ORDINANCE 99-450

17-4136 Order of Election (2/92)
Prescribed by Secretary of State
Sections 3.006, 83.010, 85.004, 85.007, V.T.C.A., Election Code

Hart Forms and Services—Austin

ORDER OF ELECTION

An election is hereby ordered to be held on MAY 01, 1999 for the purpose of: electing three Aldermen (Council Members), each for a two year term. Said election shall be held at the following place in the City of Fulshear, Texas, and the following named persons are hereby appointed officers for said election: In Election Precinct Number 4006, at Fulshear City Hall, 30603 F.M. 1093, in Fulshear, Texas, with Brenda Lofton as Presiding Election Judge, and Linda McKinney as Alternate Election Judge, and said Presiding Election Judge shall appoint the necessary clerk to assist her which shall not exceed one clerk. These three election officers shall also serve as the Early Voting Ballotboard for this May 01, 1999 election.

The hourly rate of pay shall be $6.00 and shall not exceed fourteen (14) hours for each election officer.

Early voting by personal appearance will be conducted each weekday at

FULSHEAR CITY HALL, 30603 F.M. 1093, FULSHEAR, TEXAS 77441
(location)

between the hours of 9:00 a.m. and 5:00 p.m. beginning on APRIL 14, 1999 (date)

and ending on APRIL 27, 1999 (date).

Additional early voting will be held as follows: NONE

Location	Date	Hours
NONE		

Applications for ballot by mail shall be mailed to:

CAROLYN H. SMITH, CITY OF FULSHEAR
(Name of Early Voting Clerk)

P.O. BOX 279
(Address)

FULSHEAR, TX. 77441-0279
(City) (Zip Code)

Applications for ballots by mail must be received no later than the close of business on

APRIL 23, 1999
(date).

Issued this the 20 day of JANUARY, 19 99.

Carl G. Utley
Signature of Presiding Officer CARL G. UTLEY, MAYOR

VOTING: Viola Randle absent, J.B. Collins, Jr. YES, Scott Evans YES, Jerone McKinney YES, Gloria Simmons YES.

ATTEST:

Carolyn H. Smith, City Secy-Treas.

ORDINANCE NO. 99-851

AN ORDINANCE RELATING TO THE REGULATION OF TOWERS; CREATING A TOWER PERMIT COMMISSION; MAKING FINDINGS AND CONTAINING OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; CONTAINING A REPEALER; AND DECLARING AN EMERGENCY.

WHEREAS, the City intends to regulate the location, fencing, screening, landscaping and related issues with respect to the construction, alteration or placement of certain towers and tower structures within the City; and

WHEREAS, the expansion of radio, television and wireless communication usage and services has increased the demand for tower sites within the City; and

WHEREAS, the location, safety, environmental impact, visual impact, and affect on property values of towers are of particular concern to residents of the City and City Council; and

WHEREAS, the preservation of the environment, public safety, harmonious appearance, appropriateness, good taste and beauty of residential neighborhoods is paramount to the continued vitality and health of the City's neighborhoods; and

WHEREAS, protection of property values, fostering contentment and happiness among residents is an appropriate purpose and basis for the exercise of the police power of the City; and

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

I.

That the findings and recitals contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as a part of this Ordinance.

II.

REGULATION OF TOWERS

Section 1. Definitions. As used in this Ordinance, the following words and terms shall have the meanings ascribed below, unless the context of their usage clearly indicates another meaning:

A. *Alteration* means any modification, replacement, or reconstruction that increases the height or materially increases the dimension of a tower structure.

B. *Antenna* means a device or system of wires, poles, rods, dishes, discs or similar devices used for the transmission and/or receipt of electromagnetic waves.

C. *Building Official* shall mean the Building Official of

the City or his designee.

D. *Camouflage design or camouflage tower* means the design of a tower or tower structure that blends into the surrounding environment and is visually unobtrusive. Examples of a camouflage design or tower are architecturally screened, roof-mounted, antenna/array/equipment, building-mounted antenna/array/equipment that is painted and treated as an architectural element to blend with the existing building, designs that conceal the antenna/array/equipment, man-made trees, clock towers, bell towers, steeples, light poles, and similar alternative-design mounting structures.

E. *Chairman* means the Chairman of the City Planning Commission.

F. *City* shall mean the City of Fulshear, Texas.

G. *City Council* shall mean the governing body of the City of Fulshear, Texas.

H. *Commission* means the City Planning Commission.

I. *FAA* means the Federal Aviation Administration.

J. *FCC* means the Federal Communications Commission.

K. *Grade* means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building or structure and a line FIVE (5') feet from the building or structure.

L. *Height of the building* means the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of the building:

(1) The elevation of the highest adjoining sidewalk or ground surface within a FIVE (5') foot horizontal distance of the exterior wall of the building when the sidewalk or ground surface is not more than TEN (10') feet above the lowest grade.

(2) An elevation TEN (10') feet higher than the lowest grade when the sidewalk or ground surface described in item (a) above is more than TEN (10') feet above lowest grade.

M. The height of a stepped or terraced building is the maximum height of any segment of the building.

N. *Height of the tower* means the vertical distance between the finished grade at the base of the tower or the lowest point of contact with the building, and the highest point of the tower structure, including the antenna and fixtures, if any.

O. *High mast light structure* means a fixed, freestanding, uninhabitable structure of a minimum height of ONE HUNDRED (100') feet, specifically designed to carry light fixtures that is built on land on, along or adjacent to streets, roads, highways and bridges maintained by the state or political subdivision of the state.

P. *Historic district* means a district so designated by City Council or an area for which an application for designation has been initiated thereunder and has not been disapproved by City Council.

Q. *Landmark* means a property so designated by City Council or a property for which an application for designation has been initiated thereunder and has not been disapproved by City Coun-

cil.

R. *Minimum and General Requirements* means those requirements set out in Appendix A.

S. *Park* means any property of the state or political subdivision thereof that is designated for and restricted to use by the public for park purposes.

T. *Public utility* means any person, company, corporation, cooperative, corporation, partnership, or any combination thereof, that is subject to both a municipal franchise agreement and the comprehensive regulatory system established by and defined in the Texas Public Utility Regulatory Act, that owns or operates for compensation equipment or facilities for:

(1) producing, generating, transmitting, distributing, selling, or furnishing electricity; or

(2) the conveyance, transmission, or reception of communications over a telephone system as a dominant carrier.

The term "public utility" shall not include, as is defined in the Public Utility Regulatory Act, telegraph services, television stations, radio stations, community antenna television services, general radio-telephone services, or radio-telephone services authorized under the Public Mobile Radio Services rules of the Federal Communications Commission or private water companies.

U. *Residence* means any permanent building or structure containing habitable rooms for non-transient occupancy, designed and used primarily for living, sleeping, cooking and eating, which is intended to be used or occupied as a dwelling place for residential purposes, whether or not attached, including homes, town homes, patio-homes, duplexes, triplexes, quadraplexes, condominiums, and apartments. Multi-unit complexes shall be included as a ratio of one-eighth (1/8th) acre of land, or any fraction thereof, as being equivalent to ONE (1) residential tract. For purposes of calculating the ratio of multi-unit complex acreage to residential tracts, only that portion of the multi-unit complex acreage within the residential test area shall be considered. Hotels, motels, boarding houses, group houses, half way houses, nursing homes, hospitals, nursery schools, schools, and child care facilities shall not be considered residences. A building or structure located on a lot or tract of land used as the site of a tower shall not be considered a residence so long as its primary use is to contain, house, store, and protect materials or equipment directly related to the purpose and use of the tower.

V. *Residential* means pertaining to the use of land for a residence as is defined in this section.

W. *Residential lot* means:

(1) a lot which is included within a recorded residential subdivision subject to any enforceable, valid and unexpired residential deed restrictions upon which a residence exists or may be constructed pursuant to those valid and applicable deed restrictions; or

(2) an unrestricted lot upon which a residence exists.

X. *Residential restrictions* means ONE (1) or more restrictive covenants limiting the use of the property to residential purposes that are contained or incorporated by reference in a properly recorded map, plat, replat, declaration, deed, judgment or other instrument filed in the county real property records, map records or deed records.

Y. *Residential area* means the area around a proposed tower site that, within the residential test area, contains FIFTY (50%) percent or more tracts wholly or partially therein that are subject to residential restrictions or are in use of residential purposes.

Z. *Residential test area* means the circular area, as described herein, surrounding a proposed tower structure. The radius of the circle shall be at least THREE HUNDRED SEVENTY-FIVE (375') feet and not more than EIGHT HUNDRED (800') feet, and the center of the circular area shall correspond to the center of the base of the proposed tower structure. The radius of the circular area shall conform to the following ratios:

375 feet radius at a tower height of 100 feet or less.

600 feet radius at a tower height of more than 100 feet but not more than 150 feet.

800 feet radius at a tower height of more than 150 feet.

AA. *Scenic area* means those areas of the City so designated by City Council, except that, for purposes of this Ordinance, any designated scenic area that has ONE (1) or more high mast light structures within its boundaries shall not be deemed a scenic area.

BB. *Setback area* means the circular area surrounding a proposed tower structure and which delineates the area between the site of the proposed tower and the nearest residential structure or residential restricted tract of land as established in this Ordinance.

CC. *Subdivision* means all land encompassed within ONE (1) or more maps or plats of land within the City that is divided into TWO (2) or more parts and are recorded in the deed, map, or real property records of the county or counties in which the land covered by the map or plat is located.

DD. *Tower or tower structure* means a fixed, freestanding or guyed, uninhabitable structure, not designed as a shelter or to be occupied for any use. This definition includes, but is not limited to, any such structure supporting antennae that transmit or receive any portion of the electromagnetic spectrum of radio waves. The following are, by way of example, but not limitation, towers or tower structures; guyed or freestanding monopole structures, lattice or open framed structures, antennae supports, water towers, and other similar self-supporting, trussed, or open framed structures.

EE. Towers that are supported in whole or in part, by guy wires and ground anchors are not allowed in the City.

FF. *Tract* means a contiguous parcel of property under common ownership.

Section 2. Tower permit required.

A. An application for a tower permit shall be submitted to the City Planning Commission and approved in accordance with the provisions of this Ordinance prior to the construction, placement, or alteration of any tower or tower structure, as defined in this Ordinance and not specifically excluded herein, that is located within the boundaries of the municipality.

B. A tower permit shall not be required for any tower repaired, replaced, or modified with no resulting increase in height or dimension and any tower repaired, replaced, or modified in order to comply with the requirements of any statute, regulation, order, or rule of the FCC, the FAA, or any other federal, state, or governmental agency or authority.

C. Notwithstanding any other provision of this Ordinance,

the owner of any antenna tower for which a tower permit and building permit were issued prior to the effective date of this Ordinance, may, without obtaining a new permit, upon written notice to the Building Official, replace the tower with a new tower if the new tower structure complies with the requirements of this Ordinance and: (i) is specifically designed to accommodate additional antenna arrays, (ii) is not higher than the tower structure being replaced, (iii) is not more than FIFTY (50') feet from the location of the tower structure being replaced and (iv) the center of the tower structure is no closer to the nearest residence than the center of the tower structure it replaces. The new tower structure shall be assigned the same permit number as the tower structure it replaces. A tower structure may be replaced only once under this subsection.

Section 3. Exemptions.

This Ordinance does not apply to the following structures:

(a) Church bell towers and religious symbols associated with a place of worship;

(b) Tower structures less than SIXTY (60') feet in height;

(c) Tower structures used primarily for the support of amateur and citizens' band radio antennae;

(d) Tower structures that are attached to, placed upon, or constructed on top of a building provided that the height of the tower structure does not exceed SIXTY (60') feet or the height of the building upon which the tower is constructed, whichever is less;

(e) Tower structures on real property owned, leased, held or used, or dedicated for use by a public utility for rendering its service, such as tower structures used primarily for the transmission of electrical power by a public utility or the conveyance of communications over a telephone wire-line system operated by a public utility;

(f) High mast light structures or antennas built on land on, along or adjacent to streets, roads, highways and bridges maintained by the state or a political subdivision of the state;

(g) Tower structures constructed or placed on land or other structures owned, leased, held or dedicated for use by the state or federal government or any political subdivision thereof, which land or other structures are used by the governmental entity primarily for rendering fire, police or other public protection services or utility services, whether or not the tower structure is used jointly by the governmental entity and any other public or private person or entity for other and additional public or private purposes; and

(h) Temporary tower structures used as or in conjunction with construction cranes.

Section 4. Location of towers.

A. A tower permit shall not be approved for the construction of a tower on a lot, tract or parcel of land where the construction of a tower is prohibited, expressly or impliedly, by duly recorded and unexpired deed restrictions or covenants running with the land.

B. A tower permit shall not be approved for the construction or alteration of a tower structure in a residential area.

C. A tower permit shall not be approved for the construction or alteration of a tower structure unless the proposed tower

structure is located a distance at least equal to the applicable setback area established by subsection (G).

D. A tower permit shall not be approved for the construction or alteration of a tower structure in a historic district, unless the proposed tower conforms to the requirements for camouflage design and the City has issued a certificate of appropriateness for the construction of the proposed tower.

E. In an area within ONE-QUARTER (1/4) mile of an historic district or landmark, a tower permit shall not be approved for the construction or alteration of a tower structure unless:

(1) the proposed tower is located from the historic district or landmark, as applicable, a distance at least equal to the applicable setback area established by subsection (G), which shall for this limited purpose apply without regard to the existence of any residential lot; for purposes of this requirement, measurements shall be made from the perimeter of the historic district or landmark; and

(2) ONE (1) or more intervening buildings, structures, topological features or trees will substantially obstruct a person's sight line of the tower structure from ground level at the perimeter of the historic district or landmark, as applicable.

F. A tower permit shall not be issued for the construction or alteration of a tower structure in a scenic area, nor shall a tower permit be issued for the construction or alteration of a tower structure in a park or on a tract adjacent to a park.

G. A tower permit shall not be approved for the construction or alteration of a tower structure unless the distance between the center of the base of a tower and the nearest residential lot is at least TWO AND ONE-HALF (2-1/2) times the height of the tower or tower structure and antenna. The foregoing measurement shall be made to the nearest point on the property line of the residential lot.

H. Safety issues will be fully addressed by applicants requesting a permit. Towers should be located in such a manner that if the structure should fall along its longest dimension it will remain within the owned or leased property boundaries of the Service Provider and avoid habitable structures, public streets, utility lines and other antennas or towers unless support structures are of sufficient strength and design. If a proposed tower has a potential for affecting a nearby property or structure upon collapse or scattering of equipment debris, the situation must be addressed by applicant.

I. A tower permit shall not be approved for the construction or alteration of a tower structure within ONE THOUSAND (1,000') feet of an approved tower structure, other than a tower structure for which a permit would not be required under this Ordinance. For purposes of this requirement, a tower is considered to be "approved" when a tower permit has been issued pursuant to this Ordinance and the tower structure has been constructed or any building permit issued thereunder remains in effect. The City shall promulgate rules and procedures for establishing precedent to the extent of conflict between TWO (2) or more tower structures.

J. Property uses and distances referred to in this section shall be determined as of the date and time that the completed tower permit application is filed.

Section 5. Tower structure and Antenna.

Each antenna tower structure for which a permit is approved and issued shall be designed, engineered and constructed to

accommodate the placement of a minimum of TWO (2) antenna arrays. This requirement shall not apply to a camouflage tower.

Section 6. Security fence.

A. The base of a tower shall be completely enclosed by a fence, wall, or barrier which limits climbing access to the tower and any supporting systems, lines, wires, buildings, or other structures.

B. The fence, wall or barrier required by subsection (a) shall not be less than EIGHT (8') feet in height with no openings, holes or gaps larger than FOUR (4") inches measured in any direction. Gates and doors opening directly into the area enclosed by a fence, wall or barrier, as required by this section, shall be equipped with a lock to keep and capable of keeping the doors or gates securely closed and locked at all times.

C. The requirements of this section do not apply to:

(1) any tower located on a building that is not designed or built primarily to support the tower, provided that the general public has no physical access to the tower, or

(2) existing tower sites having security fences at least SIX (6') feet in height.

Section 7. Screening fence.

A. The base of a tower, including all mechanical equipment and accessory structures, shall be screened from view of residential lots by a wooden, substantially opaque screening fence designed and built to provide privacy with a minimum height of EIGHT (8') feet.

B. The screening fence may contain gates or doors allowing access to the tower and accessory structures for maintenance purposes, which shall be kept completely closed except for maintenance purposes and shall be located a minimum of EIGHTEEN (18') feet from the public right-of-way.

C. The requirements of this section do not apply to:

(1) any tower constructed or placed a distance of more than FOUR (4) times the height of the tower structure from all residential lots, or

(2) any tower located on a building that is not designed or built primarily to support the tower, provided that the general public has no physical access to the tower.

D. When both Sections 6 and 7 of this Ordinance are applicable, a single fence conforming to all applicable requirements of both sections may be provided.

Section 8. Landscaping.

A. A tower site shall have landscaping maintained in a healthy, growing condition at all times and in compliance with all applicable ordinances, deed restrictions and regulations.

B. At a minimum, a tower site shall have ONE (1) large evergreen shrub capable of reaching a minimum height of FOUR (4') feet for each FOUR (4) linear feet of required screening fence; provided that not less than EIGHT (8) large shrubs shall be provided for each tower site. The shrubs required by this subsection shall be installed at the tower site along the exterior side of the screening fence required by Section 7 of this Ordinance. All shrubs provided pursuant to this subsection shall be installed at the tower site along the exterior side of the screening fence required in Section 7 of this Ordinance.

C. At a minimum, a tower site shall have ONE (1) evergreen tree, with a minimum caliper of FOUR (4") inches, for each FIFTY (50) linear feet of required screening fence; provided that not less than ONE (1) such tree shall be provided for each public right-of-way or private street which borders the tract upon which such tower is located.

D. The person or entity in whose name the tower permit is issued shall have complete responsibility for the maintenance of all landscaping required by this Section.

E. Any tower site that is excluded from the screening requirements of Section 7 of this Ordinance shall also be excluded from the landscape requirements of this Section for which any amount of linear footage of screening fence is required.

Section 9. Signs and lights.

A. Lettering, signs, symbols, images or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent roadway shall not be placed on or affixed to any part of a tower, antenna array, or antenna, other than as required by FCC regulations regarding tower registration or other applicable law.

B. A tower or tower structure shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required by law or regulation, a design that reasonably minimizes disturbance to any adjacent residence(s) or landmark shall be utilized.

Section 10. Application procedures for a tower permit, fees.

A. An application for a tower permit shall be submitted to the City. The applicant shall, with the filing of the completed tower permit application, submit payment of the appropriate tower permit fees established by the City Council that are calculated to reasonably cover the expenses of administering the provisions of this Ordinance.

B. The application shall not be considered complete unless accompanied by any drawings, descriptive data, filing fees, ownership information, and other pertinent data that may be required by the Building Official. Each application for a tower permit or for a waiver shall include envelopes addressed to the owners and a complete list of these owners, as is indicated by the most recently approved tax rolls, of all properties within the residential test area of the proposed tower site.

C. In the event that any of the required documentation, data, reports or drawings contain any false or erroneous information known to the applicant, then any permit issued pursuant to that false or erroneous information shall be void with the same force and effect as if it had never been issued.

D. The City shall issue a permit for construction, placement or alteration of a tower only if it meets the requirements of this Ordinance.

E. On or before the SIXTIETH (60th) calendar day following the filing of the required application, the Building Official shall issue to the applicant a written notice of disapproval or preliminary approval of the tower permit. Any notice of disapproval of a tower permit application must include a written report explaining in detail the reasons for disapproval. Any preliminary approval shall be subject to the protest provisions of Section 13 of this Ordinance, and, if no protest is timely filed thereunder, shall become a final approval on the business day next following the close of the protest period. The issuance of a written notice to the applicant shall be complete upon the deposit of the properly addressed notice in the United States mail, first class postage paid.

Section 11. Notice of pending application.

A. The notice requirements of this Section apply only to applicants for tower permits for the construction, placement or alteration of towers subject to the requirements of this Ordinance and for waivers from the requirements of this Ordinance. When an application for waiver is not filed as part of the original application for a tower permit, the notice requirements of this Section apply separately to the waiver application.

B. The applicant for a tower permit must post and use best efforts to maintain a sign on the subject tower site for a minimum of THIRTY (30) calendar days beginning no later than the SIXTY (6th) calendar day following the date of the filing of the required completed application with the City. The sign shall be posted no more than FIFTEEN (15') feet from the public right-of-way that is used as access to the tower site. The sign shall face each public right-of-way bordering the tower site and the lettering on the sign shall be legible from the public right-of-way. Each sign shall be a minimum of FOUR (4') feet by EIGHT (8') feet in size, with lettering that complies with specifications promulgated by the City. The sign shall contain at a minimum the following items of information:

(1) The proposed site of a tower;

(2) The proposed maximum height above grade of the proposed tower;

(3) The tower permit application number assigned to this project by the City; and

(4) The telephone number at the City where additional information concerning this project may be obtained.

The applicant shall remove the sign from the subject tower site after (i) the permit is obtained; or (ii) the appeals process is complete.

C. If, in the opinion of the Building Official, compliance with the requirements of this section is insufficient to provide adequate notification of the pending tower permit application, the Building Official may require additional signs to be erected at locations as he deems advisable.

D. Written notice of the filing of each application for a tower permit or an application for a waiver, as provided for herein, shall be given to all property owners within the boundaries of the residential area or setback area, as applicable, determined in accordance with the provisions of Section 4 of this Ordinance, as is indicated by the most recently approved tax rolls. Notice shall also be given to any civic organization, property owners association, or any other interested group, with identifiable boundaries, provided that the organization, association or group is registered with the City in a manner prescribed by the City. Notice to all owners of record and civic organizations registered with the City shall be deemed given if properly addressed and deposited in the United States mail, with first class postage paid. The required written notice shall be in a form prescribed by the City and shall be mailed no later than the TENTH (10th) calendar day following the filing of the required completed application. The written notice shall include a map showing the proposed tower site and the surrounding residential test area or setback areas, as possible.

E. Written notice shall be published at least once in the official City newspaper not later than the SEVENTH (7th) calendar day following the date of filing of the required completed application. The notice shall be published in the section of the newspaper in which other legal notices are commonly published, and shall be headed with the following words (or their reasonable equivalent), in conspicuous type: "NOTICE OF PROPOSED TOWER

CONSTRUCTION". The notice shall state the height and location of the proposed tower site, describe the intended use of the tower, and advise that additional information may be obtained by writing or calling the City.

F. The "written notice" required in subsection (D) above all include at a minimum the following:

(1) The name, address, and telephone number of the person or entity that will own the proposed tower structure;

(2) The name, address, and telephone number of the applicant if different from the owner of the proposed tower;

(3) The approximate proposed location of the tower structure including the street address (or nearest street intersection) and the name of the subdivision or survey if there is no recorded subdivision;

(4) The proposed use of the tower structure and site;

(5) The proposed maximum height above grade of the proposed tower structure; and

(6) That additional information may be obtained by writing or calling the office of the City.

G. The applicant shall be responsible for paying all costs associated with the giving of notice under this Ordinance.

Section 12. Waiver.

A. An application for a tower permit shall not be approved for a tower that is not in conformance with the regulations prescribed in this Ordinance unless a written application for a waiver has been submitted to and approved by the City Council.

B. An applicant for a tower permit who receives written disapproval from the City may elect to submit a written application for a waiver to the City or may appeal the denial of the permit as provided in Section 13 of this Ordinance. An application for a waiver from the requirements of this Ordinance may be filed simultaneously with the filing of the application for a tower permit. An application for a waiver made after the disapproval of the tower permit by the City shall be submitted not later than 2:00 o'clock P.M. on the SEVENTH (7th) calendar day followi[g56 issuance of the notice of disapproval. The Building Official may shall waive this deadline upon a finding of good cause.

C. An application for a waiver shall be submitted in the manner prescribed by the City citing the specific provision(s) of this Ordinance from which a waiver is desired, the extent of the waiver sought, and the specific facts or reasons why the waiver is necessary along with all supporting information or documentation.

D. The City Council is authorized to consider and grant a waiver from the provisions of this Ordinance, following a public hearing, when the City Council finds that each of these conditions exist:

(1) That a literal application of this Ordinance will result in undue and unnecessary hardship to the applicant, taking into account any federal or state licenses the applicant may have received to conduct its business;

(2) The waiver, if granted, will not be contrary to the public interest as implemented in this Ordi-

nance;

(3) Consistent with the City's police power authority over towers, the waiver, if granted, will not be detrimental to the public health, safety, or welfare;

(4) The waiver, if granted, will not result in a violation of any other applicable ordinance, regulation or statute enforceable by the City; and

(5) The waiver, if granted, will not result in the violation of any applicable deed restriction or zoning regulation or the location of a tower in a park.

E. A waiver from the requirements of Section 4 of this Ordinance for an antenna tower shall not be granted unless, in addition to finding that each of the conditions expressed in subsection (D) above is satisfied, the City Council, after public hearing, finds that no approved tower or tower structure can accommodate the applicant's proposed antenna because the applicant has demonstrated any of the following:

(1) The approved tower or tower structure located within ONE THOUSAND (1,000') feet of the proposed tower will not meet the applicant's engineering requirements;

(2) The approved tower or tower structure located within ONE THOUSAND (1,000') feet of the proposed tower is not of sufficient height to meet the applicant's specific engineering requirements;

(3) The approved tower or tower structure located within ONE THOUSAND (1,000') feet of the proposed tower does not have sufficient structural strength and cannot reasonably be reinforced to provide sufficient structural strength;

(4) The antenna array of the approved tower or tower structure located within ONE THOUSAND (1,000') feet of the proposed tower would cause electromagnetic interference with the antenna array of the proposed tower, or the antenna on the proposed tower or tower structure to be located within ONE THOUSAND (1,000') feet of the approved tower would cause interference with the antenna array of the approved tower;

(5) The approved tower or tower structure located within ONE THOUSAND (1,000') feet of the proposed tower is not adaptable to accommodate additional antenna arrays or the costs required to share or adapt the approved tower or tower structure are unreasonable;

(6) The approved tower or tower structure located within ONE THOUSAND (1,000') feet of the proposed tower is not available for co-location because the owner of the approved tower or tower structure or the owner of the tract on which the approved tower or tower structure is located refuses to agree to reasonable terms necessary to accommodate the requirements for the proposed antenna; or

(7) The approved tower or tower structure located within ONE THOUSAND (1,000') feet of the proposed tower is not suitable for the specific requirements for the proposed antenna due to other factors as demonstrated by the applicant, taking into account any federal or state licenses the applicant may have received to conduct its business.

F. The procedures prescribed in subsections (C) and (D) of Section 13 of this Ordinance shall govern the hearing required on an application for a waiver.

Section 13. Protest and appeal; hearing procedures.

A. Any property owner, association or group within the residential area or setback area, as applicable, who has reasonable grounds to believe that approval of an application for a tower permit, the granting of a waiver, or the proposed construction will violate any applicable restriction, rule, regulation or ordinance may request a hearing before the City Council to protest and present evidence establishing their allegations. The hearing request must state the specific grounds relied upon and be presented to the Building Official no later than 2:00 o'clock P.M. on the THIRTY-SEVENTH (37th) calendar day following the date of filing of the required completed application for a tower permit or waiver, as applicable. Copies of all supporting documents, instruments, or other materials that are to be presented to the City Council shall accompany the hearing request and shall be available for inspection and photocopying.

B. An applicant for a tower permit that has been denied by the Building Official has until 2:00 o'clock P.M. on the SEVENTH (7th) calendar day following the issuance of a notice of disapproval to file a written notice of appeal in the manner prescribed by the City. The Building Official may waive this requirement upon a finding of good cause.

C. Notice of the time, place and location of the public hearing at which the protest or appeal is to be presented must be given by the City Secretary before the TENTH (10th) day before the date of the hearing by:

(1) Publication in the official City newspaper;

(2) By written notice delivered to the applicant, which shall be served by depositing the same, properly addressed and postage paid, in the United States mail, first class postage; and

(3) By written notice delivered to each property owner, association or group registered with the City having an interest in property within the setback area. The written notice shall be served by depositing the same, properly addressed and postage paid, in the United States mail, first class postage.

D. All properly filed appeals and protests concerning the approval or disapproval of an application for a tower permit or the granting or refusal of an application for a waiver for a particular project shall be considered by the City Council in a single public hearing. The public hearing shall be scheduled by the City Council at the next available City Council meeting, assuming that proper notice has been given.

E. The City Council, following a public hearing, is authorized to deny a tower permit that is the subject of a protest under subsection (A) upon finding, based on substantial evidence, any of the following:

(1) The tower permit, if granted, will result in the violation of an applicable rule, regulation or ordinance enforceable by the City;

(2) The tower permit, if granted, will result in the violation of an applicable deed restriction or zoning regulation; or

(3) The information contained in the application is

erroneous or the Building Official's analysis of the permit application is based on erroneous information.

F. The City Council, following a public hearing, is authorized to deny a tower permit that is the subject of an appeal under subsection (b) upon finding, based on substantial evidence, that the decision of the Building Official to deny the tower permit is erroneous or the Building Official's analysis of the tower permit application or information therein is erroneous.

G. If the City Council denies the appeal of the denial of an application for a tower permit, a waiver or otherwise refuses to approve a tower permit as a result of a protest, the City Council shall issue a written report explaining in detail the reasons for the rejection, disapproval or refusal. The written report shall be issued not later than THIRTY (30) days from the date the decision was made.

H. The decision of the City Council concerning the issuance or denial of a tower permit or the granting or refusal of a waiver shall be the final administrative determination of the issue presented.

Section 14. Building permit requirement and plan review.

A. A tower permit obtained pursuant to the provisions of this Ordinance shall become invalid after the passage of ONE HUNDRED EIGHTY (180) days from the date of final approval of the tower permit unless any required building permit for the construction or alteration of the tower has been obtained before the expiration of that ONE HUNDRED EIGHTY (180) day period.

B. The construction, placement or alteration of a tower is subject to any plan review, permitting requirement or hearing process applicable to commercial construction in general which is required either by ordinance or by the rules promulgated by the Building Official; provided that the regulation or rules are consistent with the provisions of this Ordinance.

Section 15. Maintenance and inspection.

A. All buildings, structures, supporting structures, wires, fences, or ground areas used in connection with a tower shall be maintained in a safe condition and in good working order. All equipment or machinery required by the Building Code, the Fire Code, or any other applicable regulation or Ordinance for a building or structure or supporting structure or device shall be maintained in good working order. The owner or operator of a tower shall be responsible for the maintenance of the tower, supporting structures, buildings, fences and ground areas.

B. By applying for a tower permit under this Ordinance, the applicant specifically grants permission to the City, its duly authorized agents, officials and employees, to enter upon the property for which a permit or waiver is sought, after first providing reasonable notice, for the purpose of making all inspections required or authorized to be made under this Ordinance, the Fire Code, the Building Code, this Code or any other applicable regulation, rule or Ordinance.

Section 16. Removal of towers.

Any antenna or tower that is not operated for a continuous period of SIX (6) months shall be considered abandoned, and the owner of the antenna or tower shall remove same within NINETY (90) days of receipt of notice from the Building Official notifying the owner of the abandonment. If the antenna or tower is not removed within the NINETY (90) days, the City may remove the antenna or tower at the owner's expense. If there are TWO (2) or more users of a single tower, then this provision shall not become effective until all users cease using the antenna or tower.

Section 17. Deed restriction affidavit.

A. Every applicant for a tower permit or a waiver shall furnished to the City an affidavit setting forth that the applicant is familiar with the title to the real property to which the requested permit appertains and that the intended use will not violate any applicable deed restrictions. The affidavit shall be accompanied with a certified copy of the instruments containing the deed restrictions, the instrument of revocation or termination, the declaratory judgment or any other recorded document containing restrictions that affect the use of the property.

B. A tower permit shall not be issued until the requested affidavit and supporting documentation has been produced. Any permit issued on the basis of erroneous documentation known to the applicant or an affidavit which contains false information known to the applicant is void with the same force and effect as if it had never been issued and without the necessity of any action by the City or any other person or agency. A tower permit shall not be issued for the construction or alteration of a tower if the use or the intended use will be in violation of the recorded deed restrictions.

Section 18. Permitted hours for construction and maintenance.

Construction, placement, removal and maintenance of, the alternations or modifications to, a tower or equipment storage facility for a tower shall not be performed except between the hours of 7:00 o'clock A.M. and 9:00 o'clock P.M. of any day, except in a bona fide emergency; provided however, that the owner, operator or his agents may perform regular maintenance between the hours of 9:00 o'clock P.M. through 7:00 o'clock A.M. as long as it does not create an unreasonable noise.

Section 19. Enforcement and penalties.

A. Violation of this Ordinance is unlawful. Failure of any person to comply with any provision of this Ordinance shall be punishable upon conviction by a fine of not less than FIVE HUNDRED AND NO/100 ($500.00) DOLLARS or more than TWO THOUSAND AND NO/100 ($2,000.00) DOLLARS. Each day the violation continues shall constitute a separate offense. All authority granted to the City Attorney and the City and their designees under this Ordinance shall be exercised uniformly on behalf of and against all citizens and property of the City. Prior to the issuance of a citation under this Ordinance, the City shall furnish notice to the last known address of the tower owner of the alleged violation and shall afford the owner a reasonable opportunity to cure the violation, consistent with the risks posed by the violation and the efforts that would be required to cure it.

Section 20. Cumulative effect.

This Ordinance is cumulative of other requirements imposed by Ordinances and regulations of the City. To the extent of any inconsistency, the more restrictive provision shall govern. Without limitation, the issuance of a permit under this Ordinance shall not excuse compliance with the building code, including permits required thereunder.

Section 21. City Attorney authorized to file suit to abate violation.

The City Attorney is hereby authorized to file suit on behalf of the City in any court of competent jurisdiction to enjoin or abate a violation of this Ordinance. All authority granted to the City Attorney under this Ordinance shall be exercised uniformly on behalf of and against all citizens and property in the City. This authorization shall be cumulative and in addition to any other civil or criminal penalty provisions. The City, acting through the City Attorney or any other attorney representing the City, may file an action in a court of competent

jurisdiction to recover damages from the owner or the agent of the owner of a tower or tower structure in an amount adequate for the City to undertake any activity necessary to bring about compliance with this Ordinance.

Section 22. Transitional provision.

The provisions of this Ordinance shall apply only to towers constructed, placed, or altered after the effective date of this Ordinance or amendments thereto, as applicable, except for the fencing requirements of Sections 6 and 7 of this Ordinance which shall be applicable to all towers subject to this Ordinance.

Section 23. The Chairman of the City Planning Commission shall provide to the Mayor or City Council within ONE HUNDRED EIGHTY (180) days following the effective date of this Ordinance a report of her recommendations with respect to the desirability of requiring the filing of an Annual Plan by tower owners and operators and the use of public facilities and public rights-of-way for the siting of towers and tower structures as defined herein. The Chairman of the City Planning Commission shall provide to the Mayor and City Council ONE (1) year following the effective date of this Ordinance a report describing technological developments that could affect the City's strategies for the regulation of towers.

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 17 day of Feb., 1999.

THE CITY OF FULSHEAR, TEXAS

By: Carl D. Utley
CARL UTLEY, Mayor

ATTEST:

By: Carolyn Smith
CAROLYN SMITH
City Secretary

ALDERMEN VOTING:

VIOLA RANDLE	YES
SCOTT EVANS	YES
GLORIA B. SIMMONS	YES
J. B. COLLINS, JR.	ABSENT
JERONE McKINNEY	YES

APPENDEX A
MINIMUM AND GENERAL REQUIREMENTS
FOR
TOWERS AND ANTENNAS

1.0 GENAERAL

This document defines the minimum and general requirements for the design, materials, fabrication, installation and operation of a communication tower and antenna. The Owner (*Definition of responsible party is required*) shall be solely responsible for compliance with all provisions defined herein.

2.0 APPLICABLE STANDARDS, CODES AND REGUALATIONS

Design, materials, fabrication, inspection, testing, installation and operation of all towers and antennas shall be in accordance with the latest edition all Federal, State, County, and City Regulations, and Industry Codes and Standards including, but not limited to, the following:

2.1 Federal Communication Commission (FCC)

2.2 Federal Aviation Administration (FAA)

2.3 Environmental Protection Agency (EPA)

2.4 Occupational Safety Health Act (OSHA)

2.5 Texas Natural Resources Conservation Commission (TNRCC)

2.6 Federal Endangered Species Act

2.7 National Fire Protection Association (NFPA)

2.8 National Electrical Code (NFPA-70 -NEC)

2.9 Underwriters Laboratories (UL)

2.10 United States Geological Survey (USGS)

2.11 Uniform Building Code (UBC)

2.12 American Society of Civil Engineers (ASCE)

2.13 American Welding Society (AWS)

2.14 American Society of Testing Materials (ASTM)

2.15 American Institute of Steel Construction (AISC)

2.16 American Society of Mechanical Engineers (ASME)

2.17 American National Standards Institute (ANSI)

2.18 Electronic Industries Association (EIA)

2.19 American Concrete Institute (ACI)

2.20 Insulated Cable Engineers Association (ICEA)

2.21 Institute of Electrical and Electronic Engineers (IEEE)

2.22 Illuminating Engineering Society of North America (IES)

2.23 Instrument Society of America (ISA)

2.24 Lightening Protection Institute (LPI)

2.25 National Electrical Manufacturers Association (NEMA)

2.26 Water Pollution Control Federation (WPCF)

3.0 ENVIROMENTAL IMPACT

Installation and operation of the tower and antenna shall comply with all Standards, Codes and Regulations defined herein including, but not limited to, the following.

3.1 Transmission and all other frequencies shall not interfere or interrupt municipal and emergency frequency transmissions.

3.2 Installation and operation of the tower and antenna shall not interfere and divert the natural flyways of all migratory and other birds.

3.3 Installation and operation of the tower shall not disturb or interrupt the natural life and reproductive cycle of all wild life and vegetation.

3.4 Installation and operation of the tower and antenna shall not interrupt or distrub the natural life and reproductive cycle of all domestic animals and foul including, but not limited to horses, mules, burros, donkeys, cattle, sheep, goats, chickens, turkeys, peacocks, pheasants, quail, geese, rabbits, dogs, cats, etc.

3.5 Installation and operation of the tower and antenna shall not impede the production of farm and ranch products including, but not limited to, the meat, milk, eggs, grain, produce, etc.

3.6 All illuminating devices shall not impede the eye site and vision of pedestrians and drivers on roads, streets, highways, driveways and sidewalks.

3.7 Installation and operation shall not impede or alter the navigation and flight of aircraft to and from public and private airports in accordance with FAA Regulations.

3.8 The maximum sound pressure level of all equipment and electrical devices when measured at the fence line of the property on which the tower and antenna is installed shall not exceed 75 dba.

4.0 TOWERS AND SUPPORT STRUCTURES

All towers, support structure and foundation design, material, fabrication, testing and installation shall be in accordance with Standards, Codes and Regulations including, but not limited to, the following.

4.1 Design shall be in accordance with the latest of ASCE 7-95 " Minimum Design Loads for Buildings and Structures" and the following.

4.1.1	Wind Velocity	120 miles per hour, Exposure C, "I" Equal 1.15.
4.1.2	Design Rain Fall	4 inches/hour intensity for 60 minutes
4.1.3	Ice Load	½ Inch entire surface.
4.1.4	Temperature	5 – 110 Degree F.
4.1.5	Silo Bearing	Soil samples shall be taken to determine soil bearing

4.2 Towers and structures shall be self-supporting, free standing, or guyed. (*To be reviewed and approved by the Commission)*

4.3 All structural members shall be structural shapes in accordance with AISC standards. Tubular shapes and pipe which will entrain moisture shall not be used.

4.4 All fabricated components shall be components shall be seal welded by and AWS qualified welder in accordance with ASME standards to prevent moisture entrapment between members. Skip and stitch welding shall not be used.

4.5 All fabricated components shall be hot dip galvanized in accordance with ASTM standards. The Galvanized thickness shall be a minimum 5 mills thick . Mill galvanized material and components shall not be used.

4.6 All assembly bolts and fasteners shall be hot dip galvanized in accordance with ASTM standards. Zinc, and all other plated bolts and fasteners shall not be used.

4.7 All lifting lugs and hoisting attachments shall be designed in accordance with ANSI standards.

4.8 Design shall be based on a minimum metal temperature of 0 degree F.

4.9 All ladders, handrail, and platforms shall be hot dip galvanized carbon steel construction designed and fabricated in accordance with OSHA standards.

5.0 ANTENNAS, INSTRUMENTATION AND ELECTRICAL

Design, materials, fabrication, manufacturing, inspection, testing, installation, and operation of all antennas, instrumentation and electrical shall be in accordance with all Standards, Codes, and Regulations defined herein including, but not limited to, the following.

5.1 All instrumentation, electrical and antennas shall be suitable for the electrical area classification in which it is installed

5.2 All instrumentation and electrical installed in areas that are not classified shall have a NEMA 4 rating or installed in NEMA 4X enclosures.

5.3 All wiring and cable runs shall originate and terminate on a terminal strip located in an enclosure.

5.4 All wiring and cable runs shall be continuous. Spliced connections with wire nuts and other connection devices shall not be used.

5.5 All electrical and instrument enclosures in an unclassified electrical area shall be NEMA 4X non-corrosive metal construction with stainless steel hardware.

5.6 All instruments and electrical shall be intrinsically safe and have a UL label

5.7 All instrument and electrical runs shall be in conduit.

6.0 ELECTRICAL, CONTROL AND OTHE BUILDINGS

All electrical, control buildings shall be designed in accordance with Standards, Codes and Regulations. Each shall be permanently anchored to a concrete foundation. Portable buildings and trailers shall not be used.

7.0 EMERGENCY POWER

A permanently installed secondary electrical power supply shall be installed provided in the event of an electrical failure. The secondary electrical power supply shall be designed in accordance with Standards, Codes, and Regulations defined herein including, but not limited to, the following.

7.1 The secondary power supply shall be permemantly installed immediately adjacent to the tower and antenna.

7.2 The secondary power source shall automatically start after a sustained power failure as defined in Codes, Standards and Regulations.

7.3 Design shall not create an current inrush from the secondary power source into the Houston Lighting and Power Company's distribution system.

7.4 The minimum power output shall be equal to that power required to illuminate all warning and safety lights or that required by Codes, Standards and Regulations whichever is greater.

7.5 The secondary power source shall be capable of producing the power required for a continuous period of 8 hours without the requirement of a service technician or that required by Codes, Standards and Regulations whichever is greater..

7.6 Design of all secondary power source design interface with the Houston Lighting and Power Company must be approved by Houston Lighting and Power Company.

8.0 QUALITY ASSURANCE

A Quality Plan shall be implemented and maintained which shall be clearly define and document the procedures for the relevant quality functions for the design, materials, manufacture, fabrication and installation of the tower and antenna. The Quality Plan shall be maintained daily and be available for inspection from the date of a permit approval until final inspection.

COPY

9.0 DRAWINGS AND DATA

All detail drawings, calculation and data shall have a State of Texas Registered Professional Engineer's Seal.

10.0 DEVIATIONS AND CONFLICT

Where deviations and conflict between Regulations, Codes and Standards, the superior design and regulation shall apply.

TO BE CONSIDERED FOR ADDITION TO SECTION 2

D. A permit shall not be approved for construction of a tower and antenna without a FCC Frequency Allocation affidavit.

E. A permit shall not be approved for construction of a tower and antenna with an environmental impact study.

F. A permit shall not be approved for construction of a tower and antenna without documentation and data that the tower and antenna location and design complies with FAA and FCC regulations and standards.

G. A permit shall not be approved for construction of a tower and antenna without a Quality Plan.

H. A permit shall not be approved for the construction of a tower and antenna which does not comply with the provisions set forth in this Ordinance.

ADDITIONAL CONSIDERATION

Permit approval does not relieve the owner form compliance Regulations, Codes, and Stanards

ORDINANCE NO. 99-852

ENVIRONMENTAL IMPACT STATEMENT

AN ORDINANCE AMENDING ORDINANCE NO. 604 REQUIRING AN ENVIRONMENTAL IMPACT STUDY AND PUBLIC HEARING FOR CONSTRUCTION OF COMMERCIAL, INDUSTRIAL, TOWNHOUSE APARTMENT AND MULTI-FAMILY DEVELOPMENTS; INFORMATION REQUIREMENTS; HEARING PROCEDURE; STANDARD FOR APPROVAL AND ENFORCEMENT PROVISIONS.

WHEREAS, heretofore the City Council of the City of Fulshear, Texas, wishes to establish certain minimum standards for safety, health, welfare, environmental protection, neighborhood preservation, preservation of property values, access, parking and open spaces within commercial, industrial, townhouse, apartment and multi-family projects to be constructed with in the limits of the City; and

WHEREAS, the City Council has determined that certain vacant lands within the limits of the City are available for the development of commercial, industrial, townhouse, apartments and multi-family projects which are not presently provided with public roads, water and sanitary sewer services and drainways sufficiently developed to provide the necessary services to said vacant lands, and projects may be contemplated that fail to address concerns as safety, health, welfare, environmental protection, neighborhood preservation, preservation of property values; and,

WHEREAS, in order that all residents in such commercial, industrial, townhouse, apartments and multi-family projects receive a quality of service equal to that of the other citizens of the City and to assure the safety, health, welfare, environmental protection, neighborhood preservation, preservation of property values, the City Council, in exercise of its police powers for the general health and welfare of its citizens has considered this Ordinance.

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

SECTION I.

The developer or owner of any commercial project, including industrial, townhouse, apartment or multi-family project containing FOUR (4) or more living units to be constructed on lands

of improvements, or making an application for a building permit, present an environmental impact study of such project to the City Council of the City of Fulshear, Texas. The environmental study shall contain the following information.

A. A master plan of the proposed development of the lands included in the application. The plan shall be drawn to scale and shall have delineated on it the size, shape and location of all improvements (buildings, recreations facilities, parking areas, streets, and etc.) to be made on the property with sufficient dimensions to determine the open spaces, parking areas, building sizes, off-set distances, street widths and other improvements. Also as relates to townhouses, apartments and multi-family developments, the developer shall furnish the size of each residential unit, the total number of living units and the estimated total number of persons to be occupying the development.

B. A complete lay-out of all streets and parking areas within the planned development, and the connection of the streets within the development to the existing neighborhood streets within one/fourth (1/4th) mile surrounding the development, with the proposed traffic flow on the streets providing access to the development. Also, the developer will provide a traffic count over SEVEN (7) consecutive days for the hours between 6:00 o'-clock A.M. and 8:30 o'clock P.M. and between 4:00 o'clock P.M. and 6:30 P.M. at a point on the major streets where intersections will provide access to the development, and an estimate of the total number of vehicles from the development which will be using such intersections during those hours.

C. A complete plan for the water system and the fire protection system proposed to be installed by the developer within the development. The plan shall show the size and location of all water lines within the development, as well as the location of the fire hydrants required to provide fire protection for the development. Further, the developer shall delineate on the water plan the size and location of the existing water systems of the City where the developer plans on connection to the water system in the development. Information shall be provided by the de-

veloper making an estimate of the total estimated water use, in gallons, during peak periods of demand, and the total estimated water use, in gallons, to be used monthly.

D. The developer shall provide a complete plan of the sanitary sewer system proposed to be installed by the developer within the lands being developed. Such plan shall include the size, location and estimated depth of the sanitary sewer system within the development, as well as the size, location and depth of the existing sewer lines of the City where the developer proposes to connect the sanitary sewer system with the development. In addition to the above plan, the developer shall be required to provide an estimate of the peak loan from the development, at the point of intersection with the system of the City, expressed in gallons, and an estimated monthly loan from the development, expressed in gallons.

E. A plan shall be provided by the developer showing a cross section of the elevations of the lands to be developed, the proposed drainage system within the development and the existing drainage system into which the drainage system from the development will empty, or that will be affected by the drainage system to be constructed by the developer in the development. In addition to such drainage plan, the developer shall submit a drainage study, which shall certify the location of the lands to be developed in relation to the flood prone areas as designated by the Federal Flood Insurance Program, and if such development is within the flood prone area, what remedial actions are being taken to satisfy the regulations for construction of improvements within a flood prone area. The study shall also include the capacity of the existing drainage system and the increase resulting from the development; and the improvement, if any, required to make the existing drainage system adequate to take an increase resulting from the development.

SECTION II.

When the developer has submitted all of the plans, information and studies required by this Ordinance, the City Council shall, within SIXTY (60) days after the receipt of all the required information, set a time and date for a hearing to be

held on the proposed development. The purpose of the hearing shall be to give the developer an opportunity to present his proposed development to the City Council and for the City Council to hear testimony from the appropriate city officials, and the developer and any interested persons, concerning the requirements of services necessary for the proposed development. Based on the evidence and testimony introduced at such hearing, the City Council shall determine the capability of the City to provide the necessary services to the development. In the event the City Council shall determine that the existing services, (including access roads, water and sanitary sewer services, and drainage facilities) of the City are adequate to provide such services to the proposed development, then the development shall be approved by the City Council. If, however, the City Council shall determine that the existing capability of the necessary services to be provided by the City are not adequate to provide the necessary services, then, the City Council shall approve as much of the proposed development as can be adequately served by the existing facilities of the City.

SECTION III.

It shall be unlawful for any building permit to be issued for the construction of any improvements covered by this ordinance prior to the approval of such development, or the portion thereof by the City Council as provided in Section II. No final inspection shall be made on any improvements in the development, or shall water and sewer services be provided to any part of the development, unless, and until the developer shall have completed the improvements required to be made by the terms of the approval of the development made by the City Council as provided in Section II.

SECTION 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.

ORIGINAL

SECTION V.

This Ordinance shall take affect upon its passage, and shall be posted and the publication of the caption in the official newspaper of the City.

PASSED AND APPROVED this 17 day of Feb., 1999.

CITY OF FULSHEAR, TEXAS

By: Carl D. Utley
CARL UTLEY,
Mayor

ATTEST:

Carolyn H. Smith
CAROLYN H. SMITH,
City Secretary

VOTING ALDERMAN:

VIOLA RANDLE	YES
SCOTT EVANS	YES
GLORIA B. SIMMONS	YES
J. B. COLLINS, JR.	ABSENT
JERONE McKINNEY	YES

16-4148—ORDER DECLARING RESULT OF CITY OFFICER ELECTION (176) Hart Graphics, Austin, Texas

Order Declaring Result Of City Officers' Election

THE STATE OF TEXAS
CITY OF FULSHEAR

On this the 05 day of MAY, 19 99, the City Council/Commission[1] 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:

_____, Mayor,

_____, Alderman

_____, Alderman

_____, Alderman[2]

_____, Alderman[2]

_____, Alderman[2]

_____, City Secretary

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

Alderman _____ introduced a resolution and order and moved its adoption. The motion was seconded by Alderman _____, 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 01 day of MAY, 19 99, 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 62 valid and legal votes; that each of the candidates in said election received the following votes:

FOR ~~MAYOR~~[2]

NAME OF CANDIDATE	TOTAL NUMBER OF VOTES RECEIVED

FOR ALDERMAN

NAME OF CANDIDATE	TOTAL NUMBER OF VOTES RECEIVED
VIOLA RANDLE	33
SCOTT EVANS	56
J.B. COLLINS, JR.	40
JAMES KANE	18
J.MICHAEL DINGES	28

FOR _____ [8]

NAME OF CANDIDATE	TOTAL NUMBER OF VOTES RECEIVED

FOR _____ [8]

NAME OF CANDIDATE	TOTAL NUMBER OF VOTES RECEIVED

FOR _____ [8]

NAME OF CANDIDATE	TOTAL NUMBER OF VOTES RECEIVED

FOR _____ [8]

NAME OF CANDIDATE	TOTAL NUMBER OF VOTES RECEIVED

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

That said election was duly called; that notice of said election was given in accordance with law, and that said election was held in accordance with law, and that XXXXXXX ~~was duly elected Mayor of said City at said election and~~

SCOTT EVANS, J.B. COLLINS, JR. AND VIOLA RANDLE

were duly elected Aldermen/Commissioners[1] of said City at said election, and that XXXXXXXXXX was duly elected XXXX, 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 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 05 day of MAY 1999.

ATTEST:

Mayor

CARL G. UTLEY

ORDINANCE NO. 99-854

AN ORDINANCE AMENDING ORDINANCE NO. 553, PROHIBITING THE INSTALLATION OF MOBILE HOMES WITHIN THE CITY OF FULSHEAR; REQUIRING A PERMIT FOR THE CONSTRUCTION OF, ADDITION TO, OR EXTENSION OF MANUFACTURED HOME PARKS OR MANUFACTURED HOME SUBDIVISIONS; REQUIRING A LICENSE TO OPERATE A MANUFACTURED HOME PARK AND SETTING FORTH THE SITE REQUIREMENTS, MANUFACTURED HOME SUBDIVISION AND MANUFACTURED HOME PARK STANDARDS AND OTHER PREREQUISITES TO THE ISSUANCE OF A PERMIT OR LICENSE; PROVIDING DEFINITIONS; AND PRESCRIBING REGULATIONS FOR MANAGEMENT OF MANUFACTURED HOME PARKS, AND PROVIDING FOR NONCONFORMING MANUFACTURED HOME SUBDIVISIONS AND MANUFACTURED HOME PARKS AND PROVIDING FEES; PROVIDING A PENALTY IN THE AMOUNT OF $2,000 FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND CONTAINING A SEVERABILITY CLAUSE.

* * * *

WHEREAS, it has come to the attention of the City Council of the City of Fulshear, Texas (the "City"), that unregulated Mobile Homes, Manufactured Homes, Manufactured Home Parks and Manufactured Home Subdivisions can be dangerous and constitute a hazard to life and property; and

WHEREAS, it is in the best interest of the City that the health, safety and general welfare of the City be promoted by preventing the overcrowding of land through planned and orderly growth of the City, and an undue concentration of the population be avoided; and

WHEREAS, the City Council of the City of Fulshear finds it to be in the best interests of the public safety, health and general welfare to regulate Mobile Homes, Manufactured Homes, Manufactured Home Parks and Manufactured Home Subdivisions within the City; therefore,

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

I.

Ordinance No. 553 is repealed in its entirety and amended as follows:

II.

Section 1. Title. This Ordinance is hereby referenced as the Fulshear Manufactured Housing Ordinance.

Section 2. Definitions. For the purposes of this Ordinance, certain terms, words and phrases shall have the meanings herein-

after ascribed thereto.

Building Official: Designated inspection authority of the City, Health Department, or its authorized representative.

Certificate of Occupancy: Certificate issued by the City for the use of a building, structure or land, when it is determined by it that the building structure or land complies with the provisions of all applicable City Codes, ordinances, and regulations.

City: The City of Fulshear, Fort Bend County, Texas, and its extra-territorial jurisdiction.

City Council: The City Council of the City of Fulshear, Texas.

Common Access Route/Internal Street: Street providing the principal means of access to individual Manufactured Home lots or auxiliary buildings.

Drive way: Minor entrance off the common access route within the park, into an off-street parking area serving one or more Manufactured Homes.

License: Written license issued by the City, permitting a person to operate and maintain a Manufactured Home Park under the provisions of this Ordinance.

Lot: In addition to the meaning ascribed to it under the City's Subdivision Ordinance, it shall mean a plot of ground or space within a Manufactured Home Park or Manufactured Home Subdivision designated for accommodation of one Manufactured Home, together with such open space as required by this Ordinance. This term also includes the term "site".

Manufactured Home: A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight feet (8') or more in width or forty feet (40') or more in length, or when erected on site, is three hundred twenty (320') or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when

connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. Anything less than the length or width specified in this paragraph shall not be allowed for placement in a Manufactured Home Park or a Manufactured Home Subdivision.

Mobile Home: A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight feet (8') or more in width or forty feet (40') or more in length, or when erected on site, is three hundred twenty (320') or more square feet, and which is built on a permanent chassis designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. Mobile homes shall not be allowed in the City or Manufactured Home Parks, or Manufactured Home Subdivisions.

Manufactured Home Park: A parcel of land under single entity ownership which has been platted and approved by the City and where lots are planned to be leased for the placement of Manufactured Homes, accessory uses and service facilities, meeting all requirements of this Ordinance, the City's Subdivision Ordinance, and any applicable deed restrictions and state laws.

Manufactured Home Subdivision: A parcel of land which has been platted and approved by the City and where lots are planned to be sold for the placement of Manufactured Homes, accessory uses and service facilities, meeting all requirements of this Ordinance, the City's Subdivision Ordinance, and any applicable deed restrictions and state laws.

Parking, Off-Street: A paved surface, a minimum of ten feet (10') in width by twenty feet (20') in length, located within the boundary of a Manufactured Home Park or Subdivision lot, or in common parking and storage areas, having unobstructed access to an internal street.

Permit: Written certification issued by the City or Building Official permitting the construction, alteration or extension of

a Manufactured Home Park or Manufactured Home Subdivision under the provisions of this Ordinance and regulations issued hereunder.

Person: Any natural individual, firm, trust, partnership, association or corporation.

Site Plan: Graphic presentation, drawn to scale, in a horizontal plane, delineating the outlines of the land included in the plan and all proposed use locations, accurately dimensioned, the dimensions also indicating the relation of each use to that adjoining and to the boundary of the property. Scale shall be at least 1" to 100' for sites under thirty (30) acres, and at least 1" to 200' for sites greater than thirty (30) acres.

Tie Downs: Tie downs means securing the Manufac[illegible]ed Home with hurricane anchors.

Section 3. Location of Manufactured Homes

A. It shall be unlawful for any person to install, locate, maintain, or occupy a Manufactured Home in any place within the City: other than on a lot not less than fifty (50') feet in width and one hundred fifty (150') feet in length, or in an approved Manufactured Home Park or Manufactured Home Subdivision, or in accordance with Section 9, Use of Manufactured Homes for Nonresidential Purposes.

B. It shall be unlawful for any person to install, locate, relocate, or change occupancy in a Mobile Home in any place within the City limits of the C[illegible]

C. Mobile Homes or Man[illegible]g and occupied within the City lir[illegible]or to the date of this Ordinance, shall be allowed to continue and be maintained but shall be brought into compliance with Section 6, subsections "D", "E2", "E3", "F", "H", "I", "J", "K", "L", "M", "N", "P", "U", "V" "W", "X" and "Y" within three (3) years of date of this Ordinance. No expansion or enlargement of Mobile Homes shall be allowed. Provided, however, that Mobile Homes or Manufactured Homes heretofore installed in compliance with City Ordinances, being properly permitted thereunder, utilized continuously as a residence,

and being connected to all utilities, may be replaced with newer model Manufactured Homes, subject to the permitting and licensing requirements contained herein. In the event of such a replacement, additional documentation as to the use and connection to utilities must be provided to the City, and the old unit must be removed and the new unit must be installed within two weeks of one another, weather permitting.

Section 4. Permits.

Permit Required. It shall be unlawful for any person to move, install, construct, alter, extend or expand any Mobile Home, Manufactured Home, Manufactured Home Park, or Manufactured Home Subdivision within the limits of the City without a valid permit issued by the City Council in the name of such person for the specific move, placement, construction, alteration or extension proposed. No application shall be considered complete nor shall be accepted by the City for processing until all requirements of this Ordinance are complied with.

B. Application Requirements. All applications for permits shall be made upon standard forms provided by the City Secretary and shall contain the following:

1. Name and address of the applicant.

2. a. Name and address of owner and occupant;

b. The make, model, serial number, vehicle identification number, license number, year and dimensions of all Manufactured Homes, and clearly visible photograph of the Manufactured Home.

3. Location and legal description of the Manufactured Home, Manufactured Home Park, or Manufactured Home Subdivision.

4. Five copies of a site plan accurately depicting the layout of the Manufactured Home, Manufactured Home Park or Manufactured Home Subdivision. The site plan shall include all data required under Section 6 of this Ordinance, including the property address, and be in the scale specified herein.

5. A copy of the filed Manufactured Home site, subdivision plat, or a copy of the final plat being submitted, for

simultaneous review by the City, certified by a Registered Public Surveyor or Engineer.

6. Provided, however, that in the case of individual Manufactured Homes being placed on lots in Manufactured Home Parks which have previously been approved by City Council and filed of record, the information in subparagraphs 3, 4, and 5, above shall not be required, and the Building Official is hereby authorized to approve such permits under the terms provided in Subsection D.

C. Permit Fee. All applications to the City shall be accompanied by the appropriate fee as follows:

1. (a) Individual Manufactured Homes $ 25.00

(b) this fee shall be collected once.

(c) Individual Manufactured Homes lawfully existing and occupied within the City limits prior, to the date of this Ordinance are exempt from this permit fee and permit requirement.

2. (a) Manufactured Home Park or Subdivisions $200.00

(b) this fee shall be collected annually, for such permit or license, and shall expire on December 31 of each year.

D. Issuance of Permit. In considering the application, the City Council may consider the proposed location of the Manufactured Home, Manufactured Home Park or Manufactured Home Subdivision in relation to the present and future anticipated land use and development of adjacent and nearby land. City Council expressly reserves the right to deny a permit, or development and to impose additional reasonable conditions as it deems necessary. If the application is reviewed and is determined to be in compliance with this Ordinance and other applicable requirements, laws, codes and regulations, the permit may be issued. In cases where the Building Official is authorized to approve such permits, he may issue the permit following his review and determination that the individual Manufactured Home lot or Park or Subdivision are in full compliance with all requirements of this Ordinance and other applicable requirements, laws, codes and regulations.

E. Denial of Permit; Hearing. Any person whose application

for a permit under this Ordinance has been denied, may request in writing a rehearing on the matter and offer additional evidence. Such hearing must be requested within thirty (30) days from the date of the action denying the permit.

Section 5. Licenses.

A. License Required. It shall be unlawful for any person to establish, operate or maintain or permit to be established, operated, or maintained upon any property owned or controlled by such person any Manufactured Home Park within the City unless such person holds a valid license issued annually by the City Council. All applications for licenses shall be made in writing to the City Council, which shall issue a license upon compliance by the applicant with the provisions of this Ordinance. The City Council shall not issue a license unless the applicant is in compliance with all other applicable ordinances and laws. At any time the applicant is in violation of applicable laws and ordinances, the license may be canceled. Licenses issued shall expire on December 31 of each year.

B. Application for Original License. Application for original license shall be in writing signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application, and by the deposit of the license fee hereinafter provided, and shall contain:

1. the name and address of the applicant;
2. a copy of a valid Certificate of Occupancy;
3. the location and legal description of the park; and
4. a site plan of the park prepared in accordance with Section 6 hereof.

C. Hearing Granted Applicants. Any person whose application for a license under this Ordinance has been denied may request in writing, a rehearing on the matter and offer additional evidence. Such hearing must be requested within thirty (30) days from the date of the action denying the permit.

D. Application for License Renewal. Application for renewal of a license shall be made in writing by the licensee on forms

furnished by the City Council on or before December 1 of each year. The application shall contain any change in the information occurring after the original license was issued or the latest renewal granted and be accompanied by the Manufactured Home Park register as required in Section 8 hereof.

E. License Fee. All original license applications or renewals thereof shall be accompanied by the appropriate fee as shown on the schedule below.

1.	For 2 through 15 Manufactured Home lots	$ 75.00
2.	For 16 through 40 Manufactured Home lots	$125.00
3.	For 41 through 60 Manufactured Home lots	$175.00
4.	For 61 through 80 Manufactured Home lots	$225.00
5.	Each lot in excess of 80	$ 2.00 each

F. Transfer of License. Every person holding a license shall give notice in writing to the City Council within fifteen (15) days after having sold, transferred, given away, or otherwise disposed of interest in or control of any Manufactured Home Park. Application for transfer of license shall be made to City Council not later than fifteen (15) days after the date of the sale transfer, or gift, or other disposition of interest in or control of a Manufactured, Home Park. City Council shall have the authority to deny such transfer of license within a reasonable time, not to exceed sixty (60) days, if such Manufactured Home Park is not in compliance with the terms of this Ordinance.

G. Transfer of License Fee. All applications for license transfers shall be accompanied by a fee of twenty-five and no/100 dollars ($25.00).

H. Violations, Notice, Suspension of License. Whenever the City Council finds that conditions or practices exist which are in violation of any provision of this Ordinance, it shall give notice in writing in accordance with Section 12 hereof, to the permitee or licensee of the permitee's or licensee's agent that unless conditions or practices in violation of this Ordinance are corrected within a reasonable period of time of not less than

thirty (30) days or more than one (1) year, as specified in such notice, the license or permit or Certificate of Occupancy shall be suspended or revoked. At the end of the period of time granted for correction, if the conditions or practices have not been corrected, the City Council may suspend the license and give notice in writing of the suspension to the licensee or the licensee's agent at the address provided in the application; the City Council may revoke the Certificate of Occupancy. Upon receipt of notice of suspension, the licensee shall cease operations of the Manufactured Home Park, as set forth in the notice. within ten (10) days after the notice is issued.

Section 6. General Requirements for Manufactured Homes, Manufactured Home Subdivisions and Manufactured Home Parks.

A. Site Plan. The site plan shall be prepared as required by this Subsection, shall be a part of the application, and shall show the following information:

1. The name, address, lienholder, fee owner and record owner of the proposed or existing Manufactured Home Subdivision or Manufactured Home Park;

2. Name as shown on the subdivision plat where the Manufactured Home Subdivision or Manufactured Home Park is to be located;

3. Names of adjacent public or private streets and roads, adjacent subdivisions or property owners of unplatted land;

4. Contour lines at two foot (2') intervals;

5. Locations and dimensions of all Manufactured Home spaces, points of ingress and egress, utility easements, drives, recreation areas, fencing and landscaping, signage, streets, and sidewalks. Each Manufactured Home lot and common facility area shall be sequentially numbered;

6. Scale of plan and complete dimensions for each lot, street and open area;

7. Density in units per gross acre;

8. Area and dimensions of entire site;

9. Areas defined for waste containers and method of disposal;

10. Dimension, description, and location of common facilities;

11. Water and sewer plans must be submitted, on separate sheets if necessary, and must show sewer line locations, grades and sizes, and water line locations, sizes and source of water supply.

12. Paving and drainage plans must be submitted, on a separate sheet if necessary, and must show the directions and calculated quantities of runoff and the proposed specifications for streets in accordance with the City's ordinances.

B. Conform to Codes. All facilities or improvements in Manufactured Home Parks or Subdivisions, other than Manufactured Homes contained therein shall conform to all applicable City ordinances and state laws.

C. Review of Plans. When the application and plans are complete, after review by the Planning Commission, a public hearing will be scheduled before City Council. The City Council will review the complete application and all plans, and shall notify the applicant in writing of its approval, disapproval, or conditions or modifications necessary before approval on subsequent submission.

D. Location of Manufactured Homes and Accessory Structures. No Manufactured Home or accessory structure such as a refuse container, carport, cabana, awning, fence, or storage locker shall be permitted within ten feet (10') of a private or public street or the boundary line of a Manufactured Home lot, and shall comply with Section 7B, Set backs.

E. Screening Requirements: The following screening requirements shall be applicable:

1. Landscaping. A landscaped strip of not less than ten feet (10') in width, or fencing as hereinafter provided, shall be located along all Manufactured Home Subdivisions and Manufactured Home Park boundary lines. Provided, however, such

landscaping strip or fencing shall not be required by the City where the Manufactured Home Subdivision or Manufactured Home Park abuts another Manufactured Home Subdivision or Manufactured Home Park, or commercial or industrial development. Such landscaped strip shall be continuously maintained and shall be devoted exclusively to the planting cultivation, growing, and maintenance of site obscuring trees, shrubs, and plant life as described below. Trees, shrubs, cane, and/or other vegetation shall be planted, cultivated, and maintained as a sight and noise obscuring buffer that will effectively achieve sight and noise obstruction within approximately five (5) years. The buffer strips are intended to provide a seventy-five percent (75%) or more opaque screen when viewed horizontally between two and ten feet (2' and 10') above the natural ground at the end of the growing period of five (5) years from the date of planting. Additional planting, cultivation, and maintenance may be required by the City officials during the use period of the buffer strip to achieve and maintain this effect.

2. Fencing. A solid fence, at least six feet (6') in height must be constructed and maintained along all boundaries of the Manufactured Home Subdivision or Manufactured Home Park. The fence materials must be wood, brick, stone, stuccoed concrete block, or other similar materials; in no instance will plain concrete block, concrete panels, fiberglass, or metal sheeting be allowed.

3. Skirting. Each Manufactured Home shall have permanent skirting around its perimeter to screen its wheels and undercarriage from view.

F. Fire Safety Standards:

1. The storage, handling, and use of liquefied petroleum gases and flammable liquids shall be done in compliance with applicable City ordinances and state laws.

2. Access to Manufactured Home for Fire Fighting - Approaches to all Manufactured Homes shall be kept clear for emergency vehicles.

3. Fire Protection. Water lines and fire hydrants shall be provided and suitably located for adequate fire protection as determined by the Fire Chief or City Council, but in no case shall the development provide less than a system of standard hydrants located not more than five hundred feet (500') from each Manufactured Home space and served by water lines not less than six inches (6") in diameter installed in a looped system.

G. Recreational Areas. not less than eight percent (8%) of the gross site area shall be devoted to recreational facilities, generally provided in a central location. In developments in excess of twenty-five (25) acres, recreation facilities can be decentralized with each location at least two-thirds of an acre. Recreation areas may include space for community buildings and community use facilities, su[illegible] indoor recreation areas, swimming pools, hobby and rep[illegible] vice buildings. Playground areas designed for ch[illegible] ted and must be protected from traffic, thoroughfares and parking areas. No recreation area shall contain less than five thousand (5,000') square feet. Where compliance with this provision results in undue hardship or individual site areas are substantially above minimum standards and provide for sufficient outdoor recreation, an exemption may be granted. Application for such an exemption shall be made to the City Council at the time of the filing of an application under this Ordinance.

H. Height requirements.

1. The height limit for any structure, including a Manufactured Home, intended for any use or occupancy shall be thirty-five feet (35').

2. The average height of the Manufactured Home frame above ground elevation, measured at ninety (90) degrees to the frame, shall not exceed four feet (4') from the top of the pad.

I. Spacing Regulations. Manufactured Homes shall be located no closer than twenty feet (20') from any exterior wall to the closest exterior wall of the nearest Manufactured Home.

J. Manufactured Home Lot. Each and every Manufactured Home

shall be located on a separate lot which shall conform to the following standards:

1. Be served with sanitary sewer, water, electrical power, telephone service, and natural gas;

2. Provide a Manufactured Home pad which shall provide an adequate foundation for the placement and tie-down of one (1) single-family Manufactured Home, thereby securing the superstructure against uplift, sliding rotation, and overturning. Said pad shall:

(a) be constructed of material which shall adequately support the weight of the Manufactured Home;

(b) provide anchors and tie-downs such as cast-in-place concrete "dead men," eyelets embedded in concrete foundations or runway screw augers, arrowhead anchors or other devices which secure the stabi[illegible] of the Manufactured Home, and shall be placed at least at [illegible]ctured Home.

(c) cover a[illegible] [illegible]d forty (240') square feet or at least one-third the area of the largest Manufactured Home which may be placed on the Manufactured Home Park lot, whichever is greater. No surface provided for a purpose other than the foundation of a Manufactured Home shall be considered a part of such Manufactured Home pad.

3. Provide a minimum of two (2) off-street parking spaces which shall be constructed of concrete or asphalt.

4. Double street frontage of Manufactured Home lot shall be prohibited.

5. Drainage. The ground surface in all parts of every development, and especially beneath Manufactured Homes and other structures, shall be graded and equipped to drain all surface water in a safe and efficient manner so as not to permit water to stand or become stagnant.

K. <u>Design and Location of Storage Facilities.</u> Storage facilities with a minimum capacity of two hundred (200') cubic feet per Manufactured Home lot may be provided on the lot or in compounds located within two hundred feet (200') of the lot.

Where provided, storage facilities shall be faced with a durable, fire resistant material. Storage outside the perimeter walls of the Manufactured Home shall be permitted only if in such facilities. No storage shall be permitted under a Manufactured Home. Storage facilities shall not be located within ten feet (10') of the boundary line of any Manufactured Home lot.

L. Water Supply:

1. All approved water supply for domestic use and fire protection purposes shall be supplied to meet the requirements of the development and the applicable laws, codes, and ordinances of the City. Certification of compliance from the City shall be required prior to the issuance of any certificate of occupancy for any Manufactured Home or other structure.

2. All plumbing improvements to any Manufactured Home lot shall be made in accordance with applicable ordinances of the City.

M. Sewage Disposal. From and after the effective date of this Ordinance, the following shall apply:

1. Waste from all toilets, lavatories, sinks, and showers shall be discharged into a public sewer system approved by the City. Certification of compliance from the City shall be required prior to the issuance of any certificate of occupancy for any Manufactured Home or other structure.

2. All plumbing improvements to any Manufactured Home lot shall be made in accordance with applicable ordinances of the City.

N. Electrical and Telephone Distribution Systems. From and after the effective date of this Ordinance, the electrical distribution system shall comply with applicable electrical codes and other applicable laws of the State.

O. Common Facilities. All buildings or rooms containing bathroom, laundry, or other common facilities shall have fire-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, tubs, lavatories, and other plumbing fixtures shall be constructed of

dense, nonabsorbent, waterproof materials, or covered with moisture resistant materials.

P. Refuse and Garbage. Solid waste shall stored in a fly-proof, water-proof container, which shall be emptied regularly and maintained in a usable, sanitary condition and the collection and disposal of said refuse and garbage shall be so conducted as to prevent a health hazard. A refuse pickup easement shall be granted by the owner of a Manufactured Home Park or Subdivision to the City, if necessary, for garbage collection.

Q. Signage. Each Manufactured Home Subdivision or Manufactured Home Park shall have an sign at its entrances, bearing its name and street address. The signs shall be of a monument style, not to exceed five (5') feet in height, and not to exceed forty (40') square feet. The signs shall not be electrical, provided, however, that one (1) light at the base of the sign shall be allowed. Illumination shall not cause glare or other nuisance on any adjacent property.

R. All utilities shall be underground.

S. All licenses or permits shall be conspicuously posted in the office or on the premises of the Manufactured Home, Subdivision or Park at all times.

T. No parking shall be allowed on any streets in a Park or Subdivision.

U. Tie downs. For the safety of the occupants of the Manufactured Home and for the protection of the surrounding property, all Manufactured Home(s) shall be tied down in accordance with the plans and specifications on file in the office of the Building Inspector of the City of Fulshear, Texas.

V. Fuel. Bottled gas shall not be used in individual Manufactured Home lots unless the containers are properly connected by copper or other suitable metallic tubing. Bottled gas cylinders shall be securely fastened in place. No cylinder containing bottled gas shall be located in a Manufactured Home or within five (5') feet of a door thereof. State and local regulations applicable to the handling of bottled gas and fuel oil must be

followed. The maximum number of gallons of bottled gas per Manufactured Home shall be no more than one (1) - five (5) gallon and one (1) - fifteen (15) gallon container. The maximum amount of fuel oil per Manufactured Home shall not be more than fifty-five (55) gallons.

W. Overnight and Short Term Parking. Overnight and short term (not to exceed seven (7) days) Manufactured Home, Mobile Home and/or travel trailer parking stands shall have a ten (10') foot clearance in all directions.

X. Parking of Mobile Home, Manufactured Home and/or Travel Trailers. It shall be unlawful for any person to park any Manufactured Home, mobile home, and/or travel trailer on any street in the City of Fulsh[illegible] in which such parking blocks the natural flow of traffic, bl[illegible] entrance way to either public or private property, or cre[illegible] circumstances shall any person park any [illegible]me, and/or travel trailer on a street within the City limits of [illegible] City of Fulshear for a period in excess of three (3) hours.

Y. The use of space immediately beneath a Manufactured Home for storage shall not be permitted except for towing tongue or wheels.

Y. Variations and Modifications of Provisions. Variations and modifications of the general requirements herein will be made by the City Council when in its judgment, special or particular facts, hardships, and condi[illegible]s do not affect the general applicati[illegible]gulations of the City.

Section 7. Manufactured Home Subdivisions. The following requirements shall apply, in addition to the general requirements of Section 6, to Manufactured Home Subdivisions.

A. Lot Size. Each lot for a Manufactured Home shall be a minimum of fifty feet (50') in width, and a minimum of one-hundred fifty feet (150') in depth and shall contain a minimum of seven thousand five hundred (7,500') square feet. Lots for common facilities shall be of such a size to meet the minimum

setback areas below, and such that no more than fifty percent (50%) of such lot is covered by building area, exclusive of parking.

B. Setbacks. The minimum setback area for each lot is:

Front yard - 25 feet

Rear yard - 15 feet

Side yard - 10 feet

No Manufactured Home or structure in a Manufactured Home Subdivision shall be located within the yard setback area.

C. Parking Requirements. In addition to providing for two off-street parking spaces per Manufactured Home lot, areas designed for common facilities shall provide a minimum of one parking space per one hundred (100') square feet of that common area.

D. Only Manufactured Homes shall be permitted in a Manufactured Home Subdivision, no Mobile Homes shall be permitted in a Manufactured Home Subdivision, except as provided in section 3C hereof.

Section 8. Manufactured Home Parks. The following requirements shall apply in addition to the general requirements of Section 6, to Manufactured Home Parks.

A. Lot Size. Each lot for a Manufactured Home shall be a minimum of fifty feet (50') in width, and a minimum of one hundred fifty feet (150') in depth, and shall contain a minimum of seven thousand five hundred (7,500') square feet. Lots for common facilities shall be of such a size to meet the minimum setback areas below, and such that no more than fifty percent (50%) of such lot is covered by building area, exclusive of parking.

B. Setbacks. The minimum setback area for each space is:

Front yard - 25 feet

Rear yard - 15 feet

Side yard - 10 feet

No Manufactured Home or structure in a Manufactured Home Park shall be located within the yard setback area.

C. Parking Requirements: In addition to providing for two off-street parking spaces per Manufactured Home lot, areas designed for common facilities shall provide a minimum of one parking space per one hundred (100') square feet of that common area. One (1) additional parking space shall be provided for each Manufactured Home lot shown on the site plan. A maximum of six of the additional parking spaces may be grouped together at various locations throughout the Manufactured Home Park.

D. Responsibilities of Park licensee:

1. The licensee or licensee's agent shall operate the park in compliance with this and other applicable Ordinances of the City and shall provide adequate supervision to maintain the park and all facilities in good repair, and in clean and sanitary condition.

2. The licensee or agent shall notify park occupants of all applicable provisions of this Ordinance and inform them of their duties and responsibilities under this Ordinance.

3. Maintenance of Park. The owner of the park shall be responsible to ensure that it is maintained in a manner which will not attract or aid the propagation of insects or rodents or create a hazard or nuisance. Growth of plant material such as weeds and grass, especially beneath Manufactured Home and other structures shall be continuously controlled. All streets, parking and storage areas shall be maintained to provide a fully paved all weather surface.

4. Office. Every Manufactured Home Park shall have an office in which a copy of the Park license shall be posted and the Park Register shall be in such office. It shall be the duty of the licensee to keep a Register of Park occupancy which shall contain the following information:

(a) Name and address of owner and occupant;

(b) The make, model, serial number, vehicle identification number, license number, year, dimensions, and recent clearly visible photograph;

(c) The date of arrival and departure of each

Manufactured Home; and

(d) The Park operator shall submit the Park Register to the City Council each year upon requesting license renewal and shall make said Register available to any authorized City official upon reasonable request. Upon gaining knowledge of a departure of any Manufactured Home, the Park operator shall notify the City Tax Assessor. Failure to do so shall place the Park operator in violation of this Ordinance.

5. Ordinance Compliance. It shall be the responsibility of the licensee to ensure that all requirements of this Ordinance and other applicable Ordinances of the City are met and maintained. Any Manufactured Home Park issued an initial license after adoption of this Ordinance that is found to be in violation of any provisions of this Ordinance shall be notified in writing by the City in accordance with Section 12 hereof and, upon failure to comply, said license shall be revoked; and in such event, all Manufactured Housing shall be removed from said Park.

E. Responsibilities of Manufactured Home Occupants:

1. The Manufactured Home occupant shall comply with all requirements of this Ordinance.

2. The Manufactured Home occupant shall be responsible for proper placement of his Manufactured Home on its Manufactured Home pad and proper installation of all utility connections.

F. Only Manufactured Homes shall be permitted in a Manufactured Home Park; no Mobile Homes shall be permitted in a Manufactured Home Park, except as provided in Section 3C hereof.

G. Access; Traffic Circulation; Parking:

1. Internal streets shall be privately owned, built, and maintained. Streets shall be designed for safe and convenient access to all spaces and facilities for common use of park residents.

2. All internal streets shall be constructed to the standards and specifications in the City's Subdivision Ordinance.

3. All driveways shall be constructed of concrete and shall be durable and well drained under normal use and weather

conditions.

4. Internal streets shall be named, and each individual lot for use for a Manufactured Home or common facilities shall be numbered. Street signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles.

5. Lighting. The internal streets, parking lots, walks, and service areas shall be lighted at all times so the development shall be safe for occupants and visitors; provided, further, all entrances and exits shall be lighted at night commencing thirty (30) minutes before sunset and continuing until thirty (30) minutes after sunrise.

6. Ingress and Egress. Each development shall have a minimum of two points of ingress and egress for access by emergency equipment. A single entrance way, if it is composed of a divided roadway, having two lanes separated by a landscaped median, will meet this requirement.

H. All utilities shall be underground.

Section 9. Use of Manufactured Homes for Nonresidential Purposes.

Manufactured Homes may be used for the following nonresidential purposes. When a permit is issued under Section 9 for a Manufactured Home to be occupied as one of the following uses, no residential use of any portion of that same lot shall be permitted.

A. Temporary Construction Offices. Manufactured Homes may be parked at a construction site for use as a field office during the period of construction. The Manufactured Home must be removed within thirty days after the construction at the site is completed.

B. Commercial Uses. Manufactured Homes may be utilized for commercial establishments on a temporary or permanent basis, provided that the following conditions are met:

1. Lot Size. Each lot for a Manufactured Home shall be a minimum of fifty feet (50') in width, and a minimum of one-hundred fifty (150') feet in depth and shall contain a minimum of

seven thousand five hundred (7,500') square feet. Lots for common facilities shall be of such a size to meet the minimum setback areas below, and such that no more than fifty percent (50%) of such lot is covered by building area, exclusive of parking.

2. Setbacks. The minimum setback area for each lot is:

Front yard - 25 feet

Rear yard - 15 feet

Side yard - 10 feet

No Manufactured Home or structure shall be located within the yard setback area.

3. Parking Requirements. Manufactured Homes being used for commercial uses shall provide a minimum of three (3) parking spaces per one hundred (100') square feet of gross floor area of the Manufactured Home.

4. Landscaping and Screening. Each Manufactured Home intended for use as a business or commercial establishment shall have skirting around its perimeter to screen its wheels and undercarriage from view. Further, the front and sides of the Manufactured Home shall have a landscaped area of a minimum of five feet (5') in width where bushes, flowers, and other plantings shall be placed to further screen the base of the Manufactured Home.

5. Site Plan. A site plan shall be prepared as part of the application, and shall show the following information:

a. The name, address, fee owner and record owner of the proposed or existing establishment;

b. Name as shown on the subdivision plat where the Manufactured Home is to be located;

c. Names of adjacent public or private streets and roads, adjacent subdivisions or property owners of unplatted land;

d. Contour lines at two foot (2') intervals;

e. Locations and dimensions of all points of

ingress and egress, utility easements, drives, recreation areas, fencing and landscaping, signage, streets, and sidewalks;

f. Scale of plan and complete dimensions for each lot, street and open area;

g. Area and dimensions of entire site;

h. Areas defined for waste containers and method of disposal;

i. Water and sewer plans must be submitted, on separate sheets if necessary, and must show sewer line locations, grades and sizes, and water line, locations, sizes and source of water supply.

j. Paving and drainage plans must be submitted, on a separate sheet if nece [illegible] must show the directions and calculated quantities of [illegible] proposed specifications for streets in accordance with the City's ordinances.

C. Conform to Codes. All Manufactured Homes to be used for nonresidential purposes shall conform without limitation to this Ordinance and to the codes and ordinances of the City, and all applicable laws of the State of Texas.

D. Review of Plans. When the application and plans are complete, after review by the Planning Commission, a public hearing will be scheduled before City Council. The City Council will review the complete application and all plans, and shall notify the applicant in writing of his approval, disapproval, or conditions or modifications necessary before approval on subsequent submission.

E. Location of Manufactured Homes and Accessory Structures. No Manufactured Home or accessory structure such as a refuse container, carport, cabana, awning, fence, or storage locker shall be permitted within ten feet (10') of a private or public street or the boundary line of a Manufactured Home lot or tract upon which it is located.

F. Height requirements.

1. The height limit for any Manufactured Home structure intended for commercial or business occupancy shall be

thirty-five feet (35').

2. The average height of the Manufactured Home frame above ground elevation, measured at 90 degrees to the frame, shall not exceed four feet (4') from the top of the pad.

Section 10. Nonconforming Manufactured Home Parks and Manufactured Home Subdivisions.

A. Any Manufactured Home Subdivision or Manufactured Home Park which is more than fifty percent (50%) constructed and occupied on the effective date of this Ordinance, and which does not comply with all applicable provisions of this Ordinance shall be considered a nonconforming Manufactured Home Subdivision or Park.

B. Nonconforming Parks shall comply with the requirements of Section 5, Licenses, hereof.

C. Any addition of land to a nonconforming Manufactured Home Subdivision or Manufactured Home Park, must conform to all requirements of this Ordinance.

D. Any Manufactured Home Subdivision or Manufactured Home Park which is not more than fifty percent (50%) constructed and occupied on the effective date of this Ordinance, shall comply with all provisions of this Ordinance, with the exception of lot size.

E. The placement of a Manufactured Home on any lot shown on a previously approved and filed plat, whether such plat be for a Manufactured Home Subdivision or a Manufactured Home Park, which is vacant as of the date of adoption of this Ordinance, and for which a permit is subsequently requested, shall comply with all requirements of this Ordinance.

F. A replat of the Manufactured Home Subdivision or Manufactured Home Park may be required by the City Council to show reservation of land for parking and recreational areas, or other requirements. Recreational areas may also be reserved by separate instrument, filed of record with the County Clerk of Fort Bend County.

Section 11. Inspection. Any duly authorized Building Official

or member of the Health Department of the City shall be permitted to make reasonable inspections of any Manufactured Home Subdivision or Manufactured Home Park to determine compliance with this Ordinance, not less than once every six (6) months and make a report to the City Council.

Section 12. Notice, Hearings, and Order. Whenever it is brought to the attention of the City Council that there has been a violation of any provisions of this Ordinance, the City Council shall, prior to a hearing on revocation of a permit, give notice of such alleged violation to the permitee, licensee, or agent.

A. The Notice shall:

1. be in writing;

2. include a statement of the reasons for its issuance;

3. provide requirements, based upon the nature and severity of the violation and having due regard for the safety and protection of the community, for actions to correct the violation;

4. be served upon the proper party, as evidenced by the records; provided, however, the notice shall be deemed to have been properly served when a copy thereof has been sent by regular mail to the last known address; and

5. contain an outline of remedial action, which will correct the deficiency or defect.

B. Hearing. If the violation is not remedied in accordance with the Notice, and a violation of the Ordinance continues, then the City Council may, following a hearing before the City Council, revoke any permits or licenses or revoke any Certificate of Occupancy issued in addition to all remedies available to it at law or equity. This hearing procedure will not be necessary to enforce the provisions of Section 13 of this Ordinance.

III.

Section 13. Penalty. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed two

thousand and no/100 ($2,000.00) dollars. Each day of violation shall constitute a separate offense.

IV.

Section 14. Severability. If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances if 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.

Section 15. Effective Date. This Ordinance shall be effective immediately upon its passage, approval, and publication.

PASSED AND APPROVED this 16 day of June, 1999.

CITY OF FULSHEAR, TEXAS

By: Carl D. Utley
CARL UTLEY, Mayor

ATTEST

By: Carolyn H. Smith
CAROLYN SMITH,
City Secretary

ALDERMEN VOTING:

VIOLA RANDLE	Yes
SCOTT EVANS	Yes
GLORIA K. SIMMONS	Yes
J. B. COLLINS, JR.	Yes
JEROME McKINNEY	Yes

ORDINANCE 99-855

AN ORDINANCE ADOPTING THE 2000 BUDGET

FOR THE CITY OF FULSHEAR, TEXAS

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

. 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, 2000 through December 31, 2000, is hereby approved and adopted by the City of Fulshear, Texas.

. The Public Hearing having been duly held on SEPTEMBER 15, 1999, at 7:00 p.m., at City Hall, 30603 F.M. 1093, Fulshear, Texas, with all persons having been heard, this Ordinance shall take effect and be in full force from and after its adoption.

ASSED AND APPROVED THIS THE ____15TH___DAY OF __SEPTEMBER, 1999.

Carl G. Utley

CARL G. UTLEY
MAYOR

TTEST:

Carolyn H. Smith

AROLYN H. SMITH
ITY SECY-TREAS.

OTING:

IOLA RANDLE ABSENT, GLORIA SIMMONS YES,

COTT EVANS YES, J.B. COLLINS, JR. YES,

ERONE MCKINNEY YES.

ORDINANCE 99-856

AN ORDINANCE LEVYING TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF FULSHEAR FOR THE YEAR 1999; 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 for the year NINETEEN HUNDRED AND NINETY-NINE, upon all property, real, personal, and mixed, within the corporate limits of said City subject to taxation, a tax of_____0.44992_____ CENTS__ on each One Hundred Dollars ($100.00) valuation of property, said tax being so levied and apportioned to the specific purposes herein set forth:

(1) For the maintenance and support of the general government(General Fund) 0.44992 on each One Hundred Dollars ($100.00) valuation of property.

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 1999 hereby levied shall become due and payable at the offices of the Tax Assessor Collector for the City of Fulshear, Texas, on or after the first day of OCT., 1999, 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 _15_ day of _SEPTEMBER_, 1999.

By: Carl G. Utley
CARL G. UTLEY, MAYOR

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

VOTING:

VIOLA RANDLE ABSENT, JERONE MCKINNEY YES,

GLORIA SIMMONS YES, J.B. COLLINS, JR. YES,

SCOTT EVANS YES.

ORDINANCE NO. 99-857

AN ORDINANCE AMENDING ORDINANCE NO. 99-854, PROVIDING DEFINITIONS AND PROVIDING FOR EXPANDED DUTIES OF BUILDING OFFICAL TO ISSUE PERMITS AND HEAR APPEALS; PROVIDING FOR NOTICES; PROVIDING A PENALTY IN THE AMOUNT OF $2,000 FOR VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND CONTAINING A SEVERABILITY CLAUSE AND EFFECTIVE DATE.

* * * *

WHEREAS, the City Council of the City of Fulshear, Texas (the "City"), has determined that the Building Official can serve the public interest by being authorized to issue permits and hear appeals of denial of permits; and

WHEREAS, it is in the best interest of the City that the health, safety and general welfare of the City be promoted by preventing the overcrowding of land through planned and orderly growth of the City, and an undue concentration of the population be avoided; and

WHEREAS, the City Council of the City of Fulshear finds it to be in the best interests of the public safety, health and general welfare to regulate Mobile Homes, Manufactured Homes, Manufactured Home Parks and Manufactured Home Subdivisions within the City; therefore,

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

I.

Ordinance No. 98-854 is amended as follows:

II.

Section 4. Permits.

A. Permit Required. It shall be unlawful for any person to move, install, construct, alter, extend or expand any Mobile Home, or without a permit issued by the Building Official or his designee, plat, move, install, place, construct, alter, extend or amend any Manufactured Home, Manufactured Home Park, or Manufactured Home Subdivision within the limits of the City without a valid permit or license issued by the City in the name of such person for the platting specific move, installation, placement, construction, alteration, extension, or amendment proposed. No application shall be considered complete nor shall be accepted by the City for processing until all requirements of this Ordinance are complied with.

D. Issuance of Permit. In considering the application, the Building Official may consider the proposed location of the Manufactured Home in relation to the present and future anticipated land use and development of adjacent and nearby land. The City expressly reserves the right to deny a permit and to impose additional reasonable conditions as it deems necessary. If the application is reviewed and is determined to be in compliance with this Ordinance and other applicable requirements, laws, codes and regulations, the permit may be issued. In cases where

the Building Official is authorized to approve such permits, he may issue the permit following his review and determination that the individual Manufactured Home lot or Park or Subdivision are in full compliance with all requirements of this Ordinance and other applicable requirements, laws, codes and regulations.

E. Issuance of Permit and/or License. In considering the application, the City Council may consider the proposed location of the Manufactured Home Park or Manufactured Home Subdivision in relation to the present and future anticipated land use and development of the adjacent and nearby land. City Council expressly reserves the right to deny a permit, or license, or development and to impose additional reasonable conditions as it deems necessary. If the application is reviewed and is determined to be in compliance with this Ordinance andother applicable requirements, laws, codes, and regulations, the permit or license may be issued.

F. Denial of Permit: Hearing. Any person whose application for a permit under this Ordinance has been denied, may request in writing a rehearing on the matter by the Building Official and offer additional evidence. Such hearing must be requested within thirty (30) days from the date of the action denying the permit.

Section 5. Licenses: Hearing.

C. Hearing Granted Applicants. Any person whose application for a license under this Ordinance has been denied may request in

writing, a rehearing on the matter and offer additional evidence. Such hearing must be requested within thirty (30) days from the date of the action denying the license.

D. Application for License Renewal. Application for renewal of a license shall be made in writing by the licensee on forms furnished by the City on or before December 1 of each year. The application shall contain any change in the information occurring after the original license was issued or the latest renewal granted and be accompanied by the Manufactured Home Park register as required in Section 8 hereof.

H. Violations, Notice, Suspension of License. Whenever the Building Official or City Council finds that conditions or practices exist which are in violation of any provision of this Ordinance, the City shall give notice in writing in accordance with Section 12 hereof, to the permitee or licensee of the permitee's or licensee's agent that unless conditions or practices in violation of this Ordinance are corrected within a reasonable period of time of not less than thirty (30) days or more than one (1) year, as specified in such notice, the license or permit or Certificate of Occupancy shall be suspended or revoked. At the end of the period of time granted for correction, if the conditions or practices have not been corrected, the City Council may suspend the license and give notice in writing of the suspension to the licensee or the licensee's agent at the address provided in the application; the City Council may revoke the Certificate

of Occupancy. Upon receipt of notice of suspension, the licensee shall cease operations of the Manufactured Home Park, as set forth in the notice within ten (10) days after the notice is issued.

Section 6. General Requirements for Manufactured Homes, Manufactured Home Subdivisions and Manufactured Home Parks.

B. Conform to Codes. All facilities or improvements in Manufactured Home Parks or Subdivisions, shall conform to all applicable City ordinances and state laws.

C. Review of Plans. When the application and plans are complete, the Building Official shall make his review and recommendations to the Planning Commission. After review by the Planning Commission, a public hearing will be scheduled before City Council. The City Council will review the complete application and all plans, and the City shall notify the applicant in writing of its approval, disapproval, or conditions or modifications necessary before approval on subsequent submission.

F. Fire Safety Standards:

3. Fire Protection. Water lines and fire hydrants shall be provided and suitably located for adequate fire protection as determined by the Building Official or City Council, but in no case shall the development provide less than a system of standard hydrants located not more than five hundred feet (500') from each Manufactured Home space and served by water lines not less than six inches (6") in diameter installed in a looped

system.

Section 9. Use of Manufactured Homes for NonResidential Purposes

D. Review of Plans. When the application and plans are complete, the Building Official shall make his review and recommendations to the Planning Commission. After review by the Planning Commission, a public hearing will be scheduled before City Council. The City Council will review the complete application and all plans, and the City shall notify the applicant in writing of its approval, disapproval, or conditions or modifications necessary before approval on subsequent submission.

Section 12. Notice, Hearings, and Order. Whenever it is brought to the attention of the Building Official or City Council that there has been a violation of any provisions of this Ordinance, the City shall, prior to a hearing on revocation of a permit, give notice of such alleged violation to the permitee, licensee, or agent.

A. The Notice shall:

1. be in writing;

2. include a statement of the reasons for its issuance;

3. provide requirements, based upon the nature and severity of the violation and having due regard for the safety and protection of the community, for actions to correct the violation;

4. be served upon the proper party, as evidenced by

the records; provided, however, the notice shall be deemed to have been properly served when a copy thereof has been sent by regular mail to the last known address; and

5. contain an outline of remedial action, which will correct the deficiency or defect.

B. Hearing. If the violation is not remedied in accordance with the Notice, and a violation of the Ordinance continues, then the City Council may, following a hearing before the City Council, revoke any permits or licenses or revoke any Certificate of Occupancy issued in addition to all remedies available to it at law or equity. This hearing procedure will not be necessary to enforce the provisions of Section 13 of this Ordinance.

III.

Section 14. Severability. If any provision, section, subsection, sentence, clause, phrase of this Ordinance, or the application of same to any person or set of circumstances if 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.

Section 15. Effective Date. This Ordinance shall be effective immediately upon its passage, approval, and publication.

PASSED AND APPROVED this 20th day of October, 1999.

CITY OF FULSHEAR, TEXAS

By: Carl D. Utley
CARL UTLEY, Mayor

ATTEST:

By: Carolyn H. Smith
CAROLYN SMITH,
City Secretary

ALDERMEN VOTING:

VIOLA RANDLE	YES
SCOTT EVANS	YES
GLORIA K. SIMMONS	ABSENT
J. B. COLLINS, JR.	YES
JEROME McKINNEY	YES