

ORDINANCE NO. 85 - 714

AN ORDINANCE AMENDING ORDINANCE NUMBER 545, ADOPTING THE SOUTHERN BUILDING CODE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR THE POSTING AND PUBLISHING NOTICE OF THIS ORDINANCE.

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

I

The TOWN OF FULSHEAR HEREBY ADOPTS The Southern Building CODE FOR 1984.

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and all Ordinances or portion of Ordinances heretofore passed in conflict with the terms hereof are specifically repealed.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 \_\_21st day of January, 1985.

THE TOWN OF FULSHEAR, TEXAS

By: Edward Dozier  
EDWARD DOZIER, MAYOR

ATTEST:

Carolyn H. Smith

Carolyn H. Smith  
City Secretary

VOTING:

F. Smart YES

V. Randle YES

T. Harkness YES

B. Walling YES

ORDINANCE 85 - 715

# Order Establishing Procedure For City Officers' Election

THE STATE OF TEXAS

CITY OF FULSHEAR

On this the 18th day of FEBRUARY, 1985, the City Council,

of the City of FULSHEAR, Texas, convened in REGULAR session,

open to the public, at the regular meeting place thereof with the following members present, to-wit:

- EDWARD DOZIER, Mayor,
- FRANCES SMART, MAYOR PRO-TEM
- VIOLA RANDLE, Alderman
- \_\_\_\_\_, Alderman
- B. G. WALLING, Alderman
- DAVID FRISHMAN, CITY ATTORNEY
- CAROLYN H. SMITH, City Secretary

and the following absent: TOM HARKNESS, constituting a quorum, and

among other proceedings had were the following:

Alderman FRANCES SMART introduced a resolution and order

and moved its adoption. The motion was seconded by Alderman VIOLA RANDLE,

and the motion carrying with it the adoption of the resolution and order prevailed by the following vote,

AYES: ALL PRESENT

NOES: NONE

The resolution and order are as follows:

Whereas the laws of the State of Texas provide that on 6th day of APRIL, 1985, there shall be elected the following officials for this city:

THREE Alderman  
(Number of)

_____	_____
_____	_____
_____	_____

Whereas the laws of the State of Texas further provide that the Election Code of the State of Texas is applicable to said election, and in order to comply with said Code, an order should be passed establishing the procedure to be followed in said election, and designating the voting place or places for said election.

THEREFORE, BE IT ORDERED BY THE CITY COUNCIL/COMMISSIONERS

OF THE CITY OF FULSHEAR, TEXAS:

That all independent candidates at the election to be held on the 6th day of APRIL, 1985, for the above mentioned offices file their applications to become candidates with the Mayor of this City at CITY HALL on or before the 31st day before the date of said election;

That all of said applications shall be substantially in the following form:

To the Mayor of the City of FULSHEAR, Texas:

I hereby request that my name be placed upon the official ballot for the election to be held on the 6th day of APRIL, 1985, as a candidate for ALDERMAN of said City, and I hereby certify that I am eligible to hold such office under the constitution and laws of this state.<sup>5</sup>

My occupation is \_\_\_\_\_

The county of my residence is \_\_\_\_\_ County.

My post office address is \_\_\_\_\_

My age is \_\_\_\_\_ years. Length of residency in State: \_\_\_\_\_ years; in above named city: \_\_\_\_\_ years or months.

I am not disqualified or ineligible to hold the above mentioned office and meet all qualifications therefor. Please place my name on the official ballot as follows:

\_\_\_\_\_  
(print or type candidate's name here)

DATED this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Name of Candidate

THE STATE OF TEXAS }  
COUNTY OF FORT BEND }

Before me, the undersigned authority, on this day personally appeared \_\_\_\_\_, who being by me here and now duly sworn upon oath states that all of the facts and information stated in the above application are true and correct.

\_\_\_\_\_  
Signature of Candidate

Subscribed and sworn to before me by the said \_\_\_\_\_

this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ to certify which witness my hand and seal of office.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Texas

All candidates shall file with said application the loyalty affidavit required by Article 6.02 of the Election Code.

This city, having one election precinct\_\_\_\_, said election shall be held at the following place\_\_\_\_ in said city:

- 1. In Election Precinct No. 6 at HUGGINS ELEMENTARY SCHOOL Building.
- 2. In Election Precinct No. \_\_\_\_\_ at \_\_\_\_\_ Building.
- 3. In Election Precinct No. \_\_\_\_\_ at \_\_\_\_\_ Building.
- 4. In Election Precinct No. \_\_\_\_\_ at \_\_\_\_\_ Building.

The City Secretary \_\_\_\_\_ is hereby authorized and instructed to provide and furnish all necessary election supplies to conduct said election.

The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the City Secretary as provided by Article 6.05c, Subd. 3, Election Code.

The Mayor shall give notice of this election in accordance with the terms and provisions of Article 4.05 of the Election Code and returns of said notice shall be made as provided in said Article 4.05, and the Mayor shall issue all necessary orders and writs for said election and returns of said election shall be made to the Council/Commissioners<sup>1</sup> immediately after the closing of the polls. Also Art. 29e, V.C.S.

It is further found and determined that in accordance with the order of this governing body the Secretary \_\_\_\_\_ 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, APPROVED AND ADOPTED this the 18th day of FEBRUARY, 1985.

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_  
Secretary

(5) Art. 1.05 of the Election Code and Art. 987.

# ORDER FOR CITY OFFICERS' ELECTION

THE STATE OF TEXAS

CITY OF FULSHEAR

EDWARD DOZIER

I, \_\_\_\_\_, in my capacity as Mayor of the City of FULSHEAR, Texas, do hereby order that an election be held in said City on the 6th day of APRIL, 1985, for the purpose of electing the following officials for said City:

THREE

Aldermen

(Number of)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

That in accordance with an order adopted by the City Council \_\_\_\_\_ 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 BARBARA AUSTIN as Alternate Presiding Judge, and said Presiding Judge shall appoint the necessary clerks to assist her which shall not exceed two clerks.

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.

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.

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.

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.

CAROLYN H. SMITH is hereby appointed Clerk for absentee voting, and BARBARA AUSTIN and \_\_\_\_\_ are hereby appointed Deputy Clerks for absentee voting. The absentee voting for the above designated election shall be held at CITY HALL

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 5:00 p.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 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.

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 and Barbara Austin, as Presiding Judge,

and \_\_\_\_\_, as Clerks, are hereby appointed the Special Canvassing Board for said election.

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.

*Edward Dozier*  
Mayor

*Carolyn H. Smith*

ORDEN DE ELECCION DE FUNCIONARIOS DE LA CIUDAD

EL ESTADO DE TEXAS

CIUDAD DE FULSHEAR

Yo, EDWARD DOZIER en mi capacidad de Alcalde de la Ciudad de FULSHEAR, Texas, ordeno por la presente que se lleve a cabo una eleccion en dicha Ciudad el dia 6 de ABRIL, de 1985, con el proposito de elegir los siguientes funcionarios para dicha Ciudad:

TRES

Concejales

Que de acuerdo con la orden adoptada por el Consejo de la Ciudad, de dicha Ciudad, dicha eleccion debera llevarse a cabo en el siguiente lugar/los siguientes lugares en dicha Ciudad, y las siguientes personas son nombradas por la presente oficiales para dicha eleccion.

En el Precinto Electoral Num. 6, en el Edificio HUGGINS ELEMENTARY SCHOOL de dicha Ciudad, con Carolyn H. Smith como Juez Presidente, y Barbara Austin como Alterno al Juez Presidente, y

el nombrado Juez Presidente debera nombrar un numero necesario de escribientes que lo asistan no siendo más de dos escribientes.

En el Precinto Electoral Num. en el Edificio como Juez Presidente, y como Alterno al Juez Presidente, y

el nombrado Juez Presidente debera nombrar un numero necesario de escribientes que lo asistan no siendo más de escribientes.

En el Precinto Electoral Num. en el Edificio como Juez Presidente, y como Alterno al Juez Presidente, y

el nombrado Juez Presidente debera nombrar un numero necesario de escribientes que lo asistan no siendo más de escribientes.

En el Precinto Electoral Num. en el Edificio como Juez Presidente, y como Alterno al Juez Presidente, y

el nombrado Juez Presidente debera nombrar un numero necesario de escribientes que lo asistan no siendo más de escribientes.

Los sitios de votacion en cada uno de los lugares designados se mantendran abiertos en dicho dia de elecciones de las 7:00 a.m. a las 7:00 p.m.

A Carolyn H. Smith se le nombra Secretario de votacion ausente, y Barbara Austin y se les nombra por esta como Diputados del Secretarios para votacion ausente. La votacion ausente para la eleccion arriba designada se llevara a cabo en CITY Hall dentro de la Ciudad y dicho lugar de votacion ausente se mantendra abierto por lo menos durante ocho horas en cada dia de votacion ausente no siendo sabado, domingo o dia festivo oficial del Estado, principiando 20 dias y continuando hasta el cuarto dia anteriores a la fecha de dicha eleccion. Dicho lugar de votacion se mantendra abierto de las 9:00 A.M. a las 5:00 P.M. horas cada dia de votacion ausente. El lugar arriba descrito para votacion es también la direccion postal del secretario de votacion ausente a la cual se podran enviar por correo solicitudes de boletas y también las boletas con votos.

De acuerdo con orden previa en la cual se determino que se hara uso del sistema electrónico de votacion/de máquinas de votacion el la votacion ausente arriba mencionada por presentacion personal, y de acuerdo con dicha orden y el Código Electoral, como Juez Presidente,

y como Escribientes, son nombrados por la presente como el Consejo Especial de Escrutinio para dicha eleccion.

Votacion ausente, por presentacion personal o por correo, se hara en boletas electoras de papel y sera es- crutada por un consejo especial de escrutinio, y Carolyn H. Smith como Juez Presidente, Barbara Austin y

como Escribientes, son nombrados por la presente como el Consejo Especial de Escrutinio para dicha eleccion.

Que dicha eleccion se llevara a cabo de acuerdo con el Código Electoral del Estado y solamente votantes residentes capacitados de dicha ciudad seran elegibles para votar en dicha eleccion.

Aviso de dicha eleccion se hara de acuerdo con los terminos y provisiones del Artículo 4.06 del Código Electoral y el Artículo 29e y al Secretario de la Ciudad/Escribano se le ordena a colocar dicho aviso y/o publicar dicho aviso de acuerdo con los mencionados Artículos 4.06 y 29e.

Que inmediatamente después de haber llevado a cabo dicha eleccion, los oficiales conduciendo la misma deberan rendir informe de los resultados de la misma al Alcalde de esta ciudad como lo requiere el Código Electoral de este Estado.

Una copia de esta orden también servira como orden judicial de eleccion la cual sera entregada al Juez Presidente/Jueces Presidentes arriba nombrado(s) para dicha eleccion.

Edward Dozier
Alcalde

Carolyn H. Smith

(See reverse side for English translation)

# Order Declaring Result Of City Officers' Election

THE STATE OF TEXAS

CITY OF FULSHEAR

On this the 08th day of APRIL, 1985, the City Council/Commissioner<sup>1</sup>

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 DOZIER, Mayor,
- FRANCES SMART, Alderman/Commissioner<sup>1</sup>
- VIOLA RANDLE, Alderman/Commissioner<sup>1</sup>
- B. G. WALLING, Alderman<sup>2</sup>
- TOM HARKNESS, Alderman<sup>2</sup>
- \_\_\_\_\_, Alderman<sup>2</sup>
- CAROLYN H. SMITH, City Secretary/Clerk<sup>1</sup>

and the following absent: \_\_\_\_\_, constituting a quorum, and among other proceedings had were the following:

Alderman/Commissioner<sup>1</sup> \_\_\_\_\_ introduced a resolution and order

and moved its adoption. The motion was seconded by Alderman/Commissioner<sup>1</sup> \_\_\_\_\_, and the motion carrying with it the adoption of the resolution and order prevailed by the following vote,

AYES: \_\_\_\_\_  
\_\_\_\_\_, NOES: \_\_\_\_\_

The resolution is as follows:

There came on to be considered the returns of an election held on the 6th day of APRIL, 1985, 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 \_\_\_\_\_ valid and legal votes; that each of the candidates in said election received the following votes:

**FOR MAYOR<sup>2</sup>**

NAME OF CANDIDATE	TOTAL NUMBER OF VOTES RECEIVED
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

**FOR ALDERMAN/COMMISSIONER<sup>1</sup> and <sup>2</sup>**

NAME OF CANDIDATE	TOTAL NUMBER OF VOTES RECEIVED
<u>PAT L. PRESLEY</u>	<u>120</u>
<u>EARLE VONDERGOLTZ</u>	<u>78</u>
<u>TOM HARKNESS</u>	<u>80</u>
<u>BARNEY PFEFFER</u>	<u>33</u>
<u>FRANCES SMART</u>	<u>104</u>
<u>SELWYN JONES (Write-in)</u>	<u>01</u>

FOR \_\_\_\_\_  
 NAME OF CANDIDATE TOTAL NUMBER OF VOTES RECEIVED  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

FOR \_\_\_\_\_  
 NAME OF CANDIDATE TOTAL NUMBER OF VOTES RECEIVED  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

FOR \_\_\_\_\_  
 NAME OF CANDIDATE TOTAL NUMBER OF VOTES RECEIVED  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

FOR \_\_\_\_\_  
 NAME OF CANDIDATE TOTAL NUMBER OF VOTES RECEIVED  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

WHEREFORE, 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 XXXXXXXXXXXX was duly  
 elected Mayor of said City at said election<sup>2</sup> and PAT L. PRESLEY, FRANCES SMART, AND  
TOM HARKNESS

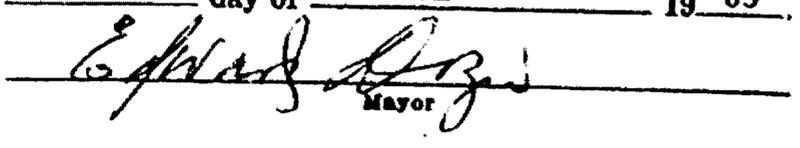
were duly elected Aldermen/~~XXXXXXXXXX~~ of said City at said election, and that \_\_\_\_\_  
 \_\_\_\_\_ was duly elected \_\_\_\_\_<sup>2</sup>

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 08th day of APRIL 19 85.

ATTEST:  
  
 Carolyn H. Smith  
 Secretary~~XXXX~~

  
 Mayor

<sup>1</sup>Strike one not applicable.  
<sup>2</sup>Strike if not applicable.  
<sup>3</sup>If Aldermen are elected by the place system, insert the place to be filled.

ORDINANCE NO. 85-717

AN ORDINANCE PROVIDING FOR PUBLIC HEARING; PROVIDING FOR ORDERS OF ABATEMENT; PROVIDING FOR NOTICE TO THE TEXAS HIGHWAY DEPARTMENT; PROVIDING FOR DISPOSITION OF IMPOUNDED JUNKED VEHICLES; PROVIDING FOR THE REGULATION OF JUNKED CARS; PROVIDING FOR DEFINITIONS; PROVIDING FOR DUTIES OF CAR OWNERS; PROVIDING FOR ABATEMENT NOTICE; PROVIDING FOR A FINE OF NOT MORE THAN \$200.00 UPON CONVICTION OF A VIOLATION UNDER THIS ORDINANCE; PROVIDING AN EFFECTIVE DATE; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR POSTING FOR AND PUBLISHING; DECLARING AN EMERGENCY;

WHEREAS, the Legislature of the State of Texas has enacted Article 6687-9 of the Texas Penal Code, which sets out requirements for picking up and disposing of junked vehicles; and,

WHEREAS, the City of Fulshear, desires to adopt this ordinance concerning abandoned property in compliance with the provisions of such Act; Therefore,

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

I

Definitions.

THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANING ASCRIBED BELOW, EXCEPT WHERE THE CONTEXT IN WHICH THE WORD OR PHRASE IS USED CLEARLY INDICATES A DIFFERENT MEANING IS INTENDED.

A. City shall mean the City of Fulshear, Texas.

B. Chief of Police means the Chief of Police of the City of Fulshear, Texas, or any duly commissioned police officer of the City of Fulshear, Texas.

C. Municipal Court shall mean the Municipal Court of the City of Fulshear, Texas.

D. Junked Vehicle means any motor vehicle as defined in Section 1 of Article 827a, Vernon's Texas Penal Code, as amended, which is inoperative and which does not have lawfully affixed an unexpired license plate or plates and a valid motor vehicle inspection certificate and which is wrecked, dismantled, partially dismantled or discarded. This does not include, (1) a vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property, (2) a vehicle or part thereof which

is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or a junkyard, or, (3) unlicensed, operable or inoperable antique and special interest vehicles stored by a collector on his property, provided that the vehicles and the outdoor storage areas are maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing trees, shrubbery or other appropriate means.

## II

### DUTY OF PROPERTY OWNERS CONCERNING JUNKED VEHICLES DECLARED A PUBLIC NUISANCE

A. Junked vehicles are detrimental to the safety and welfare of the general public tending to reduce the value of private property, to invite vandalism, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors. They are detrimental to the economic welfare of the city and state by producing urban blight which is adverse to the maintenance and continuing development of the City of Fulshear, Texas, and such vehicles are, pursuant to Article 6687-9 of the Texas Penal Code, the Texas Abandoned Motor Vehicle Act, declared to be a public nuisance and subject to abatement as set out hereunder.

B. The owner or occupant of any real property within the City of Fulshear, shall keep such property free of and shall not permit or suffer the presence of junked vehicles on such property.

C. It shall be unlawful for any person to knowingly or intentionally interfere with or attempt to prevent the physical impounding of any junked vehicle by the Chief of Police or his delegate pursuant to this article.

## III

### ABATEMENT NOTICE TO OWNER OF NUISANCE LOCATED ON OCCUPIED PREMISES

A. Whenever any such junked vehicle is located on any occupied premises within the city in violation of this ordinance, the

Chief of Police, or his delegate, shall order the owner of the premises, if in possession thereof, or the occupant of the premises whereon such public nuisance exists, to abate or remove the same. Such order shall:

(1) be in writing;

(2) state the nature of the public nuisance and that it must be removed and abated within ten (10) days after service of notice;

(3) state that a request for a hearing to determine whether or not the motor vehicle is a junked motor vehicle as defined herein must be made to the clerk of the municipal court, either in person or in writing and without the requirement of bond, before expiration of said ten (10) day period;

(4) state that in the event that no request for a hearing is received before the expiration of said ten (10) day period it shall be conclusively presumed that said vehicle is a junked vehicle as defined under state law and city ordinance.

Such order shall be served upon the owner of the premises or the occupant by serving him personally and obtaining his acknowledgment of receipt in writing, such acknowledgment to be filed with the police department, or by sending such notice to the address of the premises by certified mail, five day return receipt requested; provided however the refusal of the owner of the premises or the occupant to execute said receipt shall not invalidate subsequent proceedings brought hereunder.

B. If the owner or occupant of the premises does not request a public hearing and either fails or refuses to comply with the order of the Chief of Police within the ten (10) day period after service thereof, as provided herein, the Chief of Police or his delegate shall take possession of such junked motor vehicle and remove it from the premises.

IV

ABATEMENT NOTICE WHEN ON UNOCCUPIED PREMISES OR  
ON PUBLIC PROPERTY OR PUBLIC RIGHT-OF-WAY

A. Whenever any such junked vehicle is located on unoccupied premises within the city in violation of this Ordinance, the Chief of Police shall order the owner of the premises, as shown on the current tax rolls of the city whereon such public nuisance exists, to abate or remove the same. Such order shall:

(1) be in writing;

(2) state the nature of the public nuisance and that it must be removed and abated within ten (10) days after service of notice;

(3) state that a request for a hearing to determine whether or not the motor vehicle is a junked motor vehicle as defined herein must be made to the clerk of the municipal court, either in person or in writing and without the requirement of bond, before expiration of said ten (10) day period;

(4) state that in the event that no request for a hearing is received before the expiration of said ten (10) day period it shall be conclusively presumed that said vehicle is a junked vehicle as defined under state and city ordinance.

Such order shall be served upon the owner of the premises by serving him personally and obtaining his acknowledgment of receipt in writing, such acknowledgment to be filed with the police department, or by sending such notice to the address shown on the city tax rolls for the owner of the premises by certified mail, five day return receipt requested; provided however the refusal of the owner of the premises to execute said receipt shall not invalidate any subsequent proceedings brought hereunder.

B. If the owner of the premises does not request a hearing and either fails or refuses to comply with the order of the Chief of Police within the ten (10) day period after service thereof, as provided herein, the Chief of Police or his delegate shall take possession of such junked motor vehicle and remove it from the premises.

C. Whenever any such junked vehicle is located on public property or on a public right-of-way within the City in violation of this Ordinance, the Chief of Police, or his delegate, shall order the owner or occupant of the public premises or the owner or occupant of the premises adjacent to the public right-of-way whereupon said public nuisance exists, to abate or remove the same. Such order shall:

(1) be in writing;

(2) state the nature of the public nuisance and that it must be removed and abated within ten (10) days after service of notice;

(3) state that a request for a hearing to determine whether or not the motor vehicle is a junked motor vehicle as defined herein must be made to the clerk of the municipal court, either in person or in writing and without the requirement of bond, before the expiration of said ten (10) day period;

(4) state that in the event that no request for a hearing is received before the expiration of said ten (10) day period it shall be presumed that said vehicle is a junked vehicle as defined under state law and city ordinance.

Such order shall be served upon the owner or occupant of the premises by serving him personally and obtaining his acknowledgment of receipt in writing, such acknowledgment to be filed with the police department; or by sending such notice to the address shown on the city tax rolls for the owner of the premises by certified mail, five day return receipt requested; or by sending such notice to the address of the public property or the property adjacent to the public right-of-way addressed to the occupant thereof by certified mail, five day return receipt requested; provided however the refusal of the owner of the premises to execute said receipt shall not invalidate any subsequent proceedings brought hereunder.

D. If the owner or occupant of the public premises or the owner or occupant of the public premises adjacent to the public right-of-way whereupon said public nuisance exists does not

request a hearing and either fails or refuses to comply with the Order of the Chief of Police, or his delegate, within the ten (10) day period, after service thereof, as provided herein, the Chief of Police or his delegate shall take possession of such junked motor vehicle and remove it from the premises.

V

VISIBLE NOTICE TO ABATE NUISANCE

A. At the time a junked vehicle is located by the Chief of Police on either occupied or unoccupied private or public property or public right-of-way, in addition to any other notices required herein, a visible notice, brightly colored but of a color different from that used for notices of abandonment, shall be securely affixed to such vehicle. Such notice shall:

(1) state that the vehicle is a public nuisance and that it must be removed and abated within ten (10) days from the date on such notice;

(2) state that a request for a hearing to determine whether or not the motor vehicle is a junked motor vehicle as defined herein must be made to the clerk of the municipal court, either in person or in writing and without the requirement of bond, before the expiration of said ten (10) day period;

(3) shall state that in the event that no request is received before the expiration of said ten (10) day period it shall be conclusively presumed that said vehicle is a junked vehicle as defined under state law and city ordinance;

(4) shall state the date it was affixed.

B. Affixing the notice set out herein shall not be a condition or requirement precedent to any proceeding or official action to abate such public nuisance and such proceeding or action shall not be rendered void or voidable nor in any way affected by failure to affix the visible notice prescribed herein.

C. In the event the ten (10) day period set out on the visible notice is different from the prescribed in any other notice served as provided for herein, then official action or

proceeding to abate such public nuisance shall not be commenced until after the expiration of both periods of time.

VI

PUBLIC HEARING - FINDING AND ORDERS OF JUDGE

A. The owner or occupant of any premises on which a junked vehicle is located may within ten (10) days after service of a notice to abate said nuisance, request of the clerk of the municipal court of the city, either in person or in writing, and without the requirement of bond, that a date and a time be set when he may appear before the Judge of the municipal court for a hearing to determine whether or not the motor vehicle is a junked motor vehicle.

B. The Judge of the municipal court shall hear any case brought before such court, as set out herein, and shall determine by a preponderance of the evidence whether or not the motor vehicle is a junked motor vehicle and in violation of this article. Such hearing shall not be criminal in nature and shall be as summary as due process and orderly procedure allows. Rules of evidence as in civil suits shall be followed. Upon finding that such motor vehicle is in violation of this article, the Judge of the municipal court shall order the owner or occupant of the premises on which a junked vehicle is located to abate or remove such nuisance within ten (10) days, the same being a reasonable time. If the defendant shall fail and refuse, within such ten (10) days, to abate or remove such nuisance, the Judge of the municipal court may issue an order directing the Chief of Police, or his delegate, to have the vehicle, and the Chief of Police or his delegate shall take possession of such junked motor vehicle and remove it from the premises. Such order shall include a description of the vehicle, and the current identification number and license number of the vehicle, if available at the site.

C. Notice of any hearing set under this section shall be delivered to the Chief of Police.

VII

ABATEMENT UNDER ORDER

If there is a junked motor vehicle, as herein defined, on premises that are occupied or unoccupied, and (1) neither the owner nor the occupant of the premises can be found and notified to remove same, or, (2) the notice required by Section III or IV is returned undelivered by the U.S. Post Office and ten (10) days after the return of such notice the nuisance has not been abated, then upon a showing of such facts to the Judge of the municipal court, the court may issue an order directing the Chief of Police or his delegate shall take possession of such junked motor vehicle and remove it from the premises.

VIII

NOTICE TO TEXAS HIGHWAY DEPARTMENT

Notice shall be given to the Texas Highway Department that a junked motor vehicle has been impounded within five (5) days after the removal of the junked motor vehicle as provided in this Ordinance, identifying the vehicle or part thereof impounded.

IX

DISPOSITION OF IMPOUNDED JUNKED VEHICLES

The Chief of Police or his delegate shall dispose of all impounded junked vehicles in such manner as the Mayor may designate, consistent with state law, provided such vehicle shall not be reconstructed or made operable. Disposal may be by removal or sale, with or without competitive bidding, to a scrapyard or demolisher.

X

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.

XI

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.

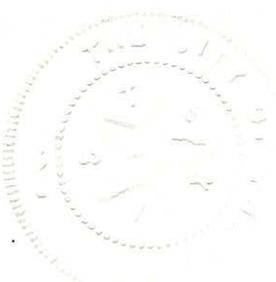
XII

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.

XIII

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 28th day of May, 1985.



THE CITY OF FULSHEAR, TEXAS

By: Edward Dozier  
E. DOZIER  
Mayor

ATTEST:

By: Carolyn Smith  
CAROLYN SMITH  
City Secretary

ALDERMEN VOTING

V. RANDLE	<u>AYE</u>
F. SMART	<u>AYE</u>
T. HARKNESS	<u>AYE</u>
B. G. WALLING	<u>AYE</u>
PAT L. PRESLEY	<u>AYE</u>

RELEASE - AGREEMENT

This Release and Agreement is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, between \_\_\_\_\_ hereinafter called owner and the City of Fulshear, Texas

W I T N E S S E T H:

That the consideration of this Release-Agreement is the mutual advantage flowing between the parties; the owner getting rid of the junk automobile without expense and the City disposing of an eyesore.

It is hereby agreed as follows:

1. That the City will remove at no cost to the owner the following car(s):

Make	Model	Identification or Motor Number
a. _____	_____	_____
b. _____	_____	_____
c. _____	_____	_____

2. The title, if any, is attached \_\_\_\_\_.

3. It is agreed that the work is done, as a governmental function of the City.

4. The City agrees to remove the car(s) within three (3) months from date of this agreement, or the agreement is mutually cancelled.

5. The owner indemnifies the City from any claim made against the City arising out of the City's removing the car(s) from the owner's premises.

6. The owner will not be charged a fee for this service.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

LIENHOLDER  
(if applicable)

OWNER:

\_\_\_\_\_

\_\_\_\_\_

THE CITY OF FULSHEAR, TEXAS

By: \_\_\_\_\_

ORDINANCE NO. 85-718

AN ORDINANCE AMENDING ORDINANCE NUMBER 84-704, REGULATING THE BUILDING, ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLISHING, EQUIPMENT, OCCUPANCY, USE, MATERIALS, HEIGHTS, AREA, LIGHT AND VENTILATION FOR AND EGRESS TO, MAINTENANCE AND LOCATION OF WALLS, BUILDINGS AND STRUCTURES IN THE TOWN OF FULSHEAR, TEXAS; PROVIDING FOR BUILDING INSPECTORS AND THEIR DEPUTIES, DEFINING THEIR DUTIES AND POWERS; PROVIDING FOR A FEE PAID TO THE BUILDING INSPECTOR; PROVIDING FOR COMPLIANCE WITH AND ADOPTING THE "NATIONAL BUILDING CODE, 1976 EDITION", INCLUDING APPENDICES, AS HEREIN AMENDED AND FILED WITH THE CITY SECRETARY; PROVIDING THE REQUIREMENTS OF APPLICATIONS FOR AND GOVERNING THE ISSUANCE OF BUILDING PERMITS; PROVIDING CERTAIN REQUIREMENTS IN CASE OF REPAIRS OR ALTERATIONS TO MORE THAN FIFTY PERCENT OF A BUILDING OR STRUCTURE WITHIN ANY CONSECUTIVE TWELVE MONTHS; PROVIDING FOR APPROVAL OF PLANS, FOR THE POSTING OF BUILDING PERMITS; PROVIDING FOR INSPECTIONS DURING THE COURSE OF CONSTRUCTION; THE REQUISITES NECESSARY FOR APPROVAL AND FEES FOR MAKING SUCH INSPECTIONS AND ISSUING BUILDING PERMITS; DEFINING CERTAIN TERMS; PROHIBITING OCCUPANCY WITHOUT APPROVAL; PROVIDING REQUIREMENTS FOR PUBLIC BUILDINGS; PROVIDING REQUIREMENTS FOR BUILDINGS ERECTED WITH THE FIRE LIMITS; PROVIDING FOR APPEALS FROM DECISIONS OF THE BUILDING INSPECTOR; PROVIDING THAT THE ISSUANCE OF PERMITS OR APPROVALS SHALL NOT AUTHORIZE THE VIOLATION OF THIS OR ANY OTHER ORDINANCE OF THE TOWN OF FULSHEAR, OR PREVENT THE CORRECTION OF ERRORS IN PLATS, PLANS OR STATEMENTS OF MATERIALS, PERMITS OR APPROVALS; PROVIDING FOR THE EXPIRATION OF BUILDING PERMITS; PROVIDING A SEVERABILITY CLAUSE; MAKING VIOLATION OF THE ORDINANCE UNLAWFUL; MAKING ALL PERSONS WHO PARTICIPATE OR ASSIST IN THE COMMISSION OF ANY VIOLATION GUILTY OF A SEPARATE OFFENSE, AND PROVIDING A PENALTY OF FROM FIVE DOLLARS TO TWO HUNDRED DOLLARS FOR EACH DAY'S VIOLATION.

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

I

Paragraph B of subsection (b) of said Ordinance SECTION B AMENDMENTS TO NATIONAL BUILDING CODE, is amended to read as follows:

(b) The Building Inspector shall be paid a fee of \$20.00 for each Permit issued hereunder, and a fee of \$5.00 for each re-inspection; the total of fees paid to the Building Inspector shall never exceed the cumulative total for fees paid to the City of Fulshear, Texas, for that one permit.

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 11th day of June, 1985.



THE CITY OF FULSHEAR, TEXAS

By: E. Dozier  
E. DOZIER  
Mayor

ATTEST:

By: Carolyn N. Smith  
CAROLYN SMITH  
City Secretary

ALDERMEN VOTING:

- V. RANDLE                    YES
- B. G. WALLING              YES
- F. SMART                    YES
- T. HARKNESS                YES
- P. PRES LEY                YES

AN ORDINANCE ADOPTING RULES GOVERNING THE INVESTMENT OF LOCAL FUNDS, DESIGNATING INVESTMENT OFFICER, PROVIDING FOR INTERNAL MANAGEMENT REPORTS, PROVIDING AN EFFECTIVE DATE, PROVIDING A REPEALER CLAUSE, PROVIDING A SEVERABILITY CLAUSE, PROVIDING FOR POSTING AND PUBLISHING.

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

I

RULES GOVERNING INVESTMENT OF LOCAL FUNDS

The City Investment Officer is authorized and instructed to invest local funds in checking accounts and Certificates of Deposit with federally insured Banks and shall only purchase Certificates of Deposit and make deposits in accounts that are federally insured; such investment shall be made only as allowed by law.

II

Carolyn Smith is designated the Investment Officer for the City of Fulshear, Texas.

This Ordinance and the appointment herein shall remain in force and effect until amended.

III

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.

IV

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.

V

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 13<sup>th</sup> day of August, 1985.

THE CITY OF FULSHEAR, TEXAS

By: *Edward Dozier*  
E. DOZIER  
Mayor

ATTEST:

By: *Carolyn N. Smith*  
CAROLYN SMITH  
City Secretary

ALDERMEN VOTING:

V. RANDLE	<u>Yes</u>
B. G. WALLING	<u>Yes</u>
F. SMART	<u>Yes</u>
T. HARKNESS	<u>ABSENT</u>
P. PRES LEY	<u>Yes</u>

ORDINANCE APPROVING AND AUTHORIZING THE MAYOR  
TO EXECUTE AND THE CITY SECRETARY TO ATTEST  
A CONTRACT WITH FORT BEND COUNTY, TEXAS  
PROVIDING FOR THE HOUSING OF CITY PRISONERS

WHEREAS, the laws of the State of Texas have placed various requirements on municipalities regarding housing of persons taken into custody by city peace officers, and

WHEREAS, the County of Fort Bend, acting through its duly elected Commissioners' Court, has consented to house such prisoners, NOW, THEREFORE,

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

I.

That the Mayor is authorized to execute and the City Secretary to attest a contract between the City of Fulshear, Texas, and Fort Bend County, whereby the City of Fulshear will deliver to the Fort Bend County Jail in Richmond, Texas, city prisoners for housing and safe keeping for such periods of time and on terms agreeable to the Sheriff of Fort Bend County, Texas, and Chief of Police of the City of Fulshear, with the approval of the Commissioners' Court of Fort Bend County, Texas, and the City Council of the City of Fulshear, Texas, as set out in the instrument presented to the City Council on even date herewith, a copy of which is attached hereto.

II.

This Ordinance shall be effective immediately upon its adoption.

PASSED AND APPROVED this 25th day of NOVEMBER, 1985.

CITY OF FULSHEAR, TEXAS

BY: *Edwards Rogers*  
Mayor

ATTEST:  
*Carol N. Smith*  
City Secretary

APPROVED:

\_\_\_\_\_  
City Attorney

NO. \_\_\_\_\_

RESOLUTION OF COMMISSIONERS' COURT  
APPROVING AND AUTHORIZING THE COUNTY JUDGE TO  
EXECUTE AND THE COUNTY CLERK TO ATTEST  
A CONTRACT BETWEEN FORT BEND COUNTY, TEXAS  
AND THE CITY OF FULSHEAR, TEXAS  
PROVIDING FOR THE HOUSING OF CITY PRISONERS

On this the \_\_\_\_\_ day of \_\_\_\_\_, 1985, at a  
Regular-Special Meeting of Commissioners' Court of Fort Bend  
County, Texas, acting as the governing body of Fort Bend  
County, Texas, upon Motion by Commissioner \_\_\_\_\_,  
Seconded by Commissioner \_\_\_\_\_, duly put and  
carried:

WHEREAS, the City of Fulshear, Texas, has heretofore,  
through its duly authorized governing body, approved an  
agreement by which the Fort Bend County Sheriff's Department  
may house City prisoners; and

WHEREAS, Commissioners' Court of Fort Bend County, Texas,  
desires to authorize the County Judge to sign and the County  
Clerk to attest such an agreement.

NOW, THEREFORE, BE IT RESOLVED that Jodie E. Stavinoha,  
County Judge of Fort Bend County, Texas, is hereby authorized  
and directed to sign said agreement, in behalf of Fort Bend  
County, Texas, and that Dianne Wilson, County Clerk, is hereby  
authorized to attest same.

COUNTY OF FORT BEND

\_\_\_\_\_  
Jodie E. Stavinoha  
County Judge

ATTEST:

\_\_\_\_\_  
Dianne Wilson  
County Clerk

THE STATE OF TEXAS §

COUNTY OF FORT BEND §

INTERLOCAL AGREEMENT BETWEEN THE COUNTY OF FORT BEND  
AND THE CITY OF FULSHEAR, TEXAS  
PROVIDING FOR THE HOUSING OF CITY PRISONERS

This interlocal agreement is entered into between the County of Fort Bend, hereinafter referred to as "County", and the City of Fulshear, hereinafter referred to as "City".

WHEREAS, the City desires the County to assist in the care, custody and support of prisoners of the said city for the consideration and terms and conditions hereinafter set out; and

WHEREAS, the City of Fulshear, acting by and through its duly elected governing body has determined that it would be of material benefit to said City to provide for such care of said prisoners and has, therefore, accordingly duly authorized this agreement; and

WHEREAS, the County desires to assist the City in the care, custody and support of prisoners of the said city for the consideration and terms and conditions hereinafter set out; and

WHEREAS, the Commissioners' Court of Fort Bend County, Texas, has passed an order authorizing the Sheriff of Fort Bend County, Texas, to accept from the proper law enforcement officers of said city all prisoners of the city under the terms and conditions and for the consideration hereinafter set out; and

WHEREAS, this agreement is made pursuant to and under the provisions of Article 4413 (32c), Vernon's Texas Civil Statutes.

NOW, THEREFORE, it is mutually agreed by and between the County, acting herein by and through its duly authorized Commissioners' Court, and the City, acting herein by and through its duly authorized governing body, as follows:

I.

The County agrees that the Sheriff of Fort Bend County, Texas, may, on and after the effective date of this

instrument, except from the duly authorized law enforcement officers of the City, any and all persons who, under the law of the State of Texas, are prisoners of the respective city. For definition purposes, a City prisoner shall mean those persons charged ONLY with a violation of a city ordinance(s) and State laws which are classified as class "C" Misdemeanors, lying within the jurisdiction of the Municipal Court of the herein above stated city in Fort Bend County, Texas. The Sheriff may, at his sole discretion, (but will not be obligated to), accept persons accused of violations of municipal codes or ordinances only.

## II.

The Sheriff of Fort Bend County, Texas, will house, support, maintain and confine said City prisoners in the County jail subject to the orders of the duly authorized Municipal Magistrate of said City.

The County and the City further agree that once a city prisoner is accepted and committed to the County jail, the Sheriff or his deputy in charge of admissions, will release a City prisoner only when the discharge of the City prisoner is lawfully ordered or authorized by a Magistrate or any Court of competent jurisdiction, provided, however, that nothing contained herein shall be construed to authorize or require the County or County Sheriff to incarcerate or hold any person contrary to the Constitution and the Laws of the State of Texas and the United States of America.

## III.

A. The County Sheriff and/or his deputy in charge of admissions at the County jail, may refuse to accept an injured or ill City prisoner, when in the judgment of the County Sheriff and/or his deputy, medical attention is necessary before confinement. It is agreed and understood between the County and the City that the County Sheriff and/or his deputy

in charge of admissions at the County jail, shall determine, upon presentation of the City prisoner at the County jail, whether at that time, at the sole discretion of the County Sheriff and/or his deputy, the City prisoner should be accepted into the County jail or transported to the nearest hospital by the law enforcement officers of the City.

B. It is further agreed that during the confinement of any City prisoner in the County jail, the County, acting by and through the County Sheriff and/or his deputy, will provide all necessary medical treatment and hospitalization for all City prisoners whether they become sick or injured. It is expressly agreed and understood that the cost of all medical care, treatment and hospitalization is strictly the responsibility of said City, and should any such expense be incurred by the County, the City will reimburse the County for same upon request.

C. The County, acting by and through the County Sheriff and/or his deputy, agrees that Fort Bend County Sheriff's Department will not guard any City prisoner, who is to be transported to any hospital. Upon notice to the City by County, once the City prisoner is removed from the County jail, it will be the responsibility of said City to provide a necessary security guard for such prisoner outside the confines of the County jail.

#### IV.

The City agrees to furnish its own bailiff to escort City prisoners to and from Municipal Court from the County jail. A commitment from the Municipal Court will be obtained on each City prisoner within twenty-four (24) hours and will be forwarded to County jail personnel, provided, however, such requirement will be exclusive of week-ends and holidays. When a City prisoner is removed from the confinement of the County jail by a City police officer, the County releases and assumes no further responsibility for the said City prisoner until such

time as the prisoner is returned to the County jail by the City police officer and is duly accepted by the County Sheriff and/or his deputy for confinement. City prisoners returned to jail after court must have proper commitment forms prior to their being booked and accepted back into the County jail for confinement. City agrees and accepts sole responsibility for final bookout procedures, as may be established from time to time by the County Sheriff's Department, before any final release of a City prisoner may be accomplished at the County jail.

V.

The City agrees to pay the Treasurer of Fort Bend County, Texas, at the end of each calendar month the sum of Twenty Dollars (\$20.00) per day that each City prisoner has been incarcerated in the County jail. The Sheriff agrees to provide a monthly statement showing the name of each City prisoner, the charge, the number of days served by each prisoner and the total amount due the County, to the County Treasurer and the City. For purposes of this agreement, confinement on any calendar day, regardless of the amount of time spent in confinement, shall count as one full day of confinement. In calculating the number of days a certain City prisoner was confined, the day of arrival will be counted but not the day of departure. Further, County shall have the right to suspend City's use of the County jail facility until such time as any delinquent account is brought current. City agrees to pay for the confinement of their prisoners on Municipal charges, except where class "B" and class "A" misdemeanor charges or felony charges are filed simultaneously, and not dismissed at a later date.

VI.

It is expressly understood and agreed that the effective date of this contract shall be the 1st day of January, 1986, and it is further expressly understood and agreed that this contract shall automatically terminate on the 31st day of December, 1986, and must be renewed annually thereafter. It is further understood and agreed that this agreement may be terminated at any time by either party upon thirty (30) days written notice of an order or resolution of the respective governing body of such termination to the other party and no further liability thereon will remain, other than that which has accrued before termination.

VII.

The City agrees to save and hold harmless Sheriff and County, and Sheriff's successors in office, and any and all employees thereof, from any claims for damages for which the Sheriff and/or his employees, or County, may be held liable to a City prisoner because of the acts or omissions of any City employee. County agrees to save and hold City harmless for any claim for damages for which the City may be held liable to any City prisoner because of the acts or omissions of any County employee.

VIII.

The execution of this contract and the payment herein provided for are authorized by proper Resolutions and Orders, duly adopted by the Commissioners' Court of Fort Bend County, Texas, and the City of Fulshear, each entered upon the Minutes of the Meetings of said organizations, copies of which Resolutions and Orders being attached to this contract and by reference incorporated herein and made a part hereof.

IX.

It is expressly understood and agreed by the parties hereto that this agreement will have no force or effect until duly executed by all parties.

SIGNED this 25<sup>th</sup> day of November 1985 in duplicate originals by Order of City Council of

City of Fulshear, Texas

By: *Edward R. Jones*  
MAYOR

ATTEST:

*Carolyn H. Smith*  
CITY SECRETARY

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_ 198\_\_\_\_\_ in duplicate originals by Order of Commissioners' Court of Fort Bend County, Texas.

County of Fort Bend

\_\_\_\_\_  
COUNTY JUDGE

ATTEST:

\_\_\_\_\_  
COUNTY CLERK

ORDINANCE 85-721

AN ORDINANCE ADOPTING THE 1986 BUDGET  
FOR THE CITY OF FULSHEAR, TEXAS

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

1. The Budget as proposed and presented by the Mayor and Board of Council Members of the City of Fulshear, Texas, for the fiscal year January 01, 1986 through December 31, 1986, is hereby approved and adopted by the City of Fulshear, Texas.
2. The Public Hearing having been duly held on November 12, 1985, at 8:00 a.m., at City Hall, 6920 Katy-Fulshear Rd., 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 25 day of NOVEMBER, 1985.

  
EDWARD DOZIER, MAYOR

ATTEST:

  
Carolyn H. Smith, City Secy-Treas

VOTING:

F. Smart ABSENT, V. Randle YES, T. Harkness YES,  
B. Walling ABSTAIN P. Presley ABSENT

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT FOR SERVICES WITH BRUCE J. SPITZENGEL FOR CONSULTING SERVICES; AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH VANSICKLE MICHELSON & KLEIN, INC. FOR ENGINEERING SERVICES; PROVIDING AN EFFECTIVE DATE, PROVIDING A REPEALER CLAUSE, PROVIDING A SEVERABILITY CLAUSE, PROVIDING FOR POSTING AND PUBLISHING.

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

I

The Mayor is authorized and instructed to execute a Contract with Bruce J. Spitzengel for consulting services in conjunction with the recent grant from the State of Texas to the City for the construction of a sanitary sewer system and wastewater treatment plant as set out in Exhibit "A" attached hereto and made a part hereof.

II

The Mayor is authorized and instructed to execute a Contract with VanSickle Michelson & Klein, Inc. for engineering services in conjunction with the recent grant from the State of Texas to the City for the construction of a sanitary sewer system and wastewater treatment plant as set out in Exhibit "A" attached hereto and made a part hereof.

III

This Ordinance and the appointment herein shall remain in force and effect until amended.

The Contracts set out in this Ordinance shall be executed by the Mayor at such time as the State of Texas executes its Contract with the City of Fulshear.

No costs shall be incurred by any party until a Notice to Proceed is issued by the City.

IV

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.

V

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 poriton hereof and all provisions of this Ordinance are declared to be severable for that purpose.

VI

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 25th day of November, 1985.

THE CITY OF FULSHEAR, TEXAS

By: *E. Dozier*  
E. DOZIER  
Mayor

ATTEST: *Carolyn H. Smith*  
By: *Carolyn H. Smith*  
CAROLYN SMITH  
City Secretary

ALDERMEN VOTING:

V. RANDLE	<u>YES</u>
B. G. WALLING	<u>YES</u>
F. SMART	<u>ABSENT</u>
T. HARKNESS	<u>YES</u>
P. PRE SLEY	<u>ABSENT</u>

ORDINANCE 85-723

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 1985; 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-FIVE, upon all property, real, personal, and mixed, within the corporate limits of said City subject to taxation, a tax of .4800 CENTS on each One Hundred Dollars (\$100.00) valuation of property, said tax being so levied and apportioned to the specific purpose 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 1985 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 <sup>02nd</sup> ~~first~~ day of <sup>December</sup> ~~November~~, 1985, and of the taxes levied for said year are not paid on or before January 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 02nd day of DECEMBER, 1985.

By: Edward Dozier  
EDWARD DOZIER, MAYOR

ATTEST:

Carolyn H. Smith  
Carolyn H. Smith, City Secy - Treas.

VOTING:

Frances Smart ABSENT, Viola Randle YES

Tom Harkness YES, B. G. Walling ABSENT

Pat Presley YES,

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

WHEREAS, heretofore, on the 13 day of December, 1985 Ed Dozier, Mayor, of the Town of Fulshear, Texas submitted to the Board of Aldermen, a petition executed by persons who are all of the owners of the area of the hereinafter described property; and

WHEREAS, on December 13, 1985 at 8:30 a.m., in the City Council Chambers at 6920 Katy Fulshear Road, in the City 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 6920 Katy Fulshear Road in the Town of Fulshear, Texas, at 8:30 a.m. on December 13, 1985 the Board of Aldermen does hereby expressly determine and find the following:

1. The Board of Aldermen 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.

THENCE, NORTH 69 DEGREES 34 MINUTES 10 SECONDS EAST, 288.31 FEET TO A FENCE LINE MARKING THE WEST LINE OF STATE FARM MARKET ROAD #359 (100 FEET WIDE), AND THE NORTHEAST CORNER OF SAID 70.8 ACRE TRACT;

THENCE, SOUTHEASTERLY, ALONG THE FENCED WEST RIGHT-OF-WAY LINE OF SAID STATE FARM MARKET ROAD NO. 359 (100 FEET WIDE) WITH THE FOLLOWING COURSES AND DISTANCES:

SOUTH 21 DEGREES 39 MINUTES 59 SECONDS EAST, 986.85 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING THE FOLLOWING CURVE DATA:

DELTA = 7 DEGREES 59 MINUTES 00 SECONDS;  
RADIUS = 1860.0 FEET;  
LENGTH = 259.16 FEET;  
CHORD = SOUTH 17 DEGREES 40 MINUTES 29 SECONDS EAST, 258.95 FEET TO THE POINT OF TANGENCY OF THIS CURVE;

THENCE, SOUTH 13 DEGREES 40 MINUTES 59 SECONDS EAST, 554.95 FEET TO THE SOUTHEAST CORNER OF HEREIN DESCRIBED 70.8 ACRE TRACT, SAID POINT ALSO BEING THE INTERSECTION OF THE WEST LINE OF STATE FARM MARKET ROAD NO. 359 (100 FEET WIDE), WITH THE NORTH LINE OF WINNER - FOSTER ROAD;

THENCE, NORTHWESTERLY, ALONG THE NORTHERLY LINE OF SAID WINNER - FOSTER ROAD, WITH THE FOLLOWING COURSES AND DISTANCES;

NORTH 87 DEGREES 33 MINUTES 40 SECONDS WEST, 560.57 FEET TO A POINT;

THENCE, NORTH 76 DEGREES 40 MINUTES WEST, 290.0 FEET TO A POINT;

THENCE, NORTH 56 DEGREES 56 MINUTES WEST, 2802.01 FEET TO THE SOUTHWEST CORNER OF SAID 70.8 ACRE TRACT, SAID POINT ALSO BEING ON THE EXISTING E.T.J. LINE FOR THE CITY OF FULSHEAR, FORT BEND COUNTY, TEXAS;

THENCE, DEPARTING THE NORTHERLY LINE OF SAID WINNER-FOSTER ROAD, NORTH 00 DEGREES 07 MINUTES 40 SECONDS WEST, 296.40 FEET ALONG A FENCE LINE AND SAID E.T.J. LINE TO THE "POINT OF BEGINNING" AND CONTAINING 70.8 ACRES, MORE OR LESS.

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  
A 70.8 ACRE TRACT OF LAND  
LOCATED IN  
THE ORIGINAL GEORGE AND BESSIE PHILLIP TRACT  
VOLUME V, PAGE 592; PROBATE RECORDS,  
JOHN FOSTER 2½ LEAGUES, ABSTRACT 26  
FORT BEND COUNTY, TEXAS**

A CERTAIN 70.8 ACRE, MORE OR LESS, TRACT OF LAND BEING OUT OF THE DIVISION OF THE ORIGINAL GEORGE AND BESSIE PHILLIP TRACT, VOLUME V, PAGE 592, PROBATE RECORDS AND OUT OF THE JOHN FOSTER 2 1/2 LEAGUES, ABSTRACT 26, FORT BEND COUNTY, TEXAS;

FOR A CONNECTION BEGIN AT AN AXLE FOUND MARKING THE NORTHWEST CORNER OF THE ORIGINAL GEORGE AND BESSIE PHILLIP TRACT;

THENCE, SOUTH 00 DEGREES 07 MINUTES 40 SECONDS EAST, 1092.6 FEET ALONG A FENCE LINE MARKING THE WEST LINE OF SAID PHILLIP TRACT TO A POINT BEING THE NORTHWEST CORNER OF SAID 70.8 ACRE TRACT, SAID POINT ALSO BEING ON THE EXISTING EXTRA TERRITORIAL JURISDICTION (ETJ) LINE FOR THE CITY OF FULSHEAR, FORT BEND COUNTY, TEXAS AND "POINT OF BEGINNING";

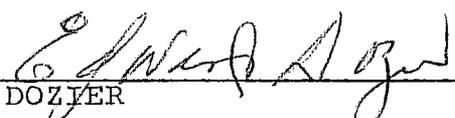
THENCE, SOUTH 82 DEGREES 23 MINUTES 20 SECONDS EAST, AT APPROXIMATELY 1180 FEET PASS A PIPELINE, AT APPROXIMATELY 1590 FEET PASS A TELEPHONE LINE, IN ALL 2367.24 FEET TO A POINT IN THIS LINE; SAID POINT BEING THE SOUTH CORNER OF THE BARRY S. PHILLIP TRACT (VOLUME 432, PAGE 131 OF THE DEED RECORDS);

2. The Board of Aldermen 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.

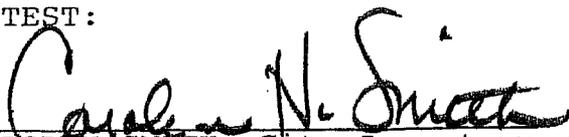
Section IV. The City Engineer is authorized and directed to make additions and corrections to the map of the Town of Fulshear, Texas, showing the territory covered by this ordinance and the number of this ordinance, and deliver a copy of such map to the City Secretary, all in accordance with the conditions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

PASSED and APPROVED this 13 day of December, 1985.

THE TOWN OF FULSHEAR, TEXAS

By:   
ED DOZIER  
Mayor

ATTEST:

By:   
CAROLYN SMITH, City Secretary

Voting Aldermen:

V. RANDLE	<u>YES</u>
F. SMART	<u>YES</u>
P. PRESLEY	<u>YES</u>
B. G. WALLING	<u>ABSENT</u>
T. HARKNESS	<u>YES</u>

CERTIFICATION OF PETITION  
FOR EXTENSION OF  
EXTRA TERRITORIAL JURISDICTION

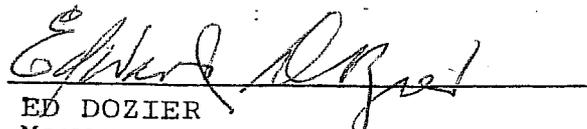
TO THE BOARD OF ALDERMAN OF THE CITY OF FULSHEAR

Gentlemen:

Be advised that on this date a petition has been received by this office from owners of properties adjoining the limits of this Town for the extension of Extra Territorial Jurisdiction over certain territories described in such petition.

After examination of such petition, I am in a position to certify to you that all of the owners within the territory described in the petition, have requested their lands and territory be subject to the Extra Territorial Jurisdiction of the Town of Fulshear.

Sincerely,

  
ED DOZIER  
Mayor

DATED this 13 day of December, 1985.