ORDINANCE NO. 87-746

AN ORDINANCE DETERMINING PUBLIC NECESSITY FOR THE TAKING OF PRIVATE PROPERTY, DETERMINING REAL ESTATE IS NECESSARY FOR PUBLIC PURPOSES AND USE, AUTHORIZING THE MAKING OF A FINAL OFFER FOR LAND, GRANTING MAYOR AUTHORITY TO MAKE FINAL OFFER FOR LAND, PROVIDING FOR CITY ATTORNEY TO INITIATE EMINENT DOMAIN PROCEEDINGS AGAINT ANY LANDOWNER REFUSING TO ACCEPT THE FINAL OFFER OR WHO CANNOT BE FOUND, AUTHORIZING THE CITY SECRETARY TO PAY THE COSTS OF EMINENT DOMAIN PROCEEDINGS INCLUDING BUT NOT LIMITED TO COMMISSIONER'S FEES, COURT COSTS THE COSTS OF ANY ATTORNEY AD LITEM FEES OR CITATION BY PUBLICATION COSTS NECESSARY TO BE INCURRED, AUTHORIZING THE CITY SECRETARY TO DEPOSIT WITH THE COUNTY COURT AT LAW OF FORT BEND COUNTY, TEXAS, THE AWARD OF THE COMMISSIONERS OF THE COUNTY COURT AT LAW OF FORT BEND COUNTY, TEXAS.

WHEREAS, the Mayor of the City of Fulshear, Texas, has reported that efforts to negotiate the acquisition of real estate being the private property described below have not resulted in voluntary agreements to sell said property; and that some of the owners are unknown or their location are unknown, and;

WHEREAS, it is necessary that the private property the real estate described below be acquired by the City for public use for the construction of a wastewater collection facility, sanitary sewer service connections, and wastewater treatment plant, sewer, sewer pipes, construct water mains, water lines, water works, mains, and laterals, drainage ditches, utility lines and a temporary easement for construction purposes in the City of Fulshear, Fort Bend County, Texas.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FULSHEAR:

Section 1. The Board of Aldermen of the City of Fulshear does hereby find and deem it necessary that the said real estate being the private property described herein is necessary for public purposes and uses for construction of a wastewater collection facility, sanitary sewer service connections, and wastewater treatment plant, sewer system, sewer, sewer pipes, construct water mains, water lines, water works, mains, and laterals, drainage ditches, utility lines and a temporary easement for the construction of said sewage facility in the City of Fulshear,

Fort Bend County, Texas.

Section 2. The Board of Aldermen of the City of Fulshear, Texas, does hereby accept the report of its appraisers, Joseph B. Benes and Thomas R. Rhode, and find that the values assigned in their reports are accurate.

Section 3. That pursuant to the provisions of Art. 1107 and 1109b V.A.C.S. the City of Fulshear, Texas, shall acquire by purchase or condemnation, fee simple title to the following lands for the purpose of making them available for the purposes and uses provided in Section 1, above, said lands described as follows:

BEING A TRACT OF LAND CONTAINING 1.247 ACRES LOCATED IN THE CHURCHILL FULSHEAR LEAGUE, ABSTRACT 29, FORT BEND COUNTY, TEXAS, SAID 1.247 ACRES BEING OUT OF THE ESTATE OF MRS. EMMA S. WILSON RECORDED IN VOLUME "Y", PAGE 334 OF THE FORT BEND COUNTY DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND CONCRETE MONUMENT (BROKEN) MARKED RR PL IN THE WEST LINE OF A RAILROAD RESERVE RECORDED IN VOLUME "U", PAGE 177 OF THE FORT BEND COUNTY DEED RECORDS, SAID RESERVE BEING A PART OF THE TOWN OF FULSHEAR AND ALSO BEING IN THE NORTH LINE OF FARM TO MARKET ROAD 1093 (100-FOOT RIGHT-OF-WAY) RECORDED IN VOLUME 285, PAGE 305 OF THE FORT BEND COUNTY DEED RECORDS AND IN THE ARC OF A CURVE TO THE RIGHT, FROM WHICH A RADIAL LINE BEARS NORTH 09 DEGREES 30 MINUTES 10 SECONDS WEST;

THENCE, 297.68 FEET ALONG THE ARC OF SAID CURVE TO THE RIGHT AND THE NORTH RIGHT-OF-WAY LINE OF SAID F.M. 1093, HAVING A CENTRAL ANGLE OF 12 DEGREES 16 MINUTES 10 SECONDS, A RADIUS OF 1390.1 FEET AND A CHORD BEARING SOUTH 86 DEGREES 37 MINUTES 55 SECONDS WEST, 297.11 FEET TO A SET 5/8 INCH IRON ROD MARKING THE END OF SAID CURVE;

THENCE, NORTH 87 DEGREES 14 MINUTES 00 SECONDS WEST, 108.70 FEET ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF SAID F.M. 1093 TO A SET 5/8 INCH IRON ROD MARKING THE BEGINNING OF A CURVE TO THE LEFT;

THENCE, 425.80 FEET ALONG THE ARC OF SAID CURVE TO THE LEFT AND THE NORTHERLY RIGHT-OF-WAY LINE OF SAID F.M. 1093, HAVING A CENTRAL ANGLE OF 16 DEGREES 33 MINUTES 00 SECONDS, A RADIUS OF 1474.1 FEET AND A CHORD BEARING SOUTH 84 DEGREES 29 MINUTES 30 SECONDS WEST, 424.32 FEET TO A SET 5/8 INCH IRON ROD MARKING THE END OF SAID CURVE AT THE INTERSECTION WITH THE SOUTHERLY LINE OF THE S.A. & A.P. RAILROAD (100-FOOT RIGHT-OF-WAY) RECORDED IN VOLUME "Y", PAGE 421 OF THE FORT BEND COUNTY DEED RECORDS;

THENCE, DEPARTING THE NORTHERLY RIGHT-OF-WAY LINE OF SAID F.M. 1093, NORTH 76 DEGREES 13 MINUTES 00 SECONDS EAST, 837.53 FEET ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID S.A. & A.P. RAILROAD TO A SET 5/8 INCH IRON ROD AT THE NORTHWEST CORNER OF SAID RAILROAD RESERVE;

Section 4. That the Mayor be and he is authorized and directed to negotiate with the owners for the purchase of said lands, and upon failure to agree upon a price satisfactory to the City, or if such owner be unknown or such owner cannot be found to institute legal proceedings including condemnation proceedings the exercise of the right of eminent domain for the purpose of acquiring such lands in the manner required and provided by law.

Section 5. That the City Attorney be and he is hereby authorized and directed to commence and conduct any and all proceedings, notices, incur such costs necessary for the acquisition and condemnation of such right of way and needs as described in Section 1., hereinabove noted.

Section 6. The City Secretary is instructed to pay the filing fees and all costs incurred in the filing and litigation of the proceedings brought in the County Court at Law of Fort Bend County, Texas, hereunder including but not limited to the costs of any attorney ad litem fees or citation by publication.

Section 7. The City Secretary is instructed to pay into the Registry of the County Court at Law of Fort Bend County, Texas, the award of Commissioners of said County Court at Law of Fort Bend County, Texas.

Section 8. This ordinance shall take effect and be in force from and after its passage.

PASSED AND APPROVED this 7th day of April, 1987.

THE CITY OF FULSHEAR, TEXAS

By: C B Bentley

Mayor

ATTEST:

Carolyn W Smith

CAROLYN SMITH
City Secretary

ALDERMEN VOTING:

V. Randle	YES
F. Smart	YES
T. Harkness	YES
P. Presley	YES
E. Vondergoltz	YES

COPY

ORDINANCE NO. 87-747

AN ORDINANCE OF THE CITY OF FULSHEAR, FORT BEND COUNTY, TEXAS, AMENDING ORDINANCE NO. 545, PROVIDING FOR REQUIREMENTS OF A SURVEY PLAT PREPARED BY A LICENSED ENGINEER OR REGISTERED PUBLIC SURVEYOR; PROVIDING THAT SUCH SURVEY PLAT SHALL CONTAIN INFORMATION REGARDING THE SPECIAL FLOOD HAZARD HAZARD AREAS AND ONE HUNDRED YEAR FLOOD PLAIN AS DEFINED IN THE FLOOD DAMAGE PREVENTION ORDINANCE AND THE FLOOD DISASTER PROTECTION ACT OF 1973, AND THE ELEVATION OF THE SUBJECT PROPERTY AND FOUNDATION SLAB HEIGHTS AS REQUIRED BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND/OR THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND/OR THE FLOOD DAMAGE PREVENTION ORDINANCE AND/OR THE FORT BEND COUNTY DRAINAGE DISTRICT; PROVIDING FOR CERTAIN INFORMATION TO BE CONTAINED ON THE SURVEY PLAT; PROVIDING FOR DEFINITIONS; PROVIDING A PENALTY OF UP TO $200.00 FOR VIOLATION AND CONTAINING A SAVINGS 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

Ordinance Number 545 is amended by adding Section G. to read as follows:

G. <u>SURVEY PLAT REQUIRED</u>

(1) Any applicant for a building permit must submit with the application two copies of a survey plat prepared by a State of Texas licensed engineer or registered public surveyor.

(2) Any survey plat submitted must contain the following information:

(a) date, name of property owner, property address, location of nearest public right of way, directional arrow, boundaries of the property and be signed and sealed by the engineer or surveyor preparing same;

(b) the engineer or surveyor preparing the survey plat must certify to the information contained therein.

(c) a statement of whether or not the property is located inside or outside an identified special flood hazard area and/or 100 year flood plain as defined by the Flood Damage Prevention Ordinance now existing or as hereinafter amended and/or the United States Department of Housing and Urban Development and/or the Federal Emergency Management Agency and/or the Fort Bend Drainage District, identifying the Flood Plain Map and Community Identification Number used as reference.

(d) locate the proposed improvements on the property and the lowest floor or foundation slab elevations of the proposed improvements in relation to mean sea level and any special flood hazard areas and/or 100 year flood plain; and certify that the proposed lowest floor or foundation slab elevation complies with the Flood Damage Prevention Ordinance.

II

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

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; provided however if such person convicted of an offense under this Ordinance which offense is also a violation of the penal laws of the State of Texas, such person shall be subject to the penalties set out in the penal laws of the State of Texas for the offense.

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

VII

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 JUNE, 1987.

THE CITY OF FULSHEAR, TEXAS

By: Carl B Bentley
CARL B. BENTLY
Mayor

ATTEST:

By: Carolyn N. Smith
CAROLYN SMITH
City Secretary

ALDERMEN VOTING:

V. RANDLE	ABSENT
F. SMART	YES
T. HARKNESS	ABSENT
E. VONDERGOLTZ	YES
P. PRESLEY	YES

AMENDMENT TO # 545,
BUILDING CODE ORDINANCE

ORDINANCE NO. 84-704

AN ORDINANCE AMENDING ORDINANCE NUMBER 545, REGULATING THE BUILDING, ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLISHING, EQUIPMENT, OCCUPANCY, USE, MATERIALS, HEIGHT, 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 TOWN OF FULSHEAR, TEXAS:

I

SECTION B AMENDMENTS TO NATIONAL BUILDING CODE, is amended to read as follows:

" B. AMENDMENTS TO NATIONAL BUILDING CODE

(a) Section 102.19; Building Permit Fees

Section 102 of said Building Code is hereby amended, by adding at the end thereof Section 102.19, reading: "The minimum fee for new construction shall be $5.00 for the first 500 square feet of floor space. An additional $.01 shall be paid for each square foot of floor space over 500 square feet, the fee for additions, alterations and remodeling (as defined in the National Building Code, including reroofing) shall be $2.00 for each $1,000.00 valuation for alterations, with a $5.00 minimum . The fee for each demolishing permit shall be $5.00 (Foundation, block, slab and all other debris shall be removed from job site.) In case any construction installation or alteration for which a

permit is required by this Ordinance is started prior to obtaining said permit, the fees specified in this Ordinance shall be doubled, but the payment of such doubled fee shall not relieve any person from fully complying with the requirements of Article XI of the 1967 National Building Code or from penalties prescribed in this Ordinance. The fee for each Re-Inspection shall be $5.00.

(b) The Building Inspector shall be paid a fee of $ 10.00 for each Permit issued hereunder.

(c) All permit fees received shall be deposited in the general revenue account to the City."

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.

ORDINANCE ESTABLISHING RATES FOR SEWER, ESTABLISHING FEES FOR INITIAL CONNECTIONS TO THE CITY'S SANITARY SEWER SYSTEM; PROVIDING FEES FOR CONNECTION, RECONNECTION AND INSPECTION; REQUIRING DEPOSITS FOR SERVICE; PROVIDING A PENALTY FOR DELINQUENT PAYMENTS; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT ("ORDINANCE")

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

There is hereby established the sewer district of the City of Fulshear which shall consist of all lands within the corporate limits of the City of Fulshear lying and being situated within three hundred feet (300') from any publicly owned sewer main line or lateral line; save and except, however, any of such land the elevation of which is lower than the nearest point on such publicly owned sewer line or lateral line to the extent that gravity flow from such property to such sewer line is not feasible, or to which sanitary sewer connections are not available or determined by the City of Fulshear.

Any person, firm or corporation owning or occupying any building, all or part of which lies within the boundaries of said sewer district of the City of Fulshear, and maintaining and operating within said building, or adjacent thereto, any water closet, urinal, bathtub, sink or other fixture discharging wastewater, garbage, or human excrement is hereby required to provide a suitable connection with the sewer system of the City of Fulshear to the end that all such wastewater, garbage and human excrement shall be discharged into the sewer system of the City of Fulshear.

It is hereby declared to be a nuisance dangerous to the public health and, therefore, unlawful for any person, firm or corporation owning or occupying any building, all or part of which lies within the boundaries of the sewer district of the City of Fulshear, to maintain or operate in such building or adjacent thereto, any water closet, urinal, bathtub, sink or other fixture discharging wastewater, garbage or human excrement in any way other than into the sewer system of the City of Fulshear. If the discharged wastewater or garbage is found to be other than domestic waste, normally considered to have a biological oxygen demand (5 days) and total suspended solids of 200 milligrams per liter, it is so denoted as an authorized and extraordinary (See Section 3.06 C).

SECTION 1. Definitions. For purposes of this order, the following words or terms shall have the following meaning:

1.01. "Apartment(s)" shall mean Residential dwelling structure(s) containing multiple dwelling units which units are, or are available to be, leased or rented and are not available for purchase on an individual basis.

1.02. "Commercial", referring to sewer service, shall mean and include any office building, hotel, retail store, clubhouse, warehouse, service station, or other establishment rendering a service or offering a product for sale to the public, including Apartments unless specifically excluded herein, and any establishment not generally considered a single-family residence.

1.03. "Commercial Waste" shall mean liquid carried sanitary sewage discharged from Commercial connections (excluding Apartments) which is properly shredded and amenable to biological treatment and which may contain trace amounts of sand, grit, lubricants and other petroleum products commonly associated with Commercial establishments such as service stations and car wash facilities.

1.04. "Customer" shall mean the person, firm, corporation or other entity which request City Services for a Residential, Commercial, Apartment of other structure within the area of the City, whether the owner, renter, builder or leasee thereof, or the consumer of sanitary sewer services within such structure. Inasmuch as this Ordinance hereinafter makes it mandatory for each such structure to be connected to the lines of the City as soon as the City's System becomes operable, the term "Customer" shall mean and include the person, firm, corporation or their entity which requests City services for such structure at the time service becomes available to said structure.

1.05. "Applicant" shall mean the person, firm, corporation or other entity which is making application for City Sewer Service.

1.06. "Delinquent Bill" shall mean a bill for sewer service or other services or charges of any nature hereunder, which has not been paid within twenty (20) days after the date of the bill.

1.07. "City's Engineer" shall mean the person, firm or corporation which the City has engaged to provide engineering services for the City.

1.08. "City's Operator" shall mean the person, firm, corporation, municipal corporation or political subdivision of which the City has contracted for operation and maintenance of the City's System.

1.09. "Domestic Waste" shall mean liquid carried sanitary sewage discharged from Residential connections (including Apartments) which is properly shredded and amenable to biological treatment, which is normally discharged from Residential food preparation and bathroom facilities, and which has biological oxygen demand (5-day) and total suspended solids concentrations not exceeding 200 milligrams per liter.

1.10. "Industrial Waste" shall mean waste other than Commercial Waste and Domestic Waste.

1.11. "Residential", whether referring to initial connections or sanitary sewer service, shall mean and include any single family residence or townhouse (other than Apartment, except as noted herein.)

1.12. "Separate Connection" shall mean each Residential or commercial unit for which City services have been requested or provided, whether occupied or not, including separate Apartments and Townhouses within a single building, and separate Commercial establishments within a single building.

1.13. "System" as used herein, shall mean the sanitary sewer facilities of the City and all extensions and additions thereto, whether now in place or hereafter constructed.

SECTION 2. Initial Connections to the City's System ("Taps").

2.01. Requirement to Connect to the City's System. Each structure within the City shall be connected to the System of the City as soon as the City has made sewer services available to such structure.

2.02. Application for Sanitary Sewer Connections. Each person connecting initial sewer service connections to the City's System shall be required to sign and complete an application for such service and to pay such fees as established by this Ordinance. This application form attached hereto, as Exhibit "B", shall be the application used by the City and may be amended without the necessity of an amendment to this Order. No service shall be rendered until such application has been completed and such fees have been paid.

2.03 Connection Charge. The following fees shall be collected from the applicant by the City's Operator before each initial connection is made to the City's System:

(a) Standard Residential Connection $225.00 + Actual Cost
4 Inch Connection

(b) Nonstandard Residential Connection $225.00 + Actual Cost
(other than 4 inch connection) and
Commercial Connections

2.04. Policies Governing Initial Connections.

(a) Certification. Connections shall not be made to the City's System or portions of the System until the City's Engineer has certified that the System or applicable portion thereof is operational.

(b) Availability of Access. Upon application for initial connection, the applicant shall grant an easement of ingress and egress to and from the point of service for such installation, maintenance and repair as the City, in it's judgment, may deem necessary. Connections will not be made when, in the opinion of City's Engineer or the City's Operator, the work area is obstructed by building materials and debris or the work area is not completed to finished grade. When sidewalks, driveways or other improvements have been constructed prior to application for service, such application shall be construed and accepted as a waiver of a claim for damages to such improvements resulting from the reasonable actions of City's Operator in installation of the Customer's connection.

(c) Property of City. All appurtennances installed shall remain the property of the City.

(d) Connections by City's Operator. All connections to the City's Sewer System shall be made in accordance with the City's "Rules and Regulations Governing Sewer Service Lines and Sewer Connections", as found in Exhibit "A". No person, other than the properly authorized agents of the City shall make any repairs or additions to, or alterations in any manhole, main, truck or appurtenance of the City's sanitary sewer System.

(e) Submission of Plans for Commercial Connections. Each applicant for Commercial (including Apartments) sewer service shall, within thirty (30) days prior to the payment of connection fees for initial service, submit to the City's Engineer or other parts designated by the City Council Members of the City, the following information:

(1) Architectural drawings (three sets for City purposes) indicating details of building plumbing, materials to be used and the location, size and number of proposed connections to the City's System;

(2) The size of the gross land area to be served by the City's System; and

(3) A general description of the type of proposed Commercial establishment (including Apartments) and, if applicable, a description of the special measures taken in order to prevent any possible Industrial Waste and/or unauthorized Commercial Waste from entering the City's Sanitary Sewer System (See Sections 3.06 (c) and 5.02).

In recognition of the City's obligation to protect and maintain public health, the City's Engineer or other party designated by the City Council of the City shall review the information presented and may approve or reject the application, or request that further information be submitted prior to approval of the application. Customers shall be notified in writing as to the basis for rejection of applications. Failure to construct the facilities in accordance with approved drawings shall constitute a basis for denial of City services. The City shall not be held responsible for delays in installation of Sanitary Sewer Connections or

the provisions of other City Services due to commencing with construction prior to Application approval. Payment of connection fees to the City's Operator prior to the approval of plans shall not be considered approval of said plans or approval for service as set forth herein; any unauthorized connection or connections will be removed at the expense of the person or firm causing such connection or connections to be made. Any such unauthorized Connection which is removed will not be reconnected until such fees have been paid, including penalties.

2.05. Inspections. A sewer inspection fee of $30.00 payable at the time of application for service connection, shall be charged by the City for inspection of each Separate connection and service line. Sewer connections and service lines shall be inspected for strict compliance with the City's "Rules and Regulations Governing Sewer Service Lines and Sewer Connections" as found in Exhibit "A." Customer shall notify the City's Operator prior to any connection being made. Customer shall again notify the City's Operator after the connection has been made and such Operator shall inspect and approve the connection prior to the commencement of sewer service. Installations which fail to conform to said rules will be disapproved. Customer shall be notified in writing as to the basis for such disapproval. After noted deficiencies have been corrected, a reinspection shall be made upon payment to the City for a reinspection fee of $30.00. If subsequent reinspections are required before the sewer connection and service lines are found in compliance with the City's rules, a reinspection fee of $30.00 shall be charged for each such reinspection.

SECTION 3. Rates for Sanitary Sewer Services. Each prospective Customer desiring sanitary sewer service shall be required to fill out an "Application for Service" form, so listed as Exhibit "D", in order to obtain such service.

3.01. Application and Security Deposit. The City's Operator is given authority to require each Residential and Commercial Customer requesting sewer service from the City to complete and forward an "Application For Service" form as found in Exhibit "D" for City Services, which may be amended from time to time without the necessity of an amendment to this Order, and a deposit of $50.00. Each Commercial Customer shall pay a security deposit of $50.00 per Residential Equivalent. Further, any Customer whose bill becomes a Delinquent Bill shall pay such deposit (if such Customer has not previously paid a security deposit). Such deposit is solely to secure the payment of charges established by this Order. Upon final termination of service, such deposit shall be credited against amounts owed to the City and any balance refunded to the Customer within forty-five (45) days after termination of service. No interest will be paid by the City on said deposit unless required by law. Service shall be subject to termination unless such Application Forms and deposits, as applicable, are paid within ten (10) days of the date that each Customer utilizes City services.

3.02. Monthly Rates for Residential Sewer Service. The following rate per month, or any part thereof, shall be charged for Residential sewer service furnished by the City in every instance in which a different charge is not expressly and clearly provided for herein;

Monthly Flat Rate	$21.50

3.03. Monthly Rates for Commercial and Apartment Sewer Service. Upon connection to the City's System, the following rates per month, or any part thereof, shall be charged for sewer service to

Commercial and Apartment units. These rates will be computed by multiplying the Residential equivalent unit as shown on Exhibit "C" by the Residential rate: $21.50.

3.04. Monthly Rates for Grease Trap Inspections. For each grease trap installed, there shall be charged a monthly inspection fee of $30.00. A reinspection fee of $30.00 shall be charged the first time a grease trap fails a monthly inspection, and a fee of $30.00 shall be charged for each successive failure to pass each monthly inspection.

3.05. Bulk Rates. The sewer service rates set forth above shall not be construed to prevent the City from furnishing sewer service to any Customer at a bulk rate if deemed advisable by the City, such rate to be determined on a case by case basis.

3.06. Policies Governing Services.

(a) No Reduced Rates or Free Service. All customers receiving services from the City shall be subject to the provisions of this Ordinance and shall be charged the rates established in this Ordinance, and no reduced rate or free service shall be furnished to any such Customer. Provided, however, this provision shall not prohibit the City, upon good cause shown, from establishing reasonable classifications of Customers for which rates differing from the rates stated herein may be adopted.

(b) Entitlement. Customers are not guaranteed a specific capacity in sewer facilities for any purpose whatever; in no instance shall the City be liable for failure to provide capacity in sewer facilities.

(c) Unauthorized and Extraordinary Waste. The rates established in Section 3.02 through 3.05 herein are applicable for ordinary Domestic Waste, normally considered to have a biological oxygen demand (five day) and total suspended solids of 200 milligrams per liter. customers proposing to generate Commercial Waste will be assessed additional charges as established by city based on the volume and concentration of the proposed waste. Customers proposing to discharge certain Commercial Waste, including Commercial Waste from processing or other food handling establishments, will be required to install garbage grinders and will be required to install grease traps or pretreatment units when so ordered by the City following the evaluation of the effects of high concentrations (in excess of 200 milligrams per liter, B.O.D., or T.S.S). or organics on the System. Customers which are required to install garbage grinders, grease traps or other types of pretreatment units shall maintain same in good working condition, which shall include, but not be limited to, regular cleaning. The City shall have the right to inspect such pretreatment units, and, in order to protect the City's facilities, reserves the right, if Customer has failed to do so, to perform the required maintenance at Customer's expense and/or to discontinue service to Customer.

(d) City's Waste Discharge Permit The City's current waste discharge permit prohibits the introduction of Industrial Waste into the System. The City prohibits any introduction of Industrial Waste into the system. Any Customer which discharges said waste shall pay any cost which the City may incur, included but not limited to Engineering studies or evaluation of Damage which may result from said introduction. The City's Operator shall have rights of ingress and egress to Customer's property in order to carry out the provisions of this Ordinance.

SECTION 4. Delinquency in Payment Penalty; Discontinuation and Termination of Service.

4.01. Penalty for Failure to Pay Bill Before Delinquency. A charge of ten percent (10%) of the

amount of the Customer's bill shall be added thereto when such Customer has failed to pay any bill before it becomes a Delinquent Bill. A charge of $5.00 shall also be added to a Customer's bill for each notice of delinquency sent to a Customer. In addition, a charge of $15.00 shall be imposed for each returned check notice forwarded to a Customer as a result of a Customer's check being returned by a bank for any reason.

4.02. Termination of Service for Failure to Pay Bills When Due. The City shall have the right to terminate service to a Customer at any time after his bill becomes a Delinquent Bill. The Customer shall, by written notice mailed to the Customer's address as reflected in the records of the City, be notified of the delinquency and the date on which service shall be terminated if the account is not paid in full, which date shall not be less than five (5) days from the date such notice is sent. Such notice shall state the place and time at which the account may be paid, that any errors in the bill may be corrected by contacting the billing company, whose telephone number shall also be given in such notice, and that the Customer has the right to appeal such termination to the City Council of the City. The notice shall also be left by the City's Operator on the front door at the address to which the service in question was provided at least twenty-four (24) hours prior to the time at which service shall be terminated. If the delinquent account, including penalty, has not been paid in full by the proposed termination date, service shall then be discontinued unless otherwise agreed by the City Council of the City. A penalty of $300.00 shall be imposed for the restoration of service discontinued pursuant to this Section. Payment of the delinquent account, including the penalty, shall be paid in cash, cashier's check or money order for restoring sewer service where service has been terminated because of the Customer's failure to pay a bill before it became a Delinquent Bill. Such payment shall be made prior to restoration of service.

SECTION 5. Damage to City Facilities. No person other than a duly authorized agent of the City shall make connections or additions to the sewer System appurtenance. The City reserves the right to immediately, and without notice, disconnect sewer service to any Customer who has tampered with or altered in any way the sewer System appurtenance or who has reconnected service which was terminated by the City and to assess repair charges to Customer plus a damage fee of $300.00. No service will be rendered to Customer until all repair costs, plus damage fees, are paid in full.

5.01. Right to Repair. In recognition of the City's obligation to protect and maintain the public health, the city reserves the right to repair damage to the City's System and appurtenances without prior notice, and to assess against Customer such penalties as are provided in this Order or otherwise provided by law or legally available to the City in addition to those charges necessary to repair the portion of the System so damaged.

5.02. Obstructions. Customers are prohibited from introducing material into the City's sanitary sewer System which would cause obstruction of said System. In the event that an inspection by the City's Engineer or Operator reveals foreseeable damage to the sanitary sewer System resulting from a Customer's failure to prevent obstructions from entering said System, the City reserves the right to immediately, and without notice, remove the obstruction. Any City costs for removal of obstructions, including the cleaning of grease traps, plus a City administration fee of fifty percent (50%) of said costs, shall be assessed to Customer. The City's Operator shall have rights of ingress and egress to Customer's property in order to carry out the provisions of this Section.

SECTION 6. Appeal. Any determination by City's Operator or City's Engineer or authorized agent of the City or any dispute regarding the terms and provisions of this Ordinance may be appealed to the City Council of the City which shall conduct a hearing on the matter. A Customer who wishes to appeal has the right to do so, in writing or in person, to the City Council of the City of Fulshear. If the Customer wishes to appeal in writing, his appeal must be received by the City's Operator no later than seven (7) days prior to the City Council Meeting. Any appeals in person must be made at the Council Meeting of which dates and times can be confirmed by contacting the City's Operator.

SECTION 7. Amendments. The City's City Council Members has and specifically reserves the right to change, alter or amend any rate or provision of this Order at any time.

SECTION 8. Severability. If any provision, section, subsection, sentence, clause or 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 or sets of circumstances shall not be affected hereby, it being the intent of the City Council in adopting this Ordinance that no portion thereof or provisions or regulation contained herein shall become inoperative or fail by reason of an unconstitutionality and all provisions of this Ordinance are declared to be reasonable.

SECTION 9. Publishing and Posting. 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 07th day of June, 1988.

THE CITY OF FULSHEAR, TEXAS

All sections of this Ordinance are in effect on the date of passage, unless otherwise specified in this Ordinance.

PASSED AND APPROVED THIS the 07th day of June, 1988.

THE CITY OF FULSHEAR, TEXAS

C B Bentley
MAYOR

ATTEST:
Carolyn N. Smith
CITY SECRETARY

ALDERMEN VOTING:

V. RANDLE	Yes
F. SMART	Yes
T. HARKNESS	Absent
P. PRESSLEY	Yes
E. VONDERGOLTZ	Yes

EXHIBIT A

RULES AND REGULATIONS

GOVERNING

SEWER SERVICE LINES AND SEWER CONNECTIONS

The following regulations are to govern the installation of all sanitary connections within **CITY OF FULSHEAR.**

I. SERVICE LINES

A. Service line is defined as the sewer from the foundation of the house or commercial building to the sewer line owned by the City.

B. Only one service line connection to the City's sanitary sewage collection system is permitted for each residence or commercial building.

C. Only the following types of pipe and fitting materials are approved for constructing service lines. Pipe and fittings in each individual service line will be of identical material.

1. Vitrified clay pipe conforming to American Standard Testing Methods Specification C700 with joint coupling conforming to American Standard Testing Methods Specifications C425 or C594 and installed according to American Standard Testing Methods C12.

2. Cast iron soil pipe, standard weight, conforming to American Standard Testing Methods Specification A74 with rubber gasket joint coupling conforming to American Standard Testing Methods Specification C564.

3. Poly-vinyl-chloride PSM (PVC) pipe conforming to American Standard Testing Methods Specification D3034 and installed according to American Standard Testing Methods Specification D2321.

4. Ductile-Iron pipe conforming to American National Standards institute A21.51 with rubber gasket joints American National Standards Institute A21.11, and installed according to manufacturer's recommendations.

5. Acrylonitrile-butadience-styrene (ABS) pipe, material conforming to American Standard Testing Methods Specification D2751.

D. Minimum sizes of service lines shall be as follows:

1. Residential---------- 4 inches in diameter
2. Commercial---------- 6 inches in diameter

E. Minimum grades of service lines shall be as follows:

1.	4 inch pipe	1.2 foot drop per hundred feet	(1%)
2.	6 inch pipe	7 inch drop per hundred feet	(0.5%)
3.	8 inch pipe	5 inch drop per hundred feet	(0.33%)

F. Construct service lines to true alignment and grade. Warped and sagging lines will not be permitted.

II. CONNECTION OF BUILDING SEWER OUTLET TO SERVICE LINES

A. Building tie-on connection will be made directly to the stub-out from the building plumbing at the foundation on all waste outlets.

B. Water-tight adapters of a type compatable with the materials being joined will be used at the point of connection of the service line to the building plumbing. No cement grout materials are permitted.

C. Existing "wye" and stack connections must be utilized for connection of the service line to the sewer main unless an exception is permitted by the City's Engineer.

III. FITTINGS AND CLEANOUTS

A. No bends or turns at any point will be greater than 45 degrees.

B. Each horizontal service line will be provided with a cleanout at its upper terminal; and each such run of piping which is more than ninety (90) feet in length will be provided with a cleanout of each ninety (90) feet or fraction thereof, in the length of such piping.

C. Each cleanout will be installed so that it opens in a direction opposite to the flow of the waste and,except in the case of "wye" branch and end-of-the-line cleanouts, cleanouts will be installed vertically above the flow line of the pipe.

D. Cleanout will be made with air-tight mechanical plug.

IV. CONNECTION PERMIT

A. "Application for Sanitary Sewer Connection" must be filed prior to construction of the service line and the connection fee should accompany this application. (Application forms are available from the City's Operating Company.) Construction must not begin until authorized by the City.

B. When the service line is complete, and prior to backfilling the pipe trench, the applicant for sewer connection shall request an inspection of the installation. Request for inspections shall be made to the City's operator twenty-four (24) hours in advance of the inspection.

C. The physical connection of the City's sewer main will be made by use of an adapter of a type compatable with materials being joined. The connection shall be water-tight. No cement grout materials are permitted.

D. Backfilling of service lines trench and the City's sewer line must be accomplished immediately after inspection. No debris will be permitted in the trench.

E. A connection permit will be granted after inspection confirms that all requirements of these Rules and Regulations have been met.

V. EXCLUDED FLOW AND WASTE

A. No waste material which is not biologically degradable will be permitted to discharge into the City's Sewage facilities by Applicant, Owner or Builder during service line installation.

B. No downspouts, yard or street drains or gutters will be permitted to be connected into the City's sanitary sewer facilities.

C. Swimming pool connections will not be made to the City's sewer system unless approved by the City Engineer.

VI. FAILURE TO ADHERE

A. Failure to adhere to the preceding construction regulations will occassion a fine of One Dollar to One Thousand Dollars ($1.00 - $1,000.00), depending on the severity of the violation and shall be paid by the Applicant to the City.

APPROVED AND ADOPTED BY: CITY COUNCIL OF CITY OF FULSHEAR.

EXHIBIT B

APPLICATION FOR SANITARY SEWER CONNECTION

(Please Print or Type)

_____ _____ _____ _____
(Name of Applicant) (Lot) (Block) (Section)

_____ _____
(Street Address) (Phone) (City) (State) (Zip)

Installation to be performed by: _____ _____
(Plumber or Sub-Contractor) (Phone)

Type of pipe material to be used: PVC_____, ABS_____, VC_____, CI_____

Date: _____ Requested by: _____
(Signature)

Applicant to draw sketch of house layout and proposed location of sewer service line:

FOR CITY USE ONLY

Date Application Received: _____

Date Construction Authorized: _____

Connection Information:

WYE Location: _____

Stack Location: _____

Manhole Location: _____

Date of Inspections: 1st _____ 2nd _____ 3rd _____

Date Permit Granted _____

Approved by: _____
(City Representative)

EXHIBIT C

The basis of computing a Residential Equivalent Unit, as referred to in Section 3.03 shall be as follows:

Building Structure of Portion thereof	Residential Equivalent Units
Residential:	
Single Family	1.0
Duplex	2.0
Triplex	3.0
Apartments: (per family unit)	
Without washers	.63
With washers	.71
Condominium	.86

Businesses:	Contribution	Number of Contribution Units to Equal One Residential Equivalent Unit
Hotel or Motel (not including eating, retail or lounge)	Rooms	4
Restaurants		
Full Service	Seats	9
Paper Plate Service	Seats	32
Lounge (no food service)	Seats	32
Office	Sq. Ft. Rentable floor space	2,990
Retail Space	Sq. Ft. Rentable floor space	4,500
Warehouse Space	Sq. Ft. Rentable floor space	10,500

Other:

To be computed by City Operator upon basis of one (1) unit equal to 315 Gallons/Day.

Incorporated 1977

City of Fulshear

6920 Katy-Fulshear Road

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

C.B. Bentley, Mayor — Frances Smart, Council Member — Viola Randle, Council Member — Earle Vondergoltz, Council Member
Pat L. Presley, Mayor Pro-Tem — Tom Harkness, Council Member — David Frishman, City Attorney — Carolyn H. Smith, City Secy-Treas.

FLOOD DAMAGE PREVENTION

LEGAL NOTICE

NOTICE IS HEREBY GIVEN ORDINANCE NUMBER 87-749 BEARING THE FOLLOWING TITLE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF FULSHEAR,TEXAS, ON JUNE 15, 1987:

FLOOD DAMAGE PREVENTION ORDINANCE

Be it ordained by the City Council of the City of Fulshear, Texas.

CAROLYN H. SMITH
City Secy-Treas.
JUNE 30, 1987

++

I HEREBY CERTIFY POSTING COPIES OF ORDINANCE NUMBER 87-749 in its entirety at 3:25 p.m. TUESDAY, JUNE 30, 1987, at City Hall, 6920 Katy-Fulshear Road; at the United States Post Office Building, 30506 First Street; at Dozier's Grocery,Inc.,N.W. Corner Third Street, Fulshear, Texas.

.60.3(c)

ORDINANCE NUMBER 87-749

FLOOD DAMAGE PREVENTION ORDINANCE

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION A. STATUTORY AUTHORIZATION

The Legislature of the State of Texas (state) has in _____ (statutes) delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City Council (governing body) of City of Fulshear (local unit), Texas (state), does ordain as follows:

SECTION B. FINDINGS OF FACT

(1) The flood hazard areas of City of Fulshear, Texas are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands becuase they are inadequately elevated, floodproofed or otherwise protected from flood damage.

SECTION C. STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Protect human life and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

(7) Ensure that potential buyers are notified that property is in a flood area.

SECTION D. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging and other development which may increase flood damage;

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

ARTICLE 2

DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

APPEAL - means a request for a review of the Flood Plain Administrator's interpretation of any provision of this ordinance or a request for a variance. Appeal Board-means the Planning Commission of the City of Fulshear, Texas, appointed by the Mayor to hear appeals from the Flood Plain Administrator.

AREA OF SHALLOW FLOODING - means a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD - is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

BASE FLOOD - means the flood having a one percent chance of being equalled or exceeded in any given year.

CRITICAL FEATURE - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT - means any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

ELEVATED BUILDING - means a nonbasement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

EXISTING CONSTRUCTION - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

FLOOD OR FLOODING - means a general and temporary condition of partial or complete inundtion of normally dry land areas from:

(1) the overflow of inland or tidal waters.
(2) the unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM) - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY - is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

FLOODPLAIN OR FLOOD-PRONE AREA - means any land area susceptible to being inundated by water from any source (see definition of flooding).

FLOOD PROTECTION SYSTEM - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such as system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FUNCTIONALLY DEPENDENT USE - means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

HABITABLE FLOOR - means any floor usable for the following purposes; which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used for storage purposes only is not a "habitable floor."

HIGHEST ADJACENT GRADE - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

LEVEE - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM - means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

MANUFACTURED HOME - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MEAN SEA LEVEL - means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTUON - means, for flood plain management purposes, structures for which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by a community.

START OF CONSTRUCTION - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substanital improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE - means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL IMPROVEMENT - means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

VARIANCE - is a grant of relief to a person from the requirements of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

VIOLATION - means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

ARTICLE 3

GENERAL PROVISIONS

SECTION A. LANDS TO WHICH THIS ORDINANCE APPLIES

The ordinance shall apply to all areas of special flood hazard with the jurisdiction of City of Fulshear, Texas (local unit).

SECTION B. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the City of Fulshear, Texas, Fort Bend County" dated 7-25- with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

SECTION C. ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be; (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under State statutes.

SECTION G. WARNING AND DISCLAIMER OR LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

ARTICLE 4

ADMINISTRATION

SECTION A. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The City Building Inspector is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to flood plain management.

SECTION B. DUTIES & RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

(2) Review permit application to determine whether proposed buiding site will be reasonable safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of this ordinance.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is Fort Bend County Drainage District prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

(9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

SECTION C. PERMIT PROCEDURES

(1) Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

a. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

b. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

c. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B(2);

d. Description of the extent to which any watercourse or natural drainage will be altered or relocataed as a result of proposed development.

e. Maintain a record of all such information in accordance with Article 4, Section (B)(1).

(2) Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

a. The danger to life and property due to flooding or erosion damage;

b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

c. The danger that materials may be swept onto other lands to the injury of others;

d. The compatibility of the proposed use with existing and anticipated development;

e. The safety of access to the property in times of flood for ordinary and emergency vehicles;

f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

h. The necessity to the facility of a waterfront location, where applicable;

i. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

j. The relationship of the proposed use to the comprehensive plan for that area.

SECTION D. VARIANCE PROCEDURES

(1) The Appeal Board as established by the community shall hear and render judgement on requests for variances from the requirements of this ordinance.

(2) The Appeal Board shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.

(3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competant jurisdiction.

(4) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(5) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.

(6) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(7) Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).

(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(9) Prerequisites for granting variances:

a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b. Variances shall only be issued upon, (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c. Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(10) Variances may be issued by a community for new construction and substantial imrovements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in Article 4, Section D(1)-(9) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additonal threats to public safety.

ARTICLE 5

PROVISIONS FOR FLOOD HAZARD REDUCTION

SECTION A. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements;

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

SECTION B. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B(8), or (iii) Article 5, Section C(4), the following provisions are required:

(1) **Residential Construction** - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C(1)a., is satisfied.

(2) **Nonresidential Contruction** - new construction and substantial improvements of any commerical, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or, together with attendent utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

(3) Enclosures - new construction and substantial improvements, with fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured Homes -

a. Require that all manufactured homes to be placed within Zone A, shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

b. All manufactured homes shall be in compliance with Article 5, Section B (1).

c. Require that all manufactured homes to be placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provision of Section B(4) of this Article.

SECTION C. STANDARDS FOR SUBDIVISION PROPOSALS

(1) All subdivision proposals including manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.

(2) All proposals for the development of subdivisions including manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions or Article 5 of this ordinance.

(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.

(4) All subdivision proposals including manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision proposals including manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

SECTION D. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Article 3, Section B, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply;

(1) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

(2) All new construction and substantial improvements of nonresidential structures;

(i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;

(ii) together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed in Article 4, Section C (1)a., are satisfied.

(4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

CERTIFICATION

It is hereby found and declared by the City of Fulshear, Texas that
(local unit)
severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

APPROVED: C B Bentley
(local official)

PASSED: JUNE 15, 1987
(date)

CERTIFICATE

I, the undersigned, CAROLYN H. SMITH, do hereby certify that the above is a true and correct copy of an ordinance duly adopted by the City of Fulshear, Texas, at a regular meeting duly convened
(local unit)
on JUNE 15, 1987.
(date)

Carolyn H. Smith
(Secretary or responsible person)
CITY SECY-TREAS.

(SEAL)

ORDINANCE NO. 87-750

AN ORDINANCE SETTING THE TAX CERTIFICATE FEE TO BE CHARGED BY THE CITY OF FULSHEAR, TEXAS.

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

I

The charge for tax certificates issued by the City of Fulshear, Texas, shall be $10.00.

II

The tax collector of the City of Fulshear shall have the duty of collecting and receiving the tax certificate fee. The proceeds of this tax shall be paid into the General Operating Fund of the City of Fulshear.

III

This Ordinance shall become effective immediately upon its adoption.

PASSED AND APPROVED this the 21st day of September, 1987.

CITY OF FULSHEAR, TEXAS

By: C B Bentley
C. B. BENTLEY
Mayor

ATTEST:

By: Carolyn H. Smith
CAROLYN SMITH
City Secretary

ALDERMEN VOTING:

V. RANDLE	YES
F. SMART	YES
T. HARKNESS	YES
P. PRESLEY	YES
E. VONDEGOLTZ	YES

ORDINANCE 87-751

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 1987; 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-SEVEN, upon all property, real, personal, and mixed, within the corporate limits of said City subject to taxation, a tax of 0.4800 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 1987 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 tenth day of Nov.,1987, 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 ___10th___ day of ___NOVEMBER_____, 1987.

By: C B Bentley
C. B. Bentley, MAYOR

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

VOTING:
Pat L. Presley ___YES___,
Frances Smart ___NO___, Viola Randle ___YES___
Tom Harkness ___YES___, Earle Vondergoltz ___NO___

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 1987 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 tenth day of Nov.,1987, 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 ___10th____ day of ___NOVEMBER_____, 1987.

By: C B Bentley
C. B. Bentley, MAYOR

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

VOTING:
Pat L. Presley ___YES___,
Frances Smart ___NO___, Viola Randle ___YES___
Tom Harkness ___YES___, Earle Vondergoltz ___NO___

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 1987 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 tenth day of Nov.,1987, 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 ___10th____ day of ___NOVEMBER_____, 1987.

By: C B Bentley
C. B. Bentley, MAYOR

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

VOTING:
Pat L. Presley ____YES____,
Frances Smart ____NO____, Viola Randle ____YES____
Tom Harkness ____YES____, Earle Vondergoltz ____NO____

ORDINANCE NO. 87-752

AN ORDINANCE AMENDING ORDINANCE NO. 579, DELETING PARAGRAPH D. of SECTION 19; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE AND EFFECTIVE DATE; PROVIDING FOR POSTING AND PUBLISHING.

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

I

That Section 19 SPECIAL EXPENSES, is amended by deleting paragraph D Appeal Fee in its entirety.

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 therof 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 16th day of NOVEMBER, 1987.

THE CITY OF FULSHEAR, TEXAS

By: CBB Lutley
Mayor

ATTEST:

By: Carolyn H. Smith
CAROLYN SMITH
City Secretary

ALDERMEN VOTING:

V. RANDLE	YES
F. SMART	YES
T. HARKNESS	ABSENT
P. PRES LEY	YES
E. VONDERGOLTZ	YES

ORDINANCE NO. 87-753

AN ORDINANCE AMENDING ORDINANCE NO. 579, AMENDING PARAGRAPH E. OF SECTION 19 PROVIDING FOR THE COLLECTION OF A SPECIAL EXPENSE FOR SERVICES PERFORMED IN CASES IN WHICH THE LAWS OF THIS STATE REQUIRE THAT THE CASE BE DISMISSED BECAUSE OF ACTIONS BY OR ON BEHALF OF THE DEFENDANT WHICH WERE SUBSEQUENT TO THE DATE OF THE ALLEGED OFFENSE WHICH EXPENSES SHALL NOT EXCEED THE ACTUAL EXPENSES OR $10.00, WHICHEVER IS LESS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE AND EFFECTIVE DATE; PROVIDING FOR POSTING AND PUBLISHING.

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

I

That Section 19 SPECIAL EXPENSES, is amended by adding to paragraph E Other Special Expenses the following paragraph:

"The Municipal Court is hereby authorized to collect a special expense for services performed in cases in which the laws of this state require that the case be dismissed because of actions by or on behalf of the Defendant which were subsequent to the date of the alleged offense. Such actions are limited to compliance with the provisions of Subsection (a), Section 143A, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernons Texas Civil Statutes). Such special expense shall not exceed the actual expenses incurred for the services or $10.00, whichever is less."

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 therof 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 01st day of DECEMBER, 1987.

THE CITY OF FULSHEAR, TEXAS

By: C B Bentley
Mayor

ATTEST:

By: Carolyn M. Smith
CAROLYN SMITH
City Secretary

ALDERMEN VOTING:

V. RANDLE	YES
F. SMART	YES
T. HARKNESS	YES
P. PRES LEY	YES
E. VONDERGOLTZ	YES