal Annexation Act (compiled as Article 970a, Vernon's Texas Civil Statutes.)

SECTION 1: PLATTING REQUIREMENT

A. PLATS TO BE SUBMITTED TO CITY COUNCIL

Subdivision plats approved or disapproved by the Planning Commission shall be submitted to the City Council for final acceptance or rejection.

B. PLANNING COMMISSION TO REVIEW SUBDIVISION REGULATIONS

It shall be the duty of the Planning Commission to review the provisions of this Ordinance from time to time and recommend any changes to the City Council.

C. PLANNING COMMISSION TO REVIEW MATTERS PRESENTED TO IT BY THE MAYOR

The City Planning Commission shall review all matters presented to it by the Mayor. Any action taken by the Commission on such matters is subject to review by the City Council.

SECTION 2: GENERAL AND SPECIAL PROVISIONS

A. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning ascribed to them as given in this Subsection:

(1) Building means any structure which is built for the support, shelter, or enclosure of persons, animals, chattels, machinery, equipment, or movable property of any kind.

(2) Building Line or Building Setback Line shall refer to a line parallel to the street right-of-way line and defines an area on the building lot between the street right-of-way line and the building line within which no building shall be constructed.

(3) City shall refer to the Municipal Corporation, City of Fulshear, Texas.

(4) City Council means the duly and constitutionally elected governing body of the City of Fulshear, Texas.

(5) City Planning Commission means the duly organized body of citizens of the City of Fulshear, Texas, and duly appointed by the City Council.

(6) City Attorney means the person employed as City Attorney or Attorney for the City of the City of Fulshear, Texas, and duly appointed by the City Council.

(7) City Engineer shall mean the person or firm employed as City Engineer of the City of Fulshear, Texas, duly appointed by the City's Mayor with the approval of the City Council.

(8) County shall refer to Fort Bend County, Texas, in which respective county any subdivision of land takes place within the jurisdiction of the City of

(9) County Commission or Commissioner's Court means the duly and constitutionally elected governing body of Fort Bend County, Texas in which county the City of Fulshear has jurisdiction.

(10) Crosswalk means a public right-of-way not more than six (6') feet in width between property lines which provides pedestrian circulation.

(11) Cul-de-sac means a street having but one (1) outlet to another street and terminated on the opposite end by a vehicular turnaround.

(12) Developer means any person or persons, firm or corporation subdividing a tract or parcel of land to be sold or otherwise handled for their own personal gain or use.

(13) Dead-end Street means a street, other than a cul-de-sac, with only one (1) outlet.

(14) Double Front Lot means a building lot, not a corner lot, which has frontage on two (2) streets that are parallel or within forty-five (45°) degrees of being parallel to each other.

(15) Engineer means a person duly authorized and licensed under the provisions of the Texas Engineering Registration Act, as heretofore or hereinafter amended, to practice the profession of engineering.

(16) Easement means a strip of land reserved for the use of the public by the grantor, usually at the rear or side of lots or parcels of land, in which to install and maintain utility lines, drainage ditches or channels, or for other City or public services; the ownership or title to the land encompassed by the easement being retained by the owner. In granting the easement, the grantor is in effect vesting the public with authority to control the use of land within the easement and, in exercising such control, the City may specify that no buildings or part of a building or other permanent structure or fence, in case of a drainage easement, may be located within the limits of the easement.

(17) Extraterritorial Jurisdiction. Within the terms of the Texas Municipal Annexation Act, the term "extraterritorial jurisdiction" means the unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the City of Fulshear , the outer boundaries of which are measured from the extremeties of the corporate limits of the City outward for such distances as may be stipulated in the Texas Municipal Annexation Act in accordance with the total population of the incorporated City of Fulshear, in which area, within the terms of the Act, the City may enjoin the violation of its subdivision control regulations.

(18) Filing Date shall be the day on which the Project Manager files a formal application as provided in Section 3.B(2) of this Ordinance.

(19) Filing Fee shall refer to the prescribed plat and lot fee rates, as hereinafter stipulated, to accompany the filing with the City Planning Commission of preliminary and final subdivision plats.

(20) Final Plat shall refer to the map or plat of a proposed subdivision submitted to the City Planning Commission on or before the filing date as the term is herein defined, for approval by the City Planning Commission, and said plat shall be prepared in accordance with this Ordinance.

(21) Front or Frontage shall be that portion of a tract of land which abuts on a public street to which it has direct access.

(22) Lot refers to a physically undivided tract or parcel of land having frontage on a public street and which is, or in the future may be, offered for sale, conveyance, transfer, lease, or improvement, which is designated as a distinct and separate tract and which is identified by a lot number or tract symbol on a duly approved subdivision plat which has been properly recorded.

(23) Lot Depth is the length of a straight line connecting the mid-point of the front and rear lot lines.

(24) Lot Width is the average length of the front and rear property lines.

(25) Master Plan shall refer to the comprehensive city plan of Brookshire and adaptations, amendments, or supplements thereto, which has or have or will have been adopted in principal by the City Planning Commission as a guide to future development of the City of Fulshear and its surrounding area.

(26) Major Street or Thoroughfare Plan shall mean the master plan of major and secondary streets and highways as a part of the City's master plan and adaptations, amendments, or supplements thereto as adopted by the Planning Commission and the City Council.

(27) Major Thoroughfare shall refer to a public street which is designed for and used for fast or heavy traffic, or is intended to serve as a major traffic way of considerable continuity, and is designated as such upon the most recent plan for major thoroughfares of the City of Fulshear, Texas, as adopted by the Planning Commission and City Council.

(28) May is permissive.

(29) Minor Street shall refer to any public street which is not classified as a major thoroughfare, collector, or secondary street.

(30) Plat means a map, drawing, chart, or plan showing the layout of a proposed subdivision into lots, blocks, streets, parks, school sites, commercial or industrial sites, drainage ways, building lots, easements, alleys, or any similar type of plat, which a developer submits for approval and a copy of which he intends to record in final form.

(31) Patio Homes, Garden Homes means a detached, single-family dwelling of masonry or stone construction, having paved parking; the placement of said dwelling and lot size not meeting the requirements of a single-family subdivision as set forth in Section 5 of this Ordinance.

(32) Pavement Width means the portion of the surface of a street available for vehicular traffic and, where curbs are laid, it is the portion between the face of curbs.

(33) Person means any individual, association, firm, corporation, governmental agency, or political subdivision.

(34) Preliminary Plat means the first or introductory plat of a proposed subdivision.

(35) Preliminary Plat Master means the first or introductory plat of a proposed subdivision where a developer intends to submit, from time to time, fractional final plats.

(36) Project Manager means developer, subdivider or agent of developer or subdivider, who is directly responsible for or in charge of development of a proposed subdivision, apartment project, townhouse project, or commercial or industrial subdivision.

(37) Public Easement is a right granted or dedicated to the public or governmental agency in, on, across, over or under property for specified use or uses by an instrument or map duly recorded in the records of the County Clerk of Fort Bend County, Texas, wherein the City of Fulshear has jurisdiction.

(38) Public Street is a right-of-way dedicated to public use for pedestrian and vehicular traffic and public utility purposes.

(39) Reserve shall refer to a tract, parcel, or unit of land not physically divided, having frontage on a public street, which is proposed and intended for other than single-family residential use and which is, or in the future may be, offered for sale, conveyance, transfer, lease, or improvement, and which is designated as a distinct separate tract and which is identified by reserve symbol on a duly approved subdivision plat which has been properly recorded with the County Clerk of Fort Bend County, Texas.

(40) Shall is always mandatory.

(41) Street means a public right-of-way, however designated, which provides vehicular circulation and access to adjacent property.

(a) A major street, major thoroughfare, or arterial street means a principal traffic artery or traffic way, usually of more or less continuous routing over long distances, whose function is to serve as a principal connecting street with state and federal highways, and shall include each street designated as a major thoroughfare or street on the major street or thoroughfare plan of the City or so designated by the Planning Commission and City Council. Minimum width of right-of-way shall be eighty (80') feet, preferably one hundred (100') feet.

(b) A secondary street or collector street means a street whose function is to collect and distribute traffic between major thoroughfares and minor streets, is not necessarily of continuous routing for long distances, has intersections at grades and provides direct access to abutting property, and shall include each street designated as a secondary street on the major street or thoroughfare plan or so designated by the Planning Commission and City Council. Minimum width of right-of-way shall be sixty (60') feet, preferably seventy (70') feet.

(c) A minor street means a street whose function is to provide access to abutting residential property within neighborhoods, with all intersections at grade, and not continuous routing for any great distance so as to discourage heavy, through traffic. Minimum width of right-of-way shall be sixty (60') feet.

(42) Sidewalk means a minimum forty-eight (48") inch width Portland cement paved pedestrian walkway extending for the entire length of a block or blocks parallel to a street right-of-way line or street pavement edge, which walkway shall be constructed within the right-of-way of any public street.

(43) Subdivider means the same as developer.

(44) Subdivision means any division of property for which a plat is required to be approved and recorded under the provision of Article 974a, Vernon's Texas Civil Statutes, Article 970a, Texas Municipal Annexation Act, and under this Ordinance. The word subdivision shall mean any division of any tract of land situated within the corporate limits of the City of Fulshear, Texas, or within the extraterritorial jurisdiction (ETJ) of such limits, into two (2) or more parts for the purpose of laying out any subdivision of any tract of land or in any addition of the City of Fulshear or for laying out suburban lots or building lots, or any lots, streets, alleys, or parts or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto.

Subdivision shall also include resubdivision, but it does not include the division of land for agricultural purposes in parcels or tracts of five (5) acres or more and not involving any new street, alley, or easement of access.

(45) Surveyor means a licensed state land surveyor or a registered public surveyor, as authorized by the Texas Land Surveyors Registration Act.

(46) Unrestricted shall be used to label or designate land proposed to be used for a purpose not consistent with the proposed use of the major portion of the subdivision.

B. SPECIAL PROVISIONS

(1) No building, repair, plumbing, or electrical permit shall be issued by the City for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained herein or referred to herein have not been complied with in full.

(2) The City shall not repair, maintain, install, or provide any streets or public utility services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

(3) The City shall not sell or supply water, electricity, or sewerage service within a subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

(4) In behalf of the City, the City Attorney shall, when directed by the City Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Ordinance or the standards referred to herein with respect to any violation thereof which occurs within the City, within the extraterritorial jurisdiction of the City as such jurisdiction is determined under the Municipal Annexation Act, or within any area subject to all or a part of the provisions of this Ordinance.

(5) Provided, however, that the provisions of this Subsection shall not be construed to prohibit the issuance of permits for any lots upon which a residence building exists and was in existence prior to passage of this Subdivision Ordinance, nor to prohibit the repair, maintenance, or installation of any street or public utility services for, to or abutting any lot, the last recorded conveyance of which prior to passage of this Ordinance was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to the passage of this Ordinance.

SECTION 3: SPECIFICATIONS AND APPROVAL OF PRELIMINARY AND FINAL PLATS

A. PRELIMINARY CONFERENCE

Prior to the official filing of a preliminary plat, the subdivider shall consult with and present a proposed plan of subdivision to the City Engineer for comments and advice on the procedures, specifications, and standards required by the City for the subdivision of land.

B. PRELIMINARY PLAT AND ACCOMPANYING DATA

(1) General

The subdivider shall cause to be prepared a preliminary plat by a surveyor or engineer in accordance with this Ordinance. The preliminary plat will not be recorded.

(2) Time for Filing and Copies Required

The Project Manager shall file a formal application for preliminary plat approval in writing, attaching to the application six (6) blue or black line copies of the plat and a receipt for the filing fees, with the City Secretary at least ten (10) days prior to the date at which formal application for the preliminary plat approval is to be considered by the City Engineer and the Planning Commission shall consider the preliminary plat and forward it to the City Council ten (10) days before it is to be considered. The letter of transmittal of the application shall state the name, address, and telephone number of the owner, Project Manager, his agent, and the engineer or surveyor who prepared the plat. Said letter of transmittal of the application shall include the following information: (a) Data evaluating existing drainage ditches and project run-off in c.f.s. (cubic feet per second), and (b) The mathematics used in determining the conclusions listed in (a) above.

(3) Filing Fee

The Project Manager shall, prior to filing the formal application with the City Secretary, pay a filing fee of one hundred dollars ($100.00) per plat, plus fifty cents ($0.50) per lot, and/or two dollars ($2.00) per acre for multiple dwelling area, commercial and/or industrial districts, and other areas not subdivided into lots. No action by the Planning Commission shall be valid until the filing fee has been paid. This fee shall not be refunded should the subdivider fail to make formal application for preliminary plat approval or should the plat be disapproved. Filing fees shall be made by check payable to the City of Fulshear, Texas, and given to the City Secretary with whom the plat is filed and at the time the plat is filed. The City Secretary's receipt shall be attached to and become a part of the application. The payment of the filing fee shall not be construed as filing for purposes of this Ordinance.

(4) Fractional Final Plat

A subdivider may be required to submit a master preliminary plat of the entire area he proposes to subdivide over a period of time and indicate thereon his proposed plan of development by increments. After approval of this master preliminary plat, he may submit fractional final plats in general accordance with the master plat by units or areas. Each increment of area must be adjacent to a preceding developed increment or area. Each increment shall be governed by and shall conform to the subdivision regulations in effect on the date each is submitted for final approval.

(5) Form and Content

The plat shall be drawn on sheets twenty-four (24") inches wide and thirty-six (36") inches long, with a binding margin of not less than one and one-half (1 1/2") inches on the left side of the sheet and margins on the other three (3) sides of not less than three-fourths (3/4") inch. The plat shall be drawn to a scale of one hundred (100') feet to one (1") inch or larger. When more than one (1) sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate graphic scale shall be attached to the plat. The plat shall show the following:

(a) Names of the subdivider, record owner, engineer and/or surveyor.

(b) Proposed name of the subdivision, which shall not have the same spellings as or be pronounced similar to the name of any other subdivision located within the City or within five (5) miles of the City unless the subdivision is contiguous to a recorded subdivision and the plat represents an additional installment or increment of the original subdivision.

(c) Names of contiguous subdivisions and the owners of contiguous parcels of unsubdivided land, along with deed record references, and an indication of whether or not contiguous properties are platted.

(d) Description, by metes and bounds, of the subdivision.

(e) Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred.

(f) Subdivision boundary lines, indicated by heavy lines and the computed acreage of the subdivision.

(g) Existing sites as follows:

(i) The exact location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries.

(ii) The exact location, dimensions, description and name of recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the subdivision.

(iii) The exact location, dimensions, description, and flow line of existing watercourses and drainage structures within the subdivision or on contiguous tracts.

(h) The location, typical dimensions, description and name of all proposed streets, alleys, drainage structures, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots and other sites within the subdivision.

(i) Date of preparation, scale of plat and north point.

(j) Topographical information shall include contour lines on a basis of five (5) vertical feet in terrain with a slope of two (2%) percent or more, and on a basis of two (2) vertical feet in terrain with a slope of less than two (2%) percent. Contour lines shall be based upon City of Brookshire datum or such datum used by the City.

(k) A number or letter to identify each lot or site and each block.

(l) Front building setback lines on all lots and sites. Side yard setback lines on all lots and sites. Side yard building setback lines at street intersections and crosswalk ways. General notes may be used where their meaning is clear.

(m) Location of city limits line, the outer border of the City's extraterritorial jurisdiction, and boundaries, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary.

(n) Vicinity sketch or key map at a smaller scale as approved by the City Engineer which shall show existing subdivisions, roads, streets, easements, highway and railroad rights-of-way, parks and public facilities and other landmarks in the vicinity, the general drainage plan and ultimate destination of water, and possible storm sewer, water, gas, electric and sanitary sewer connections by arrows. Key map shall extend one (1) mile in all directions.

(6) Processing of Preliminary Plat

(a) The City Engineer shall check the preliminary plat as to its conformity with the master plan, major street plan, land use plan, and the requirements set forth herein or referred to herein.

(b) The City Engineer shall present the preliminary plat data to the Planning Commission with his recommendations.

(c) Within thirty (30) days after the preliminary plat is formally filed, the Planning Commission shall approve, conditionally approve with modifications, or disapprove; the Planning Commission shall inform the subdivider, in writing, of the reasons at the time such action is taken.

(d) The Planning Commission may approve variances in lot width on lots facing a cul-de-sac, or similar circumstances.

(e) Approval of a preliminary plat shall be effective for six (6) months from date of approval; thereafter such approval shall be considered void and the plat and application deemed withdrawn by the developer unless the final plat has been presented for approval or the developer

has applied to City Council for and has received from City Council an extension of time to a date certain in which to present such final plat. Failure to present a final plat within such time extension shall void all prior approval and the application deemed withdrawn.

(f) Any changes or revisions to a preliminary plat which has received Planning Commission approval must be accepted and approved by City Council.

(g) If no development has occurred which would affect the proposed plat, after six (6) months of effective approval, the Planning Commission may, upon application of the subdivider, extend the approval time allowable.

C. FINAL PLAT

(1) Form and Content

(a) The final plat and accompanying data shall conform to the preliminary plat as approved by the Planning Commission incorporating any and all changes, modifications, alterations, corrections, and conditions imposed by the Planning Commission.

(b) The final plat shall be drawn in India ink on linen tracing cloth or dimensionally stable matte film sheets, twenty-four (24") inches wide and thirty-six (36") inches long with one and one-half (1 1/2") inch margin on the left side of the sheet, and margins of not less than three-fourths (3/4") inch on the other three (3) sides. The plat shall be drawn at a scale of one hundred (100') feet to one (1") inch or larger. Where more than one (1) sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.

(c) The final plat shall be submitted in one (1) original reproducible tracing as specified in paragraph (b) above and six (6) blue or black line prints which shall contain all of the features required for preliminary plats in Subsection B above, and it shall be accompanied by four (4) copies of site improvements data bearing the seal of a registered professional engineer and four (4) copies of detailed cost estimates of streets, storm drainage, water and sewer facilities to be installed.

(d) The final plat and the accompanying site improvement data and detailed cost estimates shall be approved by the City Engineer.

(e) In addition to the various requirements for the preliminary plat, the final plat shall also include the following:

(i) The exact location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within the subdivision, intersecting or contiguous with its boundary or forming such boundary, with accurate dimensions, bearing or deflecting angles and radii, area, and central angle, degree of curvature, tangent distance and length of all curves where appropriate.

(ii) The exact location, dimensions, description and name of all proposed streets, alleys, drainage structures, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots, and other sites within the subdivision with accurate dimensions, bearing or deflecting angles and radii, area, and central angles, degree of curvature, tangent distance and length of all curves where appropriate.

(f) When filed, the final plat shall be accompanied by the following data. All plans and engineering calculations shall bear the seal and signature of an engineer.

(i) Streets, Alleys, Sidewalks, Crosswalk Ways, Street Lights and Monuments. Four (4) copies of plans and profiles of all streets, alleys, sidewalks, crosswalk ways, street lights and monuments.

(ii) Sanitary Sewers. Four (4) copies of plans and profiles of proposed sanitary sewer lines, indicating depths and grades of lines.

(iii) Water Lines. Four (4) copies of plans and profiles of all proposed water lines and fire hydrants, showing depths and grades of the lines.

(iv) Storm Drainage.

.Six (6) copies of the proposed plat, indicating two (2') foot contours based on City datum. All street widths and grades shall be indicated on the plat, and runoff figures shall be indicated on the outlet and inlet side of all drainage ditches and storm sewers, and at all points in the street at changes of grade or where the water enters another street or storm sewer or drainage ditch. Drainage easements shall be indicated.

.A general location map of the subdivision showing the entire watershed (a United States Geological Survey quadrangle is satisfactory).

.Calculations showing the anticipated storm water flow, including watershed area, percent runoff, and time of concentration. When a drainage ditch or storm sewer is proposed, calculations shall be submitted showing basis for design.

.When a drainage channel or storm sewer is proposed, complete plans, profiles, and specifications shall be submitted, showing complete construction details.

.When conditions upstream or downstream from a proposed channel or storm sewer do not permit maximum design flow, high water marks based on twenty-five (25) year frequency, shall be indicated based on existing conditions.

(v) Final plat shall also include:

.Owner's acknowledgment and dedications.

.Space for City Planning Commission approval.

.Certification of the surveyor responsible for surveying the subdivision area, attesting to its accuracy.

.Certification of the engineer responsible for the preparation of the final plat and supporting data attesting to its accuracy.

.Space for City Council approval, including signature line for Mayor and attest by the City Secretary.

.Dedication of the easements and right-of-way to the public.

(2) Processing the Final Plat

(a) If desired by the subdivider and approved by the Planning Commission, the final plat may constitute only that portion of the approved preliminary plat which he proposes to record and develop. However, such portion shall conform to all the requirements of this Ordinance and the portion or portions of the subdivision for which the final plat is drawn and submitted for approval shall be in successive order of development as exhibited on the previously approved preliminary master plat. All street, water, sewer and storm drainage facilities shown on the final plat shall be constructed in their entirety or acceptable surety provided before acceptance by the City and before such final plat is recorded in the office of the County Clerk of Fort Bend County, Texas.

(b) As soon as practical after subdivider is notified of the approval of the preliminary plat, his engineer shall submit to the Planning Commission at an official meeting the final plat of the subdivision or portion thereof.

(c) No final plat shall be considered unless a preliminary plat has first been submitted and approved. However, if a preliminary plat has been duly approved and the subdivider wishes to increase the size of the lots by combining two (2) or more lots or by combining one (1) lot with a portion of the adjacent lot in such manner that no portion of a lot remains smaller than the original lots, no additional preliminary plat will be necessary.

(d) A final plat of an approved preliminary plat or a portion thereof shall be submitted to the Planning Commission within six (6) months of the date of approval of the preliminary plat, otherwise the approval of the Planning Commission shall become null and void, unless an extension of time is applied for and granted by the City Council.

(e) When the final plat is filed with the Planning Commission for approval, it shall be accompanied by a Twenty-Five ($25.00) Dollar per plat filing fee.

(f) Within thirty (30) days after the final plat is formally filed, the Planning Commission shall approve or disapprove such plat. If the final plat is disapproved, the Planning Commission shall inform the subdivider in writing of the reasons at the time such action is taken.

(g) After the plat has been approved and the subdivider has filed the required security hereinafter provided, the subdivider shall cause the final plat to be recorded with the County Clerk of Fort Bend County, Texas

(h) No building permits will be issued by the City until four (4) copies of the recorded final plat have been furnished to the City Secretary.

(i) Before the Planning Commission shall give approval to a final plat, the Planning Commission must have on file a letter addressed to the City of Fulshear from the City Engineer stating that all platting and engineering requirements of this Ordinance have been met by the developer, including any variances granted by the Planning Commission or the City Council. The City Engineer shall file such letter within ten (10) days following receipt of a copy of such final plat in the Engineer's office.

(j) A final plat which has been approved by the Planning Commission must be filed with the County Clerk of Fort Bend County, Texas within twelve (12) months following the date of approval. If a final plat, for which approval has been given, has not been filed for record in the office of the County Clerk on or before the expiration of one (1) year from date of approval, the City may withdraw such approval by sending notice of such withdrawal to the developer by

certified mail, return receipt requested, to the address of the developer as shown on the application for plat approval submitted to the Planning Commission. Copies of such notice of withdrawal shall also be sent to any lienholders shown on the subdivision file or any surety who has posted any guaranty of performance bond for the benefit of the developer.

No building permits shall be issued for any construction within, nor utilities extended to, a subdivision from which approval has been withdrawn. Nor shall the City be required to grant permits within the subdivision until the developer resubmits the subdivision plat to the Planning Commission for approval. Any plat so resubmitted must conform to the City's subdivision regulations in effect on the date of resubmission.

(k) The City Council expressly reserves to itself the final approval of all subdivisions prior to filing for record in the office of the County Clerk of Fort Bend County, Texas.

SECTION 4: GUARANTEE OF PERFORMANCE

A. DEVELOPER TO SUBMIT DEPOSIT PRIOR TO CONSTRUCTION

Prior to beginning of any construction, the developer shall deposit with the City an amount equal to two (2%) percent of the construction cost of the project to be used for payment of inspection costs on the project. All such construction shall be inspected while in progress by the City Engineer, or an inspector approved by him, and must be approved upon completion by the City Engineer. A certificate by such officer stating that the construction conforms to the specifications and standards contained in or referred to herein must be presented to the City of Fulshear.

B. SECURITIES

Prior to execution of the final plat by the City, all improvements must be accepted by the City, or subdivider shall file security in an amount and in the manner provided for in either paragraphs (1), (2), or (3) as hereinafter set out:

(1) Performance Bond

The subdivider has filed with the City of Fulshear a bond executed by a surety company holding a license to do business in the State of Texas, and acceptable to the City, on the form provided by the City, in an amount equal to the cost of the improvements required by this Ordinance and within the time for completion of the improvements as estimated by the City Engineer. The performance bond shall be approved as to form and legality by the City Attorney.

(2) Trust Agreement

The subdivider has placed on deposit in a bank or trust company in the name of the City, and approved by the City, in a trust account a sum of money equal to the estimated cost of all site improvements required by this Ordinance, the cost and time of completion as estimated by the City Engineer. Selection of the trustee shall be subject to approval by the City and the trust agreement shall be executed on the form provided by the City and approved as to form and legality by the City Attorney. Periodic withdrawals may be made from the trust account for a progressive payment of installation costs. The amounts of such withdrawals shall be based upon progress work estimates approved by the City Engineer. All such withdrawals shall be approved by the trustee.

(3) Unconditional Guarantee From Local Bank or Local Federally Insured Savings and Loan Association or Other Financial Institution as Approved by the City of Fulshear

The subdivider has filed with the City of Fulshear, a letter on the form provided by the City, signed by a principal officer of a local bank or local federally insured savings and loan association or other financial institution, acceptable to the City of Fulshear, on demand a stipulated sum of money to apply to the estimated costs of installation of all improvements for which the subdivider or developer is responsible under this Ordinance. The guaranteed payment sum shall be the estimated costs and scheduling as prepared by the City Engineer. The letter shall state the name of the subdivision and shall list the improvements for which the subdivider or developer is required to provide.

C. GUARANTEE OF MATERIALS AND WORKMANSHIP

The subdivider, or developer, shall require of his construction contractors, with whom he contracts for furnishing materials and installing the improvements required under this Ordinance, and shall himself be responsible for guaranteeing that all materials and workmanship in connection with such improvements are free of defects for a period of one (1) year after acceptance of the improvements by the City Engineer.

D. IMPROVEMENTS TO BE INSPECTED

The City Engineer, or an inspector approved by him, shall inspect the construction of the improvements while in progress, and he shall inspect such improvements upon completion of construction. He shall reject such construction only if it fails to comply with the standards and specifications contained or referred to herein. If he rejects such construction, the City Attorney shall, on direction of the City Council, proceed to enforce the guarantees provided in this Ordinance.

E. CITY ENGINEER MAY EXTEND TIME

Where good cause exists, the City Engineer may extend the period of time for completion under Subsection B of this Section. Such extension of time shall be reported to the City of Fulshear and recorded in the minutes.

SECTION 5: DEVELOPMENT STANDARDS AND SPECIFICATIONS

No preliminary or final plat shall be approved by the Planning Commission and no completed improvements shall be accepted by the City Engineer unless they conform to the following standards and specifications. All streets and alleys shall be dedicated to the public in accordance with these requirements. No private streets will be permitted.

A. GENERAL STANDARDS

(1) Conformity with Comprehensive Master Plan

The subdivision shall conform to the comprehensive plan of the City of Fulshear and the parts, amendments and/or supplements thereof.

(2) Provision for Future Subdivisions

If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow opening future streets.

(3) Reserve Strips Prohibited

There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use, except as required in Subsection B(6) of this Section.

B. STREETS

(1) Street Layout

Adequate streets shall be provided by the subdivider and the arrangement, character, extent, width, grade, and location of each shall conform to the comprehensive plan of the City and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety and convenience, and in their appropriate relationship to the proposed uses of land to be served by such streets. The street layout shall be devised for the most advantageous development of the entire neighborhood.

(2) Relation to Adjoining Street System

Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be at least as wide as such existing streets and in alignment therewith.

(3) Projection of Streets

Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided area.

(4) Half-Streets or Adjacent Streets

In the case of minor streets, no new half-streets shall be platted.

(5) Street Intersections

Street intersections shall be as nearly at right angles as practicable, giving due regard to terrain and topography. All streets, major, collector, or minor, unless otherwise approved by the Planning Commission, shall intersect at or near ninety (90°) degree angles.

All intersections shall have a minimum of twenty-five (25') foot radius at each corner.

Streets intersecting with or extending to meet an existing street shall be tied to the existing street on centerline with distance and angles to show relationship.

(6) Dead-End Streets

Dead-end streets shall be prohibited except to permit future expansion on abutting acreage tracts. All dead-end streets shall be platted with a one (1') foot reserve dedicated to the public in fee as a buffer separation between the end of such dead-end street in the subdivision and the abutting adjacent acreage, with the condition of such dedication being that when the adjacent property is subdivided in a recorded plat, the one (1') foot reserve shall thereupon become vested in the public for street right-of-way purposes.

(7) Cul-de-sacs

In general, cul-de-sacs shall not exceed eight hundred (800') feet in length, and shall have a turnaround of not less than one hundred (100') feet in diameter in residential areas, and not less than two hundred (200') feet in diameter in commercial and industrial areas.

(8) Marginal Access Streets

Where a subdivision has frontage on an arterial street, the Planning Commission may require marginal access streets be provided on both sides or on the subdivision side of the arterial street, if the arterial street borders the subdivision, unless the adjacent lots back up to the arterial street, or unless the Planning Commission determines such marginal access streets are not desirable under the facts of a particular case for adequate protection of the lots and separation of through and local traffic.

(9) Streets on Comprehensive Plan

Where a subdivision embraces a street as shown on the comprehensive plan of the City, now existing or hereinafter adopted by the City Council, such street shall be platted in the location and of the location and of the width indicated by the comprehensive plan. All major arterial, secondary, or collector street location alignment, right-of-way width and cross section shall be determined by the Planning Commission in accordance with its adopted major street plan.

(10) Street Pavement

All streets shall be constructed according to the minimum construction standards as given in Section 6 of this Ordinance, with concrete curbs and gutters and either concrete or asphaltic wearing surface; except that any subdivision which contains not more than two (2) lots per acre, within the whole tract subdivided, including streets, easements and dedicated open spaces, but not including reserve areas, may be constructed without concrete curbs and gutters.

(11) Minor Streets

Minor streets shall be laid out so as to discourage their use by through traffic.

(12) Right-of-way Widths

Widths of rights-of-way shall be as follows:

(a) Major streets shall have a minimum right-of-way width of at least eighty (80') feet or preferably one hundred (100') feet. Curves in major streets shall have centerline radius of five hundred (500') feet or more with exceptions to the standard granted by the Planning Commission. Curves in major streets shall be separated by a minimum tangent of one hundred (100') feet.

(b) Collector or secondary streets shall have a right-of-way of at least sixty (60') feet or preferably seventy (70') feet. Curves in secondary or collector streets shall have a centerline radius of three hundred (300') feet or more with exceptions to this standard granted by the Planning Commission. Curves in secondary streets are to be separated by a minimum tangent of seventy-five (75') feet.

(c) Where the proposed subdivision abuts upon an existing street or half-street that does not conform to paragraphs (a) and (b) above, the subdivider shall dedicate right-of-way sufficient to make the full right-of-way width conform to such paragraphs.

(d) Residential streets shall have a right-of-way of at least sixty (60') feet. Curves in minor streets shall be a minimum centerline radius of three hundred (300') feet. Curves in minor streets shall be separated by a minimum tangent of fifty (50') feet.

(13) Curbs and Gutters

Curbs and gutters shall be installed by the subdivider on both sides of all interior streets, and on the subdivision side of all streets forming part of the boundary of the subdivision in accordance with construction standards given in Section 6 of this Ordinance.

(14) Street Names

Names of new streets shall not duplicate or cause confusion with names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used. Street markers shall be purchased through the City. Temporary markers may be installed by the developer during construction, with the City making permanent installation of the markers when all construction and grading is completed. Developer pays installation costs.

(15) Street Lights

Street lights shall be installed at all street intersections, cul-de-sacs, and other locations as determined by the Planning Commission, within the subdivision. Street lights shall be ordered through the City and, if ornamental poles with underground service is requested, Houston Lighting and Power Company will provide the engineering and installation at the time the other electrical service is installed.

The developer shall pay monthly operating costs of these lights until seventy-five percent (75%) of the lots are occupied and on the City tax rolls.

(16) Sidewalks

Adequate sidewalk easements must be provided on both sides of all streets.

(17) Driveway Restriction

In the sale of lots, a restriction shall be placed in every Deed requiring that the house built thereon shall have a driveway so as to provide offstreet parking for vehicles.

C. ALLEYS

(1) Width and Paving

Alleys of not less than twenty (20') feet in right-of-way width and pavement width shall be installed by the subdivider in all business and industrial areas. Alleys shall be provided in residential areas and where alleys are provided, shall be not less than twenty (20') feet in right-of-way width, with a topped surface in accordance with the City of Fulshear standards of construction as contained in Section 6 of this Ordinance. Alleys shall be approximately parallel to the frontage of the streets.

(2) Intersecting Alleys of Utility Easements

Where two (2) alleys or utility easements intersect or turn at a right angle, a cutoff of not less than ten (10') feet from the normal intersection of the property or easement line shall be provided along each property or easement line.

(3) Dead-end Alleys

Dead-end alleys shall not be permitted.

(4) Alleys Which do not Connect on a Straight Course

If alleys are not themselves straight within each block, or if the same do not connect on a straight course with the alleys of adjoining blocks, then an easement shall be provided for the placing of guy wires on lot division lines in order to support poles set on curving or deviating rights-of-way of alleys.

D. UTILITY EASEMENTS

(1) Each block that does not contain an alley as provided for in Subsection C of this Section shall have a utility easement at the rear of all lots reserved for the use of all public utility lines, conduits, and equipment. These utility easements shall be twenty (20') feet in width, taking ten (10') feet from each lot where the rear of two (2) lots abut each other, and shall be continuous for the entire length of the block. These easements shall parallel as closely as possible the street line frontage of the block.

(2) The location and width of sanitary sewer system, water, storm sewer, electrical, anchor, or other City utility easements shall be determined by the City Engineer.

(3) Where easements are required for other than public utilities, then the location and width shall be acceptable to the private utility company concerned with the approval of the Planning Commission.

(4) Where any public or private utility line is required to be adjusted in location or elevation, then the developer shall cause such changes to be made with the approval of the City Engineer.

(5) Where the proposed subdivision adjoins an unplatted area, and a utility easement is dedicated on the unplatted property, then the owner and/or lienholder shall join in the dedication of the easement.

(6) Normal curb exposure shall be required where utility easements intersect streets.

(7) Where utility easements are not themselves straight with each block, or if the same do not connect on a straight course with the utility easements of adjoining blocks, then an additional easement shall be provided for the placing of guy wires on lot division lines in order to support poles set on curving or deviating rights-of-way or alleys.

(8) Where the dedicated easements are included as a part of any of the lots within the subdivision, the owners of such lots may construct fences across the easements; provided such fence shall have an opening with a gate not less that three (3') feet wide at each end of the easement where the boundary line of the owner's lot crosses the easement to provide ingress and egress along such easement to maintain utility services within the easement.

E. SIDEWALKS

Sidewalks of minimum four (4') foot width, in accordance with Section 6 of this Ordinance, may be installed by the developer as follows:

(1) On the subdivision side, or sides of all major thoroughfares, or arterial streets.

(2) On the subdivision side, or sides, of all secondary or collector streets.

(3) On the residence side, or sides, of all marginal service streets where such service streets parallel major thoroughfares, or arterial streets, adjacent to or within a subdivision.

(4) As deemed necessary by the Planning Commission in commercial, industrial, public grounds, and multi-family dwelling areas.

F. WATER INSTALLATIONS

(1) Water Supply and Distribution

All subdivisions shall be provided with water supply and water distribution systems approved by the City Engineer in accordance with Section 6 of this Ordinance.

(2) Fire Hydrants

Standard fire hydrants shall be installed as part of the water distribution system per specifications of the State Board of Insurance and in accordance with Section 6 of this Ordinance.

G. SEWERS

All subdivisions shall be provided with an approved sewage disposal system approved by the City Engineer in accordance with Section 6 of this Ordinance.

H. UTILITY LINES

All utility lines that pass under a street or alley shall be installed before the street or alley is paved. When it is necessary that utility lines pass under the street or alley pavement, they shall be installed to a point at least three (3') feet beyond the edge of the pavement.

I. MONUMENTS

(1) All block corners, angle points, and points of curve, and all corners of boundary lines of the subdivision shall be marked with concrete monuments.

(2) The exact intersection point on the monument shall be marked by a three-fourths (3/4") inch diameter galvanized iron pipe three (3') feet in length with the top of the pipe flush with the top of the concrete which shall be flush with the existing ground surface.

J. DRAINAGE

(1) Easement

Where a subdivision is traversed by a watercourse, drainage way, natural channel or stream, there shall be provided an easement or right-of-way conforming substantially to the limit of such watercourse, plus additional width to accommodate future needs. Drainage easements shall be determined by the City Engineer both as to location and width.

(2) Drainage Facilities

Drainage facilities shall be provided and constructed as specified by the City Engineer in accordance with Section 6 of this Ordinance.

(3) Participation by Developer

If the existing drainage facilities are not adequate to accommodate the additional flow of water resulting from the subdivision of said lands, the developer and City Engineer shall determine the capabilities of the drainage facility as now constructed and the additional flow which will result from the construction of the subdivision. The developer shall be required to participate with the City in the construction of the additional improvements required to accommodate the flow resulting from developer's subdivision on the basis of the percentage increase in such drainage load resulting from the subdivision. The payments required to be made by developer hereunder shall be handled in the same manner as the construction cost of streets within such subdivision.

K. BLOCKS

Blocks may include up to sixteen (16) lots on each side of the street; however, block length shall not exceed one thousand two hundred (1200') feet from center to center of streets except under special conditions determined by the Planning Commission.

L. CROSSWALK WAYS

Crosswalk ways six (6') feet in width shall be dedicated where deemed necessary by the Planning Commission to provide circulation or access to schools, playgrounds, shopping centers, and transportation and other community facilities, or to provide pedestrian circulation within the subdivision. Crosswalk ways shall be provided with a concrete sidewalk six (6') feet wide.

M. MINIMUM LOT SIZES

(1) Rectangular residential lots shall have a width of at least fifty (50') feet.

(2) Rectangular business lots shall have a width of at least twenty-five (25') feet.

(3) All lots shall have depth of at least one hundred (100') feet, exclusive of utility easements, unless otherwise approved by the Planning Commission.

(4) Radial residential lots shall have a minimum width of fifty (50') feet frontage on the street; business lots shall have at least twenty-five (25') feet.

(5) Residential lots shall have a minimum of five thousand (5,000) square feet.

(6) Corner residential lots shall have a minimum width ten (10') feet greater than the adjacent lot except on a major street, then they shall have a width fifteen (15') feet greater than the width of the adjacent lot.

(7) Lots facing a major street shall be at least ten (10') feet deeper than average interior lot depths facing a minor street.

(8) In general, lots on one (1) side of a street shall not be offset from the lots on the opposite side of the street.

(9) Each lot shall front upon a public street. Lots of irregular shape shall have a frontage of at least thirty-five (35') feet unless otherwise approved by the Planning Commission.

(10) Side of lot lines shall be substantially at right angles to straight street lines and radial to curved street lines.

(11) Patio home lots must be at least forty-five (45') feet wide and eighty (80') feet deep and contain at least three thousand six hundred (3600) square feet, including utility easements.

N. BUILDING LINES

Building lines or setback lines shall be established and so indicated on all subdivision plats as below stipulated:

(1) Single-Family and Multi-Family Residential Lots

(a) Corner Lots

(i) A minimum building setback of twenty-five (25') feet shall be provided on the front and fifteen (15') feet on the side of all corner single-family and multi-family residential lots where such lots side upon minor streets.

(ii) A minimum building setback of twenty-five (25') feet shall be provided on the front and twenty (20') feet on the side of all corner single-family and multi-family residential lots where such lots side upon major streets.

(b) Interior Lots

A minimum building setback of twenty-five (25') feet shall be provided on the front of lots facing minor streets, thirty-five (35') feet setbacks on those facing major streets, and five (5') feet on each side of all interior single-family and multi-family residential lots facing on minor and secondary streets.

(2) Commercial and Industrial Lots in Outlying Areas Other than Central Business, Industrial and Shopping Center Districts

(a) Corner Lots

(i) A minimum building setback of twenty-five (25') feet shall be provided on the front and fifteen (15') feet on the side of all corner commercial and industrial lots that side upon minor streets.

(ii) A minimum building setback of twenty-five (25') feet shall be provided on the front and twenty (20') feet on the side of all corner commercial and industrial lots that side upon secondary streets unless specific building lines are otherwise established by ordinance upon a designated secondary street.

(iii) A minimum building setback of twenty-five (25') feet shall be provided on the front and twenty-five (25') feet on the side of all corner commercial and industrial lots that side upon major streets unless specific building lines are otherwise established by ordinance upon a designated major street.

(b) Interior Lots

A minimum building setback of twenty-five (25') feet shall be provided on the front of all interior commercial and industrial lots that front upon minor, secondary, or major streets unless specific building lines are otherwise established by ordinance upon a designated secondary or major street.

(3) Patio Homes, Garden Homes, or

Similarly Designated Dwellings

The living area, exclusive of garage, of any dwelling qualifying as a patio home, garden home, or similar designation, shall cover or occupy not less than one thousand four hundred (1400) square feet of the lot surface on which such dwelling is constructed.

Front and side street corner building lines shall meet the same requirements as for single-family lots above. Otherwise, the structure may be built at the property line on one (1) side.

O. WHERE SUBDIVISION IS UNIT OF A LARGER TRACT

Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider, which is intended to be subsequently subdivided as additional units of the same subdivision, the preliminary and final plats shall be accompanied by a layout of the entire area, showing the tentative proposed layout of streets, blocks, drainage, water, sewage, and other improvements for such area. The overall layout, if approved by the Planning Commission, shall be attached to and filed with a copy of the approved subdivision plat in the permanent files of the City Engineer. Thereafter, plats of subsequent units of such subdivision shall conform to such approved overall layout, unless changed by the Planning Commission. However, except where the subdivider agrees to such change, the Planning Commission may change such approved overall layout only when the Planning Commission finds:

(1) That adherence to the previously approved overall layout will hinder the orderly subdivision of other land in the area in accordance with the provisions of this Chapter, or

(2) That adherence to the previously approved overall layout will be detrimental to the public health, safety or welfare, or will be injurious to other property in the area.

P. REGULATIONS FOR "TOWNHOUSE" OR "MULTIPLE-DWELLING" SUBDIVISION

(1) Definitions

(a) Townhouse. The term townhouse, apartments, and multiple-dwelling units shall be used interchangeably and shall mean a structure which is one of a series of dwelling units designed for single-family unit occupancy, which dwelling units are structurally connected or immediately adjacent to each other without side yards between individual dwelling units.

(b) Townhouse Subdivision shall apply to those developments in which it is proposed to partition land into individual lots and construct townhouses which may be individually owned and where the minimum lot sizes are to be less than those required under Section 5 of this Ordinance.

(c) Interior Street shall apply to public streets not more than six hundred (600') feet long within a townhouse subdivision, which streets are located and designed to serve a limited area within such subdivision and shall not serve other properties outside the subdivision.

(d) Access Street shall apply to those public streets within or bounding a townhouse subdivision which serves a townhouse subdivision and other adjacent properties outside the subdivision.

(e) Open Space shall apply to private property under common ownership designated for recreation area, private park, play lot area, plaza area, building setbacks and ornamental area open to general view within the subdivision. Open space does not include streets, alleys, utility easements, required building setbacks.

(2) Requirements

(a) General

All those persons proposing or intending to develop a townhouse subdivision or apartment complex within the City of Fulshear or within its extraterritorial jurisdiction shall comply with the procedural requirements set out in this Ordinance, and shall complete an Environmental Impact study as provided for in the City of Fulshear Ordinances. All such developments shall be designed to comply with the Comprehensive Plan.

(b) Streets and Alleys

(i) Interior streets, if dedicated to public use, shall have a minimum right-of-way width of fifty-five (55') feet and shall be developed with a minimum of thirty-five (35') foot paving section with concrete curbs and gutters in accordance with Section 6 of this Ordinance.

(ii) Access streets shall have a minimum right-of-way width of sixty (60') feet.

(iii) All townhouse subdivisions shall have direct access street to at least one (1) dedicated and accessible public street.

(iv) Alleys shall have a minimum right-of-way of twenty (20') feet and shall be developed with a concrete pavement in accordance with construction standards found in Section 6 of this Ordinance.

(c) Building Setback Lines

(i) Building setback lines of twenty-five (25') feet shall be required on all lots fronting or backing on an access street.

(ii) Building setback lines of twenty (20') feet shall be required on all lots siding on access streets or upon a plat boundary.

(iii) No building setback lines shall be required on the sides of lots abutting interior streets, except where traffic safety or other factors necessitate the establishment of such setbacks.

(iv) Where townhouse lots and dwelling units are designed to face upon an open or common access court rather than upon a public street, said open or common court shall be at least forty (40') feet wide and not more than two hundred (200') feet long, measured from the public street upon which the court must open. Said court may not include vehicular drives or parking area in front of dwelling units without additional width as required by the Planning Commission.

(d) Lots

(i) Lot area shall be a minimum of two thousand five hundred (2500) square feet.

(ii) Lot width shall be a minimum of twenty-five (25') feet.

(iii) Dwelling units may be constructed up to side lot line, and openings shall not face a side lot line unless the side wall of the dwelling unit is at least ten (10') feet from the side lot line.

(iv) Lot size may be reduced under the provision that open space, as defined herein, be dedicated according to the following schedule:

For every one hundred (100) square feet of open space per lot provided, the minimum lot area may be reduced by two hundred (200) square feet. No lot shall, however, have a lot area of less than two thousand (2000) square feet, and a width of less than twenty-five (25') feet.

Open Space Per Dwelling	Minimum Of Lot Area
0 square feet	2,500 square feet
100	2,300
200	2,100
250	2,000

(e) Utilities

All utilities such as sanitary sewer, water, gas, telephone, television cable and electrical, shall be placed underground.

(f) Off-Street Parking

Provide a minimum of two (2) spaces per dwelling unit.

SECTION 6: MINIMUM CONSTRUCTION STANDARDS

A. INTENT OF STANDARDS

The intention of these standards is to define minimum requirements for street, utility, and drainage construction in new subdivisions within the jurisdiction of the City of Brookshire. These standards are supplementary to the City's subdivision development ordinance, including subsequent amendments.

B. STREET PAVING

The following minimum standards apply to subdivision street paving:

(1) Type

Asphaltic or reinforced concrete surface with concrete curb and gutter.

(2) Pavement Width

(a) Major streets -- Forty-four (44') feet to sixty-four (64') feet between back of curbs.

(b) Secondary streets -- Thirty-eight (38') feet to forty-four (44') feet between back of curbs.

(c) Residential streets -- Twenty-eight (28') feet to thirty-two (32') feet between back of curbs.

(3) Cross Section

A standard cross section for a residential street is shown in Figure I. Cross sections for secondary and major streets shall be proportioned similarly. At intersections, curb return radius shall be twenty (20') feet; at cul-de-sacs, thirty-five (35') feet.

(4) Concrete

(a) Reinforcing Steel

Material -- Open hearth new billet steel.

Yield strength -- 60,000 pounds per square inch, minimum.

Splices -- Twenty-four (24) bar diameters.

Bar size and spacing -- No. 3 bars at eighteen (18") inch centers, each way.

Bar support -- Metal or plastic "chairs" shall be used to hold bars in position during placement of concrete.

(b) Concrete Mixture

Flexural strength -- 650 pounds per square inch minimum modulus of rupture at twenty-eight (28) days (American Society of Testing and Materials, C-78, 3rd point loading).

Slump -- Three (3") inches maximum.

Cement factor -- 5.0 bags per cubic yard, minimum.

(c) Cement

Type I (Normal) Portland Cement, or with City Engineer's approval, Type III (High Early Strength).

(d) Aggregate

Coarse and fine aggregate shall meet the requirements of Texas Highway Department Standard Specification "Item 360" for Concrete Pavement.

(4) Concrete

(a) Reinforcing Steel

Material -- Open hearth new billet steel.

Yield strength -- 60,000 pounds per square inch, minimum.

Splices -- Twenty-four (24) bar diameters.

Bar size and spacing -- No. three (3) bars at eighteen (18") inch centers, each way.

Bar support -- Metal or plastic "chairs" shall be used to hold bars in position during placement of concrete.

(b) Concrete Mixture

Flexural strength -- 650 pounds per square inch minimum modulus of rupture at twenty-eight (28) days (American Society of Testing and Materials, C-78, 3rd point loading).

Slump -- Three (3") inches maximum.

Cement factor -- 5.0 bags per cubic yard, minimum.

(c) Cement

Type I (Normal) Portland Cement, or with City Engineer's approval, Type III (High Early Strength).

(d) Aggregate

Coarse and fine aggregate shall meet the requirements of Texas Highway Department Standard Specification "Item 360" for Concrete Pavement.

(e) Jointing

Depth of contraction joints -- One-fourth (1/4) of slab thickness.

Transverse spacing -- Twenty (20') feet.

Expansion joints -- At intersections.

Wood joints -- Sound heart redwood.

Joint seal -- O.A. 90 Asphalt.

(f) Curing

Curing method shall retain at least ninety-seven (97%) percent of moisture at twenty-four (24) hours, at least ninety-five (95%) percent at three (3) days, and at least ninety-one (91%) percent at seven (7) days. (American Society of Testing and Materials procedure C-5)

(g) Tests

Flexural strength -- Three (3) molds per two hundred (200) linear feet.

(h) Placement

Concrete shall not be placed on frozen subgrade; when air temperature is thirty-eight (38) degrees F or below; when air temperature is below forty-two (42) degrees F and declining; when finishing cannot be completed during natural daylight.

(5) Asphaltic Pavement

(a) Curb and Gutter

Material -- Reinforced concrete as specified in this Section and Figure I.

Width -- Eighteen (18") inches overall.

Tests -- Same as Subsection B(4) (g) of this Section, except interval shall be three (3) molds per truckload of concrete.

(b) Base

Thickness -- Eight (8") inches after final compaction.

Material and construction -- Iron Ore: Texas Highway Department Standard Specification "Item 240" for Grade 1 with density control at ninety-five (95%) percent density. Crushed Stone: Texas Highway Department Standard Specification "Item 242" for Type B, Grade 1 with density control at ninety-five (95%) percent density.

Tests -- Material: The City Engineer may require laboratory testing of the proposed material before and/or during construction to determine that it meets the applicable specifications. Compaction: Tests at two hundred (200) linear foot intervals, or closer where requested by City Engineer.

(c) Surface Course

Material -- Texas Highway Department Standard Specifications "Item 340" for Hot Mix Asphaltic Concrete Pavement, Type D, including a Tack Coat.

Thickness -- Two (2") inches after final compaction.

Density -- Ninety-five (95%) percent of the laboratory density obtained with the California Kneading Compactor per Test Method No. California 304 or equal test method approved by the City Engineer.

Tests -- The City Engineer may require the following tests: Material -- Laboratory tests before and/or during construction. In-place Density.

(6) Subgrade

(a) Rolling machinery -- All subgrade shall be rolled.

(b) Density required -- At least ninety (90%) percent of maximum density (Modified Proctor Density Test-- American Association State Highway Officials T99-49).

(c) Lime stabilization -- Required when Plasticity Index (P.I.) of subgrade soil exceeds 18.0.

(d) Cement stabilization -- Required when low P.I. "spongy" or wet soils.

(e) Subgrade shall not be allowed to dry before concrete or base is placed, nor shall concrete or base be placed on frozen subgrade.

(f) Density tests -- At two hundred (200) linear feet intervals, or closer when requested by City Engineer.

C. SIDEWALKS

Where installed, sidewalks shall meet all applicable material specifications for concrete pavement. The following minimum standards also apply to sidewalks in new subdivisions:

(1) Dimensions

(a) Width -- Four (4') feet, zero (0") inches.

(b) Thickness -- Zero (0') feet, four (4") inches.

(2) Subgrade

Two (2") inches of compacted sand.

(3) Cross Slope

One-fourth (1/4") inches per foot, toward curb.

(4) Location

As per Figure I.

D. WATER SYSTEM

The following minimum standards apply to water system extensions within the City of Fulshear.

(1) Main Lines

(a) Minimum diameter -- Six (6") inches.

(b) Depth -- Three (3') feet, six (6") inches of cover below final grade.

(c) Material -- Type: Asbestos-cement pipe. Pressure rating: 150 pounds per square inch. Field test by American Water Works Association. Manufactured within the Unites States.

(d) Location -- As per Figure I. Mains shall be looped, with no dead ends serving more than four (4) lots.

(2) Valves

(a) Locations -- At tees: Two (2) valves. At crosses: Three (3) valves. At each connection to existing water system: One (1) valve.

(b) Type -- Nonrising stem, O-ring seals, Mueller, CCW opening, M.J.

(3) Fire Hydrants

(a) Locations -- At each street intersection and cul-de-sac end. Single-family residential areas: six hundred (600) foot intervals, approximately. Multi-family or commercial, including reserves: three hundred (300) foot intervals.

(b) Type -- Mueller Improved, 3-way, CCW opening, M.J.

(4) Fittings

(a) Material -- Cast Iron, cement lined, concrete blocked, M.J.

(b) Pressure rating -- 250 pounds per square inch.

(5) Services

(a) Corporation stop -- Mueller H-15000.

(b) Curb stop -- Mueller H-15275, in approved concrete meter box.

(c) Pipe material -- Soft copper.

(d) Size -- Single: three fourths (3/4") inch diameter. Double: one (1") inch diameter.

(6) Backfill

(a) Under asphalt streets -- 1.0 sack cement stabilized sand.

(b) Other locations -- Sandy soil must be water-jetted; other soil may be compacted by rolling with caterpillar track or other similar method.

E. SANITARY SEWER SYSTEM

All homes must be connected to the City's central sanitary sewer system. The following minimum standards apply to sanitary sewer extensions within the City of Fulshear.

(1) Main Lines

(a) Minimum diameter -- Sox (6") inches.

(b) Minimum depth -- Four (4') feet, zero (0") inches.

(c) Material -- Pipe: Vitrified clay. Class: Extra strength. Air test required. Joints: Premolded urethane, polyester, or neoprene.

(2) Manholes

(a) Size -- Four (4') feet, zero (0") inches inside diameter.

(b) Spacing -- Three hundred (300') feet maximum.

(c) Material -- Concrete, brick, or fiberglass (except in pavement).

(d) Wall thickness -- Six (6") inches.

(3) Services

(a) Pipe diameter -- Four (4") inches.

(b) Material -- Same as main lines.

(c) Fittings required -- Wye, bend, and plug.

(d) Stack required -- Where sewer depth exceeds six (6') feet, zero (0") inches.

(e) Marking -- "As built" plans required showing locations.

(4) Backfill

Same as for water systems.

(5) Location

In easement behind house, five (5') feet off of easement line. May be located in street for unusual situations.

F. DRAINAGE

The following minimum standards apply to drainage construction within new subdivisions.

(1) Storm Sewers and Culverts

(a) Minimum diameter -- Twenty-four (24") inches; eighteen (18") inches for pipe serving one (1) inlet.

(b) Minimum slope -- Storm sewers: 0.1%. Culverts shorter than one hundred (100') feet: 0.1 foot.

(c) Material -- Class III reinforced concrete pipe, and Texas Highway Department standard box culverts and headwalls.

(d) Joints -- Ram-Nek asphaltic sealer.

(e) Location -- See Figure I.

(2) Open Channels

(a) Unlined ditches -- Side slopes: Three (3) horizontal, one (1) vertical. Bottom slope: 0.05% minimum. Easement width: Top width plus sixteen (16') feet on one (1) side plus six (6') feet on other side.

(b) Lined channels -- Bottom slope: 0.05% minimum. Lining material: Five (5") inches thick concrete with #3 bars at eighteen (18") inches. Concrete characteristics: Same as for street paving. Easement width: Top width plus twelve (12') feet on one (1) side and four (4') feet on other side.

(c) Junction boxes and manholes -- Size: Nominal pipe size plus twelve (12") inches. Material: Reinforced concrete, designed for load. (Brick walls are permissable.) Location: At changes in pipe size or direction, and at four hundred (400') foot intervals. Access: Twenty-two (22") inch diameter cast iron cover.

(d) Inlets -- Minimum thread size: Six (6") inches high by five (5') feet long. Material: Reinforced concrete, designed for load. (Brick walls are permissable.) Wall thickness: Six (6") inches. Access: Twenty-two (22") inch diameter cast iron cover.

(e) Runoff Criteria -- Storm period: Twenty-five (25) years. Runoff coefficient: Single-family area, fifty (50%) percent. Multi-family or commercial, eighty (80%) percent.

G. STREET SIGNS AND LIGHTING

The following minimum requirements apply to street signs and lighting, which are to be furnished by the developer at his expense:

(1) Street Signs

For uniformity, street signs shall be ordered through the City of Fulshear. Cost of the signs and erection are the responsibility of the developer. Signs are required at each street intersection.

(2) Street Lights

Street lights of 3300-lumen capacity are required at each street intersection, cul-de-sac end, and in intermediate locations where blocks exceed one thousand (1,000') feet in length. The developer may submit his lighting plan to Houston Lighting and Power through the City of Fulshear to avoid certain extra installation charges by the power company. The developer shall bear the monthly charge for all street lighting until he has notified the City Secretary that fifty (50%) percent of his lots have been occupied by houses and rendered for taxation.

H. REGULATIONS OF OTHER ENTITIES

The construction standards of this Section are not intended to replace the regulations of other governmental or private entities whose jurisdiction includes new subdivisions within the jurisdiction of the City of Fulshear

SECTION 7: RESPONSIBILITY FOR STREET AND UTILITIES INSTALLATION

A. DEVELOPER RESPONSIBILITIES

In general, the subdivider or developer shall be required to construct at his expense, all streets, alleys, sidewalks, crosswalks, street markers, sanitary sewers, sewage lift stations, septic tanks, or other sewage facilities, water mains, and water systems, drainage culverts, storm sewers, bridges, street lights and other appurtenances in strict accordance with Section 6 of this Ordinance, necessary and required to adequately serve the subdivision or addition to be developed by him.

B. STREETS, UTILITIES AND APPURTENANCES

TO BECOME PROPERTY OF CITY

All streets, utilities and other appurtenances constructed by the developer shall become the property of the City of Fulshear upon completion and acceptance by the City Engineer and City Council.

C. WHEN CITY TO ASSIST DEVELOPER

Upon the passage of this Ordinance, it will be the policy of the City of Fulshear to assist the developer in recovering the cost of construction of such facilities where sizes and capacities of facilities are required to service urban development of a larger area than that being subdivided or areas extending beyond the limits of the proposed subdivision to the extent hereinafter set forth; but the City reserves the right to consider each facility on its own merits.

SECTION 8: PARKS, PLAYGROUNDS, SCHOOLS, AND OTHER PUBLIC FACILITIES

A. PARKS AND PLAYGROUNDS

A subdivider shall be required to dedicate a suitable site for park purposes, or to make a deposit to the City in lieu thereof for park facilities for each subdivision or multi-family development in accordance with the following regulations:

(1) The subdivider shall be required to dedicate either five (5%) percent of the total area of the subdivision, or its equivalent in money based on the raw land value, for park purposes.

(2) In the case of apartments or multi-family developments, a ratio of one (1) acre for every three hundred fifty (350) potential persons in the development. This number shall be calculated at the rate of two and four-tenths (2.4) persons per living unit to arrive at the park fund deposit.

B. SCHOOLS

The location, size and shape of any proposed school site shall be in accordance with the master plan of the City of Fulshear and/or Fort Bend County, Texas as amended or supplemented, as approved by the Planning Commission and finally accepted by the City Council and Lamar Consolidated Independent School District.

C. PUBLIC FACILITIES AND OTHER SPECIAL LAND USES

The location, size, and shape of any proposed public facility or other special land site shall be in accordance with the comprehensive plan for the City of Fulshear and/or Fort Bend County, as amended and supplemented, as approved by the Planning Commission and finally accepted by the City Council.

D. DISAPPROVALS

The disapproval of any proposed park, playground, school, public facility or other special land use site, as above described, by the Planning Commission and/or the City Council shall be deemed a refusal by the proper authority to accept the offered dedication.

SECTION 9: AUTHORITY OF THE CITY ENGINEER

The City Engineer is hereby authorized and directed to promulgate rules, regulations, standards and specifications for construction, installation, design, location and arrangement of street, gates for utility easements, sidewalks, water supply and water distribution systems, fire hydrants, sewage disposal systems, septic tank, water wells, monuments, criteria for drainage easement requirements, drainage facilities, and crosswalk ways. He shall file same with the Planning Commission for approval, and thereafter, file with the City Council, and they shall become effective upon their adoption by the City Council. He may amend the same from time to time, upon the approval of the Planning Commission, and such amendment shall be filed with the City Council, and the amendments shall become effective upon their adoption by the City Council. No such rules, regulations, standards and specifications shall conflict with this or any other ordinance of the City of Fulshear , Texas. All such improvements shall be constructed, installed, designed, located and arranged by the subdivider in accordance with such rules, regulations, standards and specifications.

SECTION 10: SCREENING WALLS

Where townhouses, etc. are backing upon a public street or adjoining an existing residential subdivision, a two (2') foot wide private easement shall be provided abutting the street or subdivision and a permanent type wall not less than six (6') feet high shall be constructed upon the easement, in conformity with City standards, to provide a visual screen.

SECTION 11: DEDICATIONS AND CERTIFICATES

A. FORMS

Dedications of streets, alleys, easements, and public use sites shall be according to the most recent forms in use by the City of Fulshear and as directed by the City Engineer.

B. WHO MUST JOIN IN DEDICATION

All owners and/or lienholders must join in the dedication.

C. DISAPPROVALS

If any plat or replat is disapproved by the City Planning Commission for any reason, then such disapproval shall be deemed a refusal by the City of Fulshear to accept offered dedication shown on the plat thereof or to accept any planned or completed improvements within the area covered by any plat or replat.

SECTION 12: COMPREHENSIVE PLAN ADOPTED

A. At such time as a Comprehensive Plan of the City of Fulshear, Texas, and all supplements thereto, including the Storm Drainage Plan, be hereby adopted all future extensions and dedications of streets, water and sewer lines, public easements, residential and business subdivisions, townhouse developments and apartment projects, shall be designed, dedicated and constructed in accordance with the goals and guidelines set down in such Comprehensive Plan. An official copy of the Comprehensive Plan, signed by the Mayor and attested by the City Secretary shall be placed on file and maintained in the office of the City Secretary.

B. Any City Ordinance requiring compliance with a master plan which be hereinafter adopted shall henceforth be amended to require compliance with the Comprehensive Plan.

SECTION 13: FINAL APPROVAL

A. CERTIFICATION BY CITY ENGINEER

All requests for variances from the provisions of this Ordinance shall be in writing and shall set out the variances sought, and shall be attached to the proposed preliminary and/or final plat.

B. REVOCATION OF APPROVAL

Any plat submitted to the Planning Commission or City Council which contains any variance from the provisions of this Ordinance, and which plat application fails to request a variance in writing as required in paragraph A above shall be deemed as rejected and any approval made by the Planning Commission or City Council shall be null and void until the following events shall take place:

(1) The City Engineer shall certify in writing to the Planning Commission and to the City Council that the plat complies with the provisions of this Ordinance setting out any variances recommended.

(2) The Planning Commission and City Council shall pass a resolution of acceptance of such certification with specific notation as to the variances granted from the provisions of this Ordinance.

SECTION 14: PROHIBITION OF SUBDIVIDING WITHOUT COMPLIANCE

A. No existing tract or parcel of land lying within the jurisdiction of the City of Fulshear, Texas, shall be divided into two (2) or more tracts or lots without first being approved by the Planning Commission and City Council of the City of Fulshear, except that the metes and bounds division of any existing tract or parcel of land into two or more tracts or lots each containing not less than one acre, including streets and easements, or the division by metes and bounds of an existing tract abutting on a public street with public water and public sewer available to all parts thereof, being divided into two or more tracts or lots each containing not less than 6,000 square feet, excluding streets, but including easements shall not constitute a subdivision under the provisions of this ordinance.

SECTION 15: ENFORCEMENT AND PENALTY

A. No building permit shall be issued by the City of Fulshear for the construction of any improvements to be made within the jurisdiction of the City of Fulshear, Texas, on lands which are not subdivided in conformance with the terms of this ordinance, provided, however, any subdivision which was made and existed prior to the date of this ordinance shall not be subject to the terms and conditions hereof.

B. The City Council of the City of Fulshear reserves the right to take such action by the filing of civil suits of injuction against any person who attempts to violate or who violates the terms of this ordinance to enjoin and stop such actions contrary to this ordinance.

C. In addition to the civil action of injuction herein provided, any person who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined an amount not to exceed $200.00. Each day that any violation shall continue shall be a separate offense. Jurisdiction for the finding of any complaint hereunder shall be in the Municipal Court of the City of Fulshear, Texas, and any appeal shall be made the same as other appeals from the Municipal Court of the City of Fulshear, Texas.

SECTION 16: SEVERABILITY

If any provision, section, subsection, sentence, clause, phrase of this ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this ordinance or their application to other persons or sets of circumtances shall not be affected thereby, it being the intent of the City Council in adopting this ordiance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this ordinance are declared to be severable for that purpose.

SECTION 17: EFFECTIVE DATE, PUBLISHING NOTICE

The City Secretary is instructed to publish and post notice of this Ordinance as required by law, by publishing only the descriptive caption.

This Ordinance shall become effective upon its passage and upon the completion of posting and publishing as required by law.

PASSED AND APPROVED this 15th day of August, 1983.

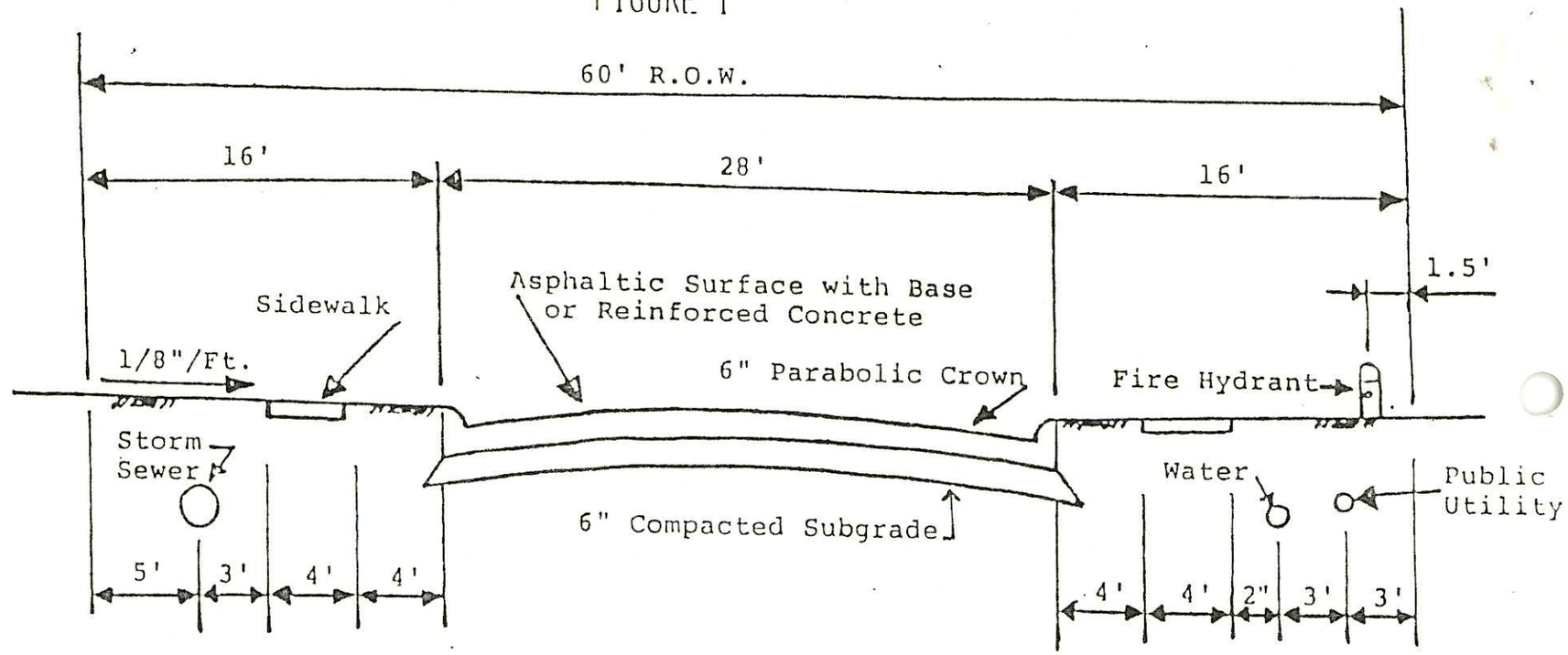
ATTEST:
By: Carolyn H. Smith
CAROLYN SMITH, Secretary

THE CITY OF FULSHEAR, TEXAS
By: Jamie W. Roberts
JAMIE W. ROBERTS, Mayor

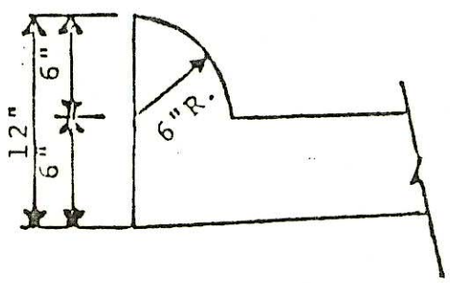
ALDERMEN VOTING:

E. DOZIER	Yes
V. RANDLE	Yes
B. G. WALLING	Absent
F. SMART	Yes
T. HARKNESS	Yes

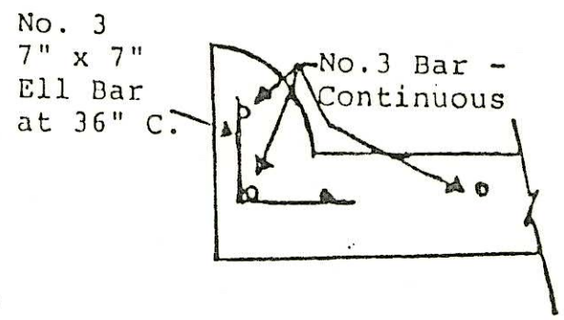
FIGURE I



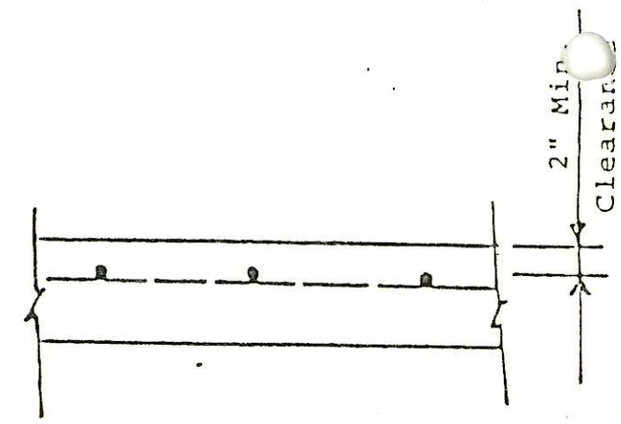
TYPICAL 28' STREET SECTION



CURB DIMENSIONS



CURB REINFORCEMENT



SLAB STEEL LOCATION

ORDINANCE NO. 604

ENVIROMENTAL IMPACT STATEMENT

AN ORDINANCE REQUIRING AN ENVIRONMENTAL IMPACT STUDY AND PUBLIC HEARING FOR CONSTRUCTION OF COMMERCIAL, INDUSTRIAL, TOWNHOUSE APARTMENT AND MULTI-FAMILY DEVELOPMENTS; INFORMATION REQUIREMENTS; HEARING PROCEDURE; STANDARD FOR APPROVAL AND ENFORCEMENT PROVISIONS;

WHEREAS, heretofore the City Council of the City of Fulshear, Texas, wishes to establish certain minimum standards for access, parking and open spaces within commercial, industrial townhouse, apartment and multi-family projects to be constructed within the limits of the City; and,

WHEREAS, the City Council has determined that certain vacant lands within the limits of the City are available for the development of commercial, industrial townhouse, apartments and multi-family projects which are not presently provided with public roads, water and sanitary sewer services and drainways sufficiently developed to provide the necessary services to said vacant lands; and,

WHEREAS, in order that all residents in such commercial, industrial townhouse, apartments and multi-family projects receive a quality of service equal to that of the other citizens of the City, the City Council, in exercise of its police powers for the general health and welfare of its citizens has considered this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS.

SECTION I. The developer or owner of any commercial, industrial townhouse, apartment or multi-family project containing 4 or more living units to be constructed on lands within in the City shall, prior to commencement of any construction of improvements, or making an application for a

building permit, present an environmental impact study of such project to the City Council of the City of Fulshear Texas. The environmental study shall contain the following information:

A. A master plan of the proposed development of the lands included in the application. The plan shall be drawn to scale and shall have delineated on it the size, shape and location of all improvements (buildings, recreations facilities, parking areas, streets, and etc.) to be made on the property with sufficient dimensions to determine the open spaces, parking areas, building sizes, off-set distances, street widths and other improvements. Also as relates to townhouses, apartments and multi-family developments, the developer shall furnish the size of each residental unit, the total number of living units and the estimated total number of persons to be occupying the development.

B. A complete lay-out of all streets and parking areas within the planned development, and the connection of the streets within the development to the existing neighborhood streets within one/fourth (1/4th) mile surrounding the development, with the proposed traffic flow on the streets providing access to the development. Also, the developer will provide a traffic count over 7 consecutive days for the hours between 6:00 o'clock A.M. and 8:30 o'clock P.M. and between 4:00 o'clock P.M. and 6:30 P.M. at a point on the major streets where intersections will provide access to the development, and an estimate of the total number of vehicles from the development which will be using such intersections during those hours.

C. A complete plan for the water system and the fire protection system proposed to be installed by the developer within the development. The plan shall show the size and location of all water lines within the development, as well as the location

of the fire hydrants required to provide fire protection for the development. Further, the developer shall delineate on the water plan the size and location of the existing water systems of the City where the developer plans on connection to the water system in the development. Information shall be provided by the developer making an estimate of the total estimated water use, in gallons, during peak periods of demand, and the total estimated water use, in gallons, to be used monthly.

D. The developer shall provide a complete plan of the sanitary sewer system proposed to be installed by the developer within the lands being developed. Such plan shall include the size, location and estimated depth of the sanitary sewer system within the development, as well as the size, location and depth of the existing sewer lines of the City where the developer proposes to connect the sanitary sewer system with the development. In addition to the above plan, the developer shall be required to provide an estimate of the peak loan from the development, at the point of intersection with the system of the City, expressed in gallons, and an estimated monthly loan from the development, expressed in gallons.

E. A plan shall be provided by the developer showing a cross section of the elevations of the lands to be developed, the proposed drainage system within the development and the existing drainage system into which the drainage system from the development will empty, or that will be affected by the drainage system to be constructed by the developer in the development. In addition to such drainage plan, the developer shall submit a drainage study, which shall certify the location of the lands to be developed in relation to the flood prone areas as designated by the Federal Flood Insurance Program, and if such development is within the flood prone area, what remedial actions are being

taken to satisfy the regulations for construction of improvements within a flood prone area. The study shall also include the capacity of the existing drainage system and the increase resulting from the development; and the improvements, if any, required to make the existing drainage system adequate to take an increase resulting from the development.

SECTION II. When the developer has submitted all of the plans, information and studies required by this ordinance, the City Council shall, within 60 days after the receipt of all the required information, set a time and date for a hearing to be held on the proposed development. The purpose of the hearing shall be to give the developer an opportunity to present his proposed development to the City Council and for the City Council to hear testimony from the appropriate city officials, and the developer and any interested persons, concerning the requirements of services necessary for the proposed development. Based on the evidence and testimony introduced at such hearing, the City Council shall determine the capability of the City to provide the necessary services to the development. In the event the City Council shall determine that the existing services, (including access roads, water and sanitary sewer services, and drainage facilities) of the City are adequate to provide such services to the proposed development, then the development shall be approved by the City Council. If, however, the City Council shall determine that the existing capability of the necessary services to be provided by the City are not adequate to provide the necessary services, then, the City Council shall approve as much of the proposed development as can be adequately served by the existing facilities of the City.

SECTION III. It shall be unlawful for any building permit to be issued for the construction of any improvements covered by this ordinance prior to the approval of such development, or the portion thereof by the City Council. No final inspection shall

be made on any improvements in the development, or shall water and sewer services be provided to any part of the development, unless, and until the developer shall have completed the improvements required to be made by the terms of the approval of the development made by the City Council.

SECTION IV. If any part, sentence, word, or phrase of this ordinance shall ever be declared unconstitutional and unenforceable, then such part, sentence, word or phrase shall be struck from this ordinance the same as though the same never appeared herein.

SECTION V. This ordinance shall take affect upon its passage, and shall be posted and the publication of the caption in the official newspaper of the City.

PASSED AND APPROVED this 15 day of August, 1983

THE CITY OF FULSHEAR, TEXAS

BY: Jamie W. Roberts
JAMIE W. ROBERTS
Mayor

ATTEST

BY: Carolyn H. Smith
CAROLYN SMITH
City Secretary

ALDERMEN VOTING

E. DOZIER yes
V. RANDLE yes
B.G. WALLING absent
F. SMART yes
T. HARKNESS yes

ORDINANCE NO. 605

AN ORDINANCE ESTABLISHING A
PLANNING COMMISSION

WHEREAS, the City Council of the City of Fulshear, Texas, has determined that the general benefit and welfare of the citizens of the City of Fulshear, Texas, will be better protected by the creation of a Planning Commission to assist in the enforcement of the Ordinance controlling the development of subdivisions within the City of Fulshear, Texas, and other lands over which it has jurisdiction, and the development of the City in general,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Fulshear, Texas, that,

SECTION I. PLANNING COMMISSION:

A. There is hereby created a Planning Commission for the City of Fulshear, as provided in Vernon's Ann. Civ. St., Articles 974a. The Planning Commission shall have all of the powers granted by such Article, unless limited by any provision of this Ordinance, and shall have such additional duties and powers as may be herein authorized.

1. The Planning Commission shall be composed of the number of members as may be determined from time to time by resolution of the City Council but in no event shall be less than 5 members. Each member of the Planning Commission shall be appointed by the Mayor and approved by the City Council.

2. Four (4) members of said Commission shall constitute a quorum for the transaction of business.

3. Members of the Planning Commission are appointed for two year terms, shall serve at the will of the Mayor, and shall serve without compensation. Members may continue to serve beyond the two year appointment at the pleasure of the Mayor, or until officially replaced or resign. All members of the Commission shall be resident citizens or residents of the ETJ of the City, tax payers and qualified voters. Members shall serve from date of appointment until the first regular City Council meeting date in April following the Mayor election.

4. Unless designated by the Mayor in his appointment, the Planning Commission shall elect from any of their members, a Chairman and a Secretary.

5. It shall be the duty of the Planning Commission to strictly enforce the Ordinances of the City of Fulshear, and disapprove any subdivision plat brought before the Commission for approval which:

   a. Was not filed with necessary prerequisites;

   b. Fails in any way to conform to the Ordinances of the City of Fulshear and statements in existance on the date it is filed.

6. Subdivision plats approved or disapproved by the Planning Commission shall be submitted to the City Council for final acceptance or rejection.

7. It shall be the duty of the Planning Commission to review the Ordinances of the City from time to time and recommend any changes to the City Council.

8. The City Planning Commission shall review all matters presented to it by the Mayor. Any action taken by the Commission on such matters is subject to review by the City Council.

9. Any reference to ETJ shall mean the extra-territorial jurisdiction of the City of Fulshear, Texas.

SECTION III. REPEALER:

This Ordinance shall take effect from and after the date of its passage, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

PASSED AND APPROVED this 15th day of AUGUST , 1983.

THE CITY OF FULSHEAR, TEXAS

By: Jamie W. Roberts
JAMIE W. ROBERTS
Mayor

ATTEST:

By: Carolyn Smith
CAROLYN SMITH
City Secretary

ALDERMEN VOTING

E. DOZIER	yes
V. RANDLE	yes
B. G. WALLING	absent
F. SMART	yes
T. HARKNESS	yes

ORDINANCE NUMBER 606

AMENDMENT TO ORDINANCE NUMBER 595 OF THE CITY OF FULSHEAR, TEXAS: PROVIDING FOR THE ESTABLISHMENT OF QUALIFICATIONS FOR THE RESERVE OFFICERS UNIT WITHIN THE CITY POLICE DEPARTMENT.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FULSHEAR, TEXAS, THAT:

SECTION III.

All reserve officers and patrolmen are subject to being called into active duty under emergency conditions as determined by the Chief of Police when it is necessary to preserve the peace and/or enforce the laws; otherwise, reserve officers shall act only in a supplemental capacity to the regular police force and shall not assume full time duties. All officers and patrolmen shall be at least eighteen (18) years of age or the legal age prescribed by law and certified in accordance with the governing statutes of the State of Texas and the rules and regulations of the Texas Commission of Law Enforcement Officer Standards and Education. Specifically included for compliance are all Procedural Rules promulgated and authorized by Article 4413 (29aa),V.T.C.S.

SECTION VII.

6. Every Reserve Officer must be twenty-one (21) years of age or older to fill in for a Regular Officer who is on leave or absent from duty.

PASSED AND APPROVED this the 13th day of OCTOBER, 1983.

THE TOWN OF FULSHEAR, TEXAS

By: James W. Roberts

JAMES W. ROBERTS
MAYOR

ATTEST:

Carolyn H. Smith

CAROLYN H. SMITH
CITY SECRETARY

ALDERMEN VOTING:

E. DOZIER YES
F. SMART YES
B. WALLING YES
T.Harkness ABSENT
V.Randle ABSENT

REGULATING MOVING MOBILE HOMES & BUILDINGS ON CITY STREETS

ORDINANCE NO. 607

AN ORDINANCE REGULATING MOVEMENT OF MOBILE HOMES, MANUFACTURED HOUSING, OR ANY STRUCTURE ON STREETS WITHIN THE CITY OF FULSHEAR BY REQUIRING A PERMIT PROVIDING FOR A PENALTY, PROVIDING A SEVERANCE CLAUSE PROVIDING FOR POSTING AND PUBLISHING AND PROVIDING AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

I

A. Permit required to tow or move mobile homes, manufactured housing, or any structure.

1. No mobile home, manufactured housing or any structure shall be towed or moved over or across any public street in the City of Fulshear by any person, firm, corporation or other entity unless such person, firm, corporation or other entity shall have first obtained a permit for such movement and otherwise complied with this section.

2. Mobile home shall be defined as set out in Ordinance No. 553 and further defined as a manufactured home in Art. 5069-6A.02 V.A.C.S.

3. Permits for the towing or moving of mobile homes shall be applied for and obtained from the City Secretary of the City of Fulshear.

4. The application for such permit shall contain the following information:

   (a) Name and address of the person applying for the permit.
   (b) Name of the company, corporation or entity in whose name the towing vehicle is registered and the license number of the towing vehicle.
   (c) Name and address of the person who will be operating the towing vehicle.
   (d) Proof the towing vehicle is covered by public liability insurance in a minimum amount required by the laws of the State of Texas.
   (e) Name and address of the owner of the mobile home, manufactured housing or structure being moved.

(f) A copy of the certificate of title showing any mobile home to be registered in the name of the owner or if title applied for, a copy of the tax collector's receipt showing title applied for.

(g) In the event of a newly purchased mobile home being towed after purchase with a dealer's license, applicant must state date of purchase and furnish affidavit from owner that purchase of mobile home has been made on that date and title is to be applied for.

5. Mobile homes shall not be towed or moved along any street within a subdivision, the plat of which or any document of record in the Office of the County Clerk of Fort Bend County, Texas, prohibiting the use of mobile homes.

6. The applicant must submit a sketch of the proposed route of movement of the structure, mobile home, manufactured home or structure being moved and shall not deviate from such route without first obtaining written approval of the route changes from the City Secretary. The sketch shall contain the street address to which the structure, mobile home, manufactured home or structure is being moved is being taken.

7. The applicant shall pay a fee of $15.00 to the City of Fulshear for the permit at the time of filing the application.

8. Permits are not transferable and shall become void 15 days after issuance.

9. The permit, including a copy of the proposed route marked approved by the City Secretary shall be carried by the person moving or towing the structure, mobile home, manufactured home or structure being moved and shall be displayed to any police officer or peace officer requesting proof of permit.

10. The provisions of this Article shall not apply to nor shall any permit be required for any mobile home:

    (a) Moving on Farm to Market Road 1093;
    (b) Moving on Farm to Market Road 359; or
    (c) Moving to and from any location outside the City Limits of the City of Fulshear.

11. Any person found guilty of violating any provision of this section shall be fined not more than $200.00. Any person found guilty of a second offense hereunder shall be fined not less than $50.00 nor more than $200.00. Any person found guilty hereunder three or more times shall be fined not less than $100.00 nor more than $200.00.

12. This Ordinance shall be enforced by the Public Works Department and/or the Fulshear Police Department or by any peace officer.

13. No permit shall be issued unless all taxes due to the City of Fulshear on the structure being moved shall be paid in full.

II

This Ordinance shall take effect from and after the date of its passage, and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.

III

If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provision, or regulation contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof and all provisions of this Ordinance are declared to be severable for that purpose.

IV

The City Secretary is instructed to post and publish notice of this Ordinance as required by law, by publishing only the descriptive caption.

PASSED AND APPROVED this 17th day of OCTOBER, 1983.

THE CITY OF FULSHEAR, TEXAS

By: Jamie W. Roberts
JAMIE W. ROBERTS, Mayor

ATTEST:

By: Carolyn H. Smith
CAROLYN SMITH
City Secretary

ALDERMEN VOTING:

E. DOZIER	yes	F. SMART	yes
V. RANDLE	yes	T. HARKNESS	yes
B.G. WALLING	absent		

ORDINANCE NUMBER 694

AN ORDINANCE ADOPTING THE 1984 BUDGET
FOR THE TOWN OF FULSHEAR, TEXAS

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FULSHEAR, TEXAS:

1. The Budget as proposed and presented by the Mayor and the Board of Council Members of the Town of Fulshear, Texas, for the fiscal year, January 1, 1984 through December 31, 1984, is hereby approved and adopted by the Town of Fulshear, Texas.

2. The Public Hearing having been duly held on November 21, 1983, at 7:30 o'clock p.m., at the Bentley Bldg., 199 Main Street, Fulshear, Texas, with all persons having been heard, this Ordinance shall take effect and be in full force from and after its adoption.

PASSED AND APPROVED THIS THE 21st day of November, 1983.

James W. Roberts, MAYOR

ATTEST:

City Secretary

ORDINANCE NO. 695

AN ORDINANCE LEVYING TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF FULSHEAR; PROVIDING FOR THE INTEREST AND SINKING FUND FOR THE YEAR 1983; APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSE; PROVIDING FOR PENALTIES AND INTEREST AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

SECTION 1. That there is hereby levied and there shall be collected for the use and support of the municipal government of the City of Fulshear, and to provide Interest and Sinking Fund for the year NINETEEN HUNDRED AND EIGHTY-THREE, upon all property, real, personal and mixed, within the corporate limits of said City subject to taxation, a tax of fifty cents on each One Hundred Dollars ($100.00) valuation of property, said tax being so levied and apportioned to the specific purposes herein set forth:

(1) For the maintenance and support of the general government (General Fund) on each One Hundred Dollar ($100.00) valuation of property, and

SECTION 2. All monies collected under this Ordinance for the specific items therein named, be and the same are hereby appropriated and set apart for the specific purpose indicated in each item and that the Assessor and Collector of Taxes, the City Treasurer and the City Secretary shall keep these accounts so as to readily and distinctly show the amount collected, the amounts expended and the amount on hand at any time, belonging to such funds, it is hereby made the duty of the Tax Assessor and Collector of Taxes and every person collecting money for the City of Fulshear, to deliver to the City Treasurer and the City Secretary at the time of depositing

any monies, a statement showing to what fund such deposit should be made and from what source received. All receipts for the City not specifically apportioned by this Ordinance are hereby made payable to the General Fund of the City.

SECTION 3. All taxes for the year 1983 hereby levied shall become due and payable at the offices of the Tax Assessor Collector of the City of Fulshear, Texas, on or after the first day of December 1983, and of the taxes levied for said year are not paid on or before March 31 next after becoming due, interest shall be charged upon the gross amount of the taxes due and penalty due until paid at the rate provided by law for each month or fraction thereof thereafter. Said interest shall be in addition to such penalties, costs of collection and attorney fees as may be thereafter provided for delinquent taxes or as provided by law.

SECTION 4. That this Ordinance shall take effect and be in force from and after its passage.

PASSED AND APPROVED this 29 day of November, 1983.

THE CITY OF FULSHEAR, TEXAS

By: Jamie W. Roberts
JAMIE W. ROBERTS, Mayor

ATTEST:

By: Carolyn H. Smith
CAROLYN SMITH, City Secretary

ALDERMAN VOTING:

E. Dozier Yes
V. Randle Abstain
B.G. Walling Absent
T. Harkness Yes
F. Smart Yes

No. 696

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN INTERLOCAL AGREEMENT WITH FORT BEND COUNTY FOR ENFORCEMENT OF THE CITY OF FULSHEAR'S FOOD SERVICE ORDINANCE, AUTHORIZING THE DESIGNATION OF THE FORT BEND HEALTH DEPARTMENT AS THE REGULATORY BODY FOR THE CITY OF FULSHEAR AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR, TEXAS:

The Mayor is authorized to enter into an Interlocal Agreement with Fort Bend County, Texas to enforce the City of Fulshear's Food Service Ordinance No. 599.

SECTION 2. The Mayor is authorized to designate the Fort Bend Health Department as the Regulatory Agency for enforcement of the Food Service Ordinance No. 599.

SECTION 3. The Fort Bend Health Department is hereby designated by the Mayor as the Regulatory Agency of the Food Service Ordinance No. 599.

SECTION 4. The Mayor is authorized to execute the agreement attached hereto and made a part hereof.

SECTION 5. That this Ordinance shall take effect and be in force from and after its passage.

PASSED AND APPROVED this 9th day of December, 1983.

THE CITY OF FULSHEAR, TEXAS

By: Jamie W. Roberts
JAMIE W. ROBERTS, Mayor

ATTEST:

By: Carolyn H. Smith
CAROLYN SMITH, City Secretary

ALDERMEN VOTING:

E. Dozier	YES
V. Randle	YES
B. G. Walling	YES
T. Harkness	ABSENT
F. Smart	YES

ORDINANCE 697

AMENDMENT TO ORDINANCE 580 DESIGNATING CERTAIN INTERSECTIONS A STOP INTERSECTION: PROVIDING FOR THE ERECTION OF STOP SIGNS AT ONE OR MORE ENTRANCES TO DESIGNATED INTERSECTIONS.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF FULSHEAR, TEXAS:

SECTION II

The intersections hereinafter named are hereby expressly designated as stop intersections. A stop sign or stop signs shall be erected and maintained on the streets hereinafter named at their intersection with the streets also named , and every vehicle shall stop at such sign or at a clearly marked stop line before entering the hereinafter designated intersection on the streets hereinafter named, except when directed to proceed by a police officer.

On First Street at State Highway 359	(2)
On Second Street at State Highway 359	(2)
On Third Street at State Highway 359	(2)
On Fourth Street at State Highway 359	(2)
On Fifth Street at State Highway 359	(2)
On Wilson at Second Street	(4)
On Bois D'Arc Lane at F.M. 1093	(1)
On Old Fulshear-Katy Road at F.M. 1093	(1)
On Syms Street at F.M. 1093	(1)
On Wilson Street at F.M. 1093	(1)
On Fourth Street at Wilson Street	(4)
On Fifth Street at Southwest corner at Houston	(1)
On Huggins at Northeast corner at Houston	(1)
On 2nd Street at Syms Street	(2)
On 3rd Street at Southwest corner at Syms St.	(1)
On Syms Street at 4th Street	(2)
On Syms Street at Southeast corner at 5th St.	(1)
On Huggins at Southwest corner at Old Fulshear-Katy Road	(1)
On 5th Street at Southeast corner at Wilson St.	(1)
On 5th Street at Southeast corner at Harris St.	(1)
On 5th Street at Southeast corner at Wallis St.	(1)
On 2nd Street at Wallis Street	(2)
On 1st Street at Northeast corner at Wallis St.	(1)
On Harris Street at 1st Street	(2)
On Harris Street at Northwest corner at Front St.	(1)

On Harris Street at 2nd Street	(2)
On Harris Street at Northeast corner at 3rd Street	(1)
On Harris Street at Northeast corner at 4th Street	(1)
On Wilson Street at Southwest corner at 3rd Street	(1)
On Red Bird Lane at Bois D'Arc Lane	(1)
On Oak Lane at Bois D'Arc Lane	(1)

SECTION IV

The Mayor is authorized to post and maintain speed limit signs and stop signs along highways within the Town of Fulshear, displaying the speed limit and stops provided by this Ordinance to vehicular traffic traveling along such highways.

SECTION VI

Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and shall be fined not more than $200.00 upon conviction of such violation.

SECTION VII

If any part of this Ordinance or any requirement thereunder shall be held to be invalid by a court of competent jurisdiction, such invalidity shall not affect the validity of any other part or other requirement herein.

SECTION VIII

This Ordinance shall take effect and be in force from and after its publication by posting a copy thereof at the Town Hall of said Town. The Ordinance shall be published in the official newspaper by law.

SECTION IX

The fact that certain of the intersections hereing named are presently without any traffic control represents a danger to citizens of the Town and a hazard to the operation of vehicles within the Town causes an emergency, reguiring the reading of an Ordinance at more than one meeting to be dispensed with, therefore this Ordinance shall be passed and approved on the date of its publication and posting at Town Hall.

PASSED AND APPROVED this the 9th day of December, 1983.

THE TOWN OF FULSHEAR, TEXAS

BY: James W. Roberts
JAMES W. ROBERTS, MAYOR

ATTEST:

Carolyn H. Smith
CAROLYN H. SMITH, CITY SECRETARY

VOTING

Aldermen:

E. Dozier	YES	F. Smart	YES	T. Harkness	Absent
V. Randle	YES	B.G.WALLING	YES		