

ORDINANCE NO. 02-879

AN ORDINANCE OF THE CITY OF FULSHEAR, PROVIDING FOR THE HOLDING OF A GENERAL ELECTION ON MAY 4, 2002, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) ALDERMEN; AND PROVIDING DETAILS RELATING TO THE HOLDING OF SUCH ELECTION.

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

Section 1. In accordance with the general laws and Constitution of the State of Texas, a General Municipal Election is hereby called and ordered for the first Saturday in May 2002, the same being the 4th day of said month, at which election all qualified voters of the City may vote for the purpose of electing a Mayor and two (2) Aldermen.

Section 2. No person's name shall be placed upon the official ballot as a candidate for Alderman and/or Mayor unless such person shall have filed his or her sworn application, as provided by Section 141.031 of the TEXAS ELECTION CODE, with the City Secretary of the City at the City Offices, located at 30603 F.M. 1093, Fulshear, Texas 77441, not later than five o'clock (5:00) p.m. on the forty-fifth (45th) day before the date of such election. The City Secretary shall note of the face of each such application the date and time of its filing.

Section 3. The present boundaries of the City constituting one election precinct, the polls shall be open for voting from seven o'clock (7:00) a.m. until seven o'clock (7:00) p.m. at the following polling place, and the following are hereby appointed officers to conduct the election at said polling place:

POLLING PLACE

City Hall
City of Fulshear
30603 F.M. 1093
Fulshear, Texas 77441

ELECTION OFFICERS

Sandra DeVore Presiding Judge
Mike Kirschmann Alternate Presiding Judge

The City Secretary is hereby authorized and directed to provide a copy of this Ordinance to each judge as written notice of the appointment, as required by Section 32.009 of the TEXAS ELECTION CODE.

The Presiding Judge shall appoint no more than one (1) clerk to assist in the holding of said election. Said election officers shall also serve as the early voting ballot board for such election; and the Presiding Judge of the election precinct shall also serve as the presiding officer of such board. The hourly rate of pay shall be \$6.00 and each election officer shall not exceed fourteen (14) hours.

Section 4. Mrs. Kathryn Mayfield, City Secretary, is hereby appointed clerk for early voting; the appointment of a deputy clerk or clerks for such voting by the City Secretary shall be in accordance with Sections 83.031 et seq. Of the TEXAS ELECTION CODE.

The City Hall

City of Fulshear

30603 F.M. 1093

Fulshear, Texas 77441

is hereby designated as the place for early voting for said election. Said clerks shall keep said office open for at least eight (8) hours, that is, from nine o'clock (9:00) a.m. until five o'clock (5:00) p.m., on each day for early voting which is not a Saturday, a Sunday, or an official state holiday, beginning on the seventeenth (17th) day and continuing through the fourth (4th) day preceding the date of said election. Said clerks shall not permit anyone to vote early by personal appearance on any day which is not a regular working day for the clerk's office, and under no circumstances shall they permit anyone to vote by personal appearance at any time when such office is not open to the public. The above-described place for early voting is also the clerk's mailing address to which ballot applications and ballots voted by mail may be sent. The early voting clerk, in accordance with the provisions of the TEXAS ELECTIONS CODE, shall maintain a roster listing each person who votes by personal appearance and each person to whom a ballot to be voted by mail is sent. The roster shall be maintained in a form approved by the Secretary of State.

Section 5. Paper ballots shall be used for early voting and for voting on Election Day, in accordance with the TEXAS ELECTION CODE. All expenditures necessary for the conduct of the election, purchase of materials, and the employment of all election officials are hereby authorized in accordance with the TEXAS ELECTION CODE.

Section 6. The City Secretary is hereby authorized and directed to furnish all necessary election supplies to conduct such election.

Section 7. The order in which the names of the candidates are to be printed on the ballot shall be determined by a drawing by the City Secretary, as provided by Section 52.094 of the TEXAS ELECTION CODE. The City Secretary shall post a notice in her office, at least seventy-two (72) hours prior to the date on which the drawing is to be held, of the time and place of the drawing, and shall also give personal notice to any candidate who makes written request for such notice and furnishes to the City Secretary a self-addressed, stamped envelope. Each candidate involved in the drawing, or a representative designated by such candidate, shall have a right to be present and observe the drawing.

Section 8. The candidate receiving the highest number of votes for Mayor shall be declared elected. The two (2) candidates receiving the highest number of votes for Alderman shall be declared elected.

Section 9. Notice of this election shall be given in accordance with the provisions of the TEXAS ELECTION CODE and returns of such notice shall be made as provided for in said Code. The City Secretary, in compliance with Section 23.023c of the Texas Local Government Code, shall post notice of said election for at least twenty (20) days preceding the date of the election in at least three (3) public places within the municipal limits. The Mayor shall issue all necessary orders and writs for such election, and returns of such election shall be made to the City Secretary immediately after the closing of the polls.

Section 10. Said election shall be held in accordance with the TEXAS ELECTION CODE and the Federal Voting Rights Act of 1965, as amended.

PASSED, APPROVED, AND ADOPTED the 20 day of February, 2002.



J. Michael Dinges
Mayor

ATTEST:



Kathy Mayfield
City Secretary

John Smart - Mayor Pro-tem	-	<u>X</u>	Yes
Charles Herron - Council Member	-	<u>X</u>	Yes
J. B. Collins, Jr.-Council Member	-	<u>X</u>	Yes
Robert Fox - Council Member	-	<u>X</u>	Yes
Bill Archer - Council Member	-	<u>X</u>	Yes

ORDINANCE NO. 02-880

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, ESTABLISHING PROCEDURES FOR THE REGULATION AND ABATEMENT OF PUBLIC NUISANCES CAUSED BY SUBSTANDARD BUILDINGS OR STRUCTURES WITHIN THE CITY; DEFINING SUBSTANDARD BUILDINGS AND STRUCTURES; PROVIDING FOR NOTICE AND A PUBLIC HEARING CONCERNING THE CONDITION OF SUCH BUILDINGS AND STRUCTURES; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

* * * * *

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

Section 1. The City of Fulshear, Texas (the "City"), hereby adopts the following regulations governing the abatement of dangerous buildings and structures within the City.

A. Authority and Purpose. The provisions of this Ordinance are adopted pursuant to Chapters 54 and 214 of the TEXAS LOCAL GOVERNMENT CODE. The purpose of this Ordinance is as follows:

1. To establish the minimum standards for the continued use and occupancy of all types of buildings and structures within the City of Fulshear, Texas (the "City"), regardless of the dates of construction, in order to safeguard the public health, safety, and welfare and to protect property.

2. To provide the authority to order and direct the method of securing property that is unoccupied by its owners, lessees, or other invitees, and which is unsecured from unauthorized entry to the extent that such buildings or structures could be entered or used by vagrants or other uninvited persons or could be entered or used by children.

3. To provide the authority to address, and direct the method of addressing, buildings and structures which, although boarded up, fenced, or otherwise secured in any manner, exhibit conditions that may constitute a danger to the public, even though secured from entry, or the means used to secure the building or structure are inadequate to prevent unauthorized entry or use of the building by vagrants or other uninvited persons or could be entered or used by children. The City may require the building or structure, which endangers the public health and safety of the occupants of said building and structure and the general public, to be vacated, secured, repaired, removed, and/or demolished by the owner and/or the occupants thereof to be relocated.

B. Definitions. The following terms, when used in this Ordinance, shall have the meanings ascribed to them herein, except where the context clearly indicates a different meaning:

Building shall mean any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

Structure shall mean anything constructed or erected that requires location on the ground or is attached to something having a location on the ground, including, but not limited to, signs, fences, walls, poles, and buildings, whether of a temporary or permanent nature.

C.. Dangerous buildings or structures defined. Any building or structure, regardless of the date of its construction, having any of the following defects, shall be deemed to be substandard and/or unfit for human habitation and, as a result, a danger to the public health, safety and welfare and thus, declared to be a dangerous building or structure:

1. Any building or structure that has become deteriorated or damaged through exposure to the elements, including without limitation flood, wind, hail, or rain, or damage through fire, or damage by any other cause, to the extent that either the roof,

windows or doors, or portions of the house, building or structure that protect from the weather will no longer reasonably protect form the weather.

2. Any building or structure that is so structurally deteriorated or damaged that it is in danger of collapse or that cannot be expected to withstand reasonably anticipated weather conditions, such as storms or hurricanes;

3. Conditions within any building or structure that violate any provision of the City's building, electrical, plumbing, fire, or other such codes or ordinances, when such nonconformity constitutes a danger to the public health, safety, and welfare;

4. Any unsafe or defective electrical wiring, devices or equipment, or unsafe or defective gas piping or appliances that are apt to cause or promote fires;

5. Dilapidated, decayed, unsafe, unsanitary, or substandard conditions or any condition that fails to provide amenities essential to decent living so that the premises are unfit for human habitation, or are likely to cause sickness or disease, so as to cause injury to the public health, safety, and welfare;

6. Buildings and structures, regardless of their structural condition, that have been, during times that they were not actually occupied by their owners, lessees or other legal invitees, left unsecured from unauthorized entry to the extent that they may be entered by vagrants or other uninvited persons as a place of harborage or could be entered by children.

7. Buildings and structures, which are secured, though by inadequate means to prevent unauthorized entry or use in the manner described in paragraph 6. above.

8. Any building or structure so constructed or maintained as to constitute a menace to the public health or safety, including:

(a) All conditions conducive to the harboring of rats, snakes, mice, other disease-carrying animals, or insects reasonably capable of spreading disease;

(b) Conditions hazardous to the safety of persons or property, such as inadequate bracing, structural support, construction, or the presence of deteriorated materials;

(c) Conditions constituting an attractive nuisance and creating a hazard to the health or safety of minors.

D. Declaration of nuisance. Any building or structure which has any of the conditions or defects described in Paragraph C. hereof, where such condition or conditions pose a threat or potential threat to the health, safety, or general welfare of its occupants or the public, may be declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or as otherwise determined by the City Council.

E. Inspections and reports. It shall be the duty of the City's building official, or designee, to inspect all buildings and structures reported to be, or believed to be, in violation of any of the terms of this Code. Prior to scheduling a public hearing regarding the condition of a building or structure, the City's building official, or designee, shall present a written report of such inspection to the City Council. Said report shall list each building or structure, by street address and legal description, the names of all owners of record, the specific conditions or defects that render the building or structure dangerous pursuant to the standards set out in Paragraph C. above, and a summary of any previous enforcement actions and attempts to bring the building or structure into compliance.

F. Notice of public hearing.

1. Upon consideration and acceptance of the report provided for in Paragraph E. hereof, City Council may schedule and specify a date for a public hearing to hear testimony and receive evidence as to the condition(s) of the building or structure. Based upon this action, the City's building official, or designee, shall give notice of a public hearing before City Council:

(a) By personal service or by certified mail, return receipt requested,
to:

(1) The owners of the affected property; and

(2) Each mortgagee or lienholder having an interest in the affected property.

(3) To all other persons, by posting a copy of such notice on the front door of each building or structure situated on the affected property or as close to the front door as practicable.

(4) The building official, or designee, shall make a diligent effort to discover the identity of any owner(s), lienholder(s), or mortgagee of a building or structure by searching the following records for such information:

(i) Fort Bend County real property records;

(ii) Fort Bend County appraisal district records;

(iii) Texas Secretary of State records;

(iv) Fort Bend County assumed name records;

(v) City tax records; and

(vi) City utility records.

(b) The notice shall inform all persons that a public hearing will be held before the City Council in which the building official, or designee, will seek an order requiring the building to be vacated, secured, repaired, removed and/or demolished upon a finding that the building or structure is substandard and/or dangerous. The notice shall include or state the following:

(1) A copy of the inspection report as provided for in Paragraph E. above, which shall list the specific conditions or defects that render the building or structure a dangerous building within the standards set out in Paragraph C. above;

(2) That a public hearing will be held before the City Council and that following such hearing, the City Council will consider and, if deemed appropriate, adopt an order providing that the building or structure be vacated, secured, repaired, removed, and/or demolished as provided above;

(3) The date, time, and place of the public hearing;

(4) That at such public hearing the owner(s), lienholder(s), or mortgagee will be required to submit proof of the scope of all work that is required to bring such building or structure into compliance with this Ordinance, the length of time it will take to perform such work, as well as the start and ending date for the performance of such work.

G. Burden of proof. At the public hearing or a meeting before the City Council to determine whether a building or structure has any of the conditions specified in Paragraph C.

above, which may result in a finding of a public nuisance and an abatement order, the owner(s), lienholder(s), or mortgagee shall have the burden of proof to demonstrate the scope of any work that may be required to abate the nuisance, the time it will take to perform such work, as well as the start and ending date for the performance of such work. The owner(s), lienholder(s), or mortgagee are encouraged to submit written and/or photographic evidence as proof of the scope of any contemplated and necessary work.

H. Public hearing before City Council; consideration of order at meeting following public hearing.

1. The City Council may, after proper notice and following a public hearing, declare a building or structure to be in violation of this Code where the condition of the building or structure has any of the conditions set out in Paragraph C. above.

2. The City Council may specify, in a written order signed by the mayor:

(a) A reasonable time period for the building or structure to be vacated, secured, repaired, removed, and/or demolished by the owner(s), lienholder(s), or mortgagee and, reasonable dates upon which such work must be initiated and completed; and

(b) A reasonable time for the owner(s), lienholder(s), or mortgagee to relocate the occupants of such building or structure.

3. The order shall be deemed issued and effective on the date the City Council hears and decides the case.

4. After the public hearing and meeting of the City Council, the City's building official, or designee, shall promptly mail, by certified mail, return receipt

requested, a copy of the order to the owner(s), and to any known lienholder(s), or mortgagee, of the affected building or structure.

5. If the City Council makes a finding under subparagraph 1. of this paragraph, it shall order the owner(s), lienholder(s), or mortgagees of the building or structure to, within thirty (30) days:

- (a) Secure the building or structure from unauthorized entry; and/or
- (b) Repair, remove, and/or demolish the building or structure, unless the owner(s), lienholder(s), or mortgagee establishes at the public hearing that the work cannot reasonably be performed within the thirty (30) days.

6. If the City Council allows the owner(s), lienholder(s), or mortgagee more than thirty (30) days to repair, remove, and/or demolish the building or structure, the City Council shall establish specific time schedules for the commencement and completion of the work and shall require the owner(s), lienholder(s), or mortgagee to secure the property in a reasonable manner from unauthorized entry while the work is being performed.

7. The City Council shall not allow the owner(s), lienholder(s), or mortgagee more than ninety (90) days to repair, remove, and/or demolish the building or structure or fully perform all work required to fully comply with the order of the City Council, unless the owner(s), lienholder(s), or mortgagee:

- (a) Submits a detailed plan in writing which includes a time schedule for the commencement and completion of such work; and

(b) Establishes at the public hearing that the work cannot reasonably be completed within ninety (90) days because of the scope and complexity of the work.

8. If the City Council allows the owner(s), lienholder(s), or mortgagee more than ninety (90) days to complete any part of the work required to repair, remove, and/or demolish the building or structure, the City Council shall require the owner(s), lienholder(s), or mortgagee to submit regular progress reports to the City, in writing, to demonstrate that the owner(s), lienholder(s), or mortgagee has complied with the time schedules established for commencement and completion of the work. The order may require that the owner(s), lienholder(s), or mortgagee appear on specific dates before the City Council or the City's building official, or designee, to demonstrate compliance with such time schedules.

I. Notice of Order. Within ten (10) days after the date the order is issued, the City's building official, or designee, shall:

1. file a copy of the order in the office of the City Secretary;

2. publish, in a newspaper of general circulation within the City, a notice containing:

- (a) the street address and legal description of the property;
 - (b) the date of the public hearing;
 - (c) a brief statement indicating the results of the order; and
- (3) instructions stating where a complete copy of the order may be obtained; and

3. File a copy of the published notice in the Fort Bend County real property records.

J. Imposition of Civil penalty for failure to comply with Order; assessment of lien.

1. After the time has lapsed to comply with an order of the City Council issued pursuant to Paragraph H. above, the City Council, by order, may assess a civil penalty against the property owner(s) for violations of the order requiring repair, vacation, demolition, and/or removal of a building or structure. The civil penalty may not exceed One Thousand and No/100 Dollars (\$1000.00) per day for each violation or, if the owner shows that the property is the owner's lawful homestead, in an amount not to exceed Ten and No/100 Dollars (\$10.00) per day for each violation, if the City proves:

(a) The property owner was properly notified of the order, as adopted by the City Council, and the owner's need to comply with the requirements of such order; and

(b) After notification, the property owner committed an act in violation of the order or failed to take an action necessary for compliance with the order.

2. An assessment of a civil penalty made by the City Council under subparagraph 1. above is final and binding and constitutes prima facie evidence of the penalty in any court of competent jurisdiction in a civil suit brought by the City for final judgment in accordance with the assessed penalty.

3. To enforce a civil penalty assessed under this Section, the City Secretary shall file, with the District Clerk of Fort Bend County, a certified copy of the order issued

under subparagraph (a) above stating the amount and duration of the civil penalty. No other proof shall be required for a district court to enter a final judgment on the penalty.

4. Any civil penalty or expense assessed by the City under this Section shall accrue interest at the rate of ten percent (10%) per year from the date of such assessment until paid in full.

5. The City may take the appropriate action to create a lien against the subject property, within the limits of state homestead protections, to secure payment of the civil penalty.

6. In any judicial proceeding regarding enforcement of the City's rights under this Code, the City may be entitled to recover reasonable attorney's fees.

K. City action following failure to abate; notice on building.

1. If the owner of the building or structure made the subject of an order adopted by City Council to vacate, secure, repair, remove, and/or demolish said building or structure does not comply with such order within the allotted time, the City may vacate, secure, remove, or demolish the building or structure, or relocate the occupants of said building or structure, at the City's expense.

2. If the City Council authorizes the building to be vacated and secured as provided in subparagraph a. above, the City's building official shall post a notice on or near the front door of such building or structure. The notice to vacate must be in substantially the following form:

DO NOT OCCUPY

This building or structure is in violation of Ordinance No. _____ of the City of Fulshear. No one may occupy this building until such time as such violations are corrected and approved by the City's building official. It is a misdemeanor offense to occupy this building or structure or to remove or deface this notice.

1. Assessment of lien for City expenses.

a. If the City incurs expenses under Paragraph K above, it may assess said expenses on, and the City shall have a lien against the property upon which the building or structure is located, unless such property is a homestead protected by the Texas Constitution.

b. The lien is extinguished if the property owner(s) or any other person having an interest in the legal title to the property reimburses the City for its expenses.

c. The lien arises and attaches to said property at the time the notice of the lien is recorded and indexed in the Fort Bend County real property records.

d. The notice of the lien shall contain the name and address of the owner, if that information can be determined with a reasonable effort; a legal description of the real property upon which the building or structure is or was located; the amount of expenses incurred by the City; and the balance due.

13. Criminal Penalty. Any person who refuses or fails to repair, demolish, and/or remove a building or structure when ordered to take such action(s) under the terms of this Code, or who refuses or fails to leave a building that has been ordered vacated under the terms of this Code, or who enters an area around a building that has been declared to be dangerous and notice of which declarations shall have been posted, or who interferes with or hinders the repair, vacation, demolition, and/or removal of any building or structure under the terms of this Code, or who otherwise violates any order of the City Council as provided for in this Code, shall be deemed guilty of a misdemeanor and,

upon conviction thereof, shall be subject to punishment as provided by this Code or applicable law.

14. Other remedies; Chapters 54 and 214, Texas Local Government Code.

Nothing in this Section shall preclude the City's pursuit of any and all other remedies allowed under civil and criminal law, or in equity, to address conditions which are treated in this Section, under the theory of public nuisance and the abatement of dangerous buildings or structures. Neither shall the City be required, nor prohibited, to issue criminal citations before, after, or during any proceeding prescribed in this Section.

Specifically, in addition to the provisions in this Section and remedies afforded under the TEXAS LOCAL GOVERNMENT CODE, Chapter 214, Municipal Regulation of Structures, the City further asserts full authority to exercise its right to remedy under all provisions of the TEXAS LOCAL GOVERNMENT CODE, including, but not limited to, Chapter 54, Subchapter B, Municipal Health and Safety Ordinances, in prosecution of civil suits for enforcement, injunctive relief, and civil penalties to remedy conditions of public concern described in this Section.

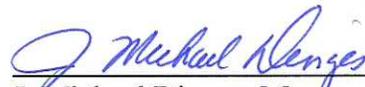
Section 2. **Penalty.** Any person, corporation, or entity who or which violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

Section 3. **Repealer.** All ordinances or parts or ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 4. **Severability.** In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason

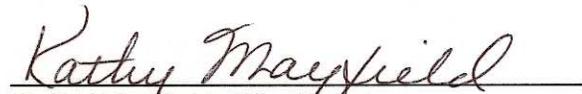
be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 20th day of February, 2002.



J. Michael Dinges, Mayor

ATTEST:



Kathy Mayfield, City Secretary

ORDER OF CANCELLATION
EJEMPLO DE ORDEN DE CANCELACION

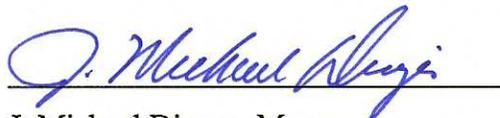
The City of Fulshear hereby cancels the election scheduled to be held on May 4, 2002 in accordance with Section 2.053(a) of the Texas Election Code. The following candidates have been certified as unopposed and are hereby elected as follows:

El City of Fulshear por la presente calcela la eleccion que, de lo contrario, se hubiera celebrado el 04 de mayo de conformidad, con la Section 2.053(a) del Codigo de Alecciones de Texas. Los siguientes candidatos han sido certificados como candidatos unicos y por la presente quedan elegidos como se halla indicado a continuacion:

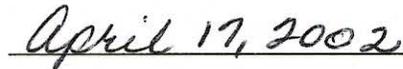
Candidate (<i>Candidato</i>)	Office Sought (<i>Cargo al que presenta candidatura</i>)
J. Michael Dinges	Mayor (Alcalde)
John Smart	Alderman (Concejales)
W. Owen Bement	Alderman (Concejales)

A copy of this order will be posted on Election Day at the polling place that would have been used in the election.

El Dia de las Elecciones se exhibira una copia de esta orden en todas las mesas electorales que se hubieran utilizado en la eleccion.



J. Michael Dinges, Mayor



Date of Adoption



Kathy Mayfield, City Secretary

John Smart - Aye

Bill Archer - Aye

Charles Herron - Aye

Robert Fox - Aye

J.B. Collins, Jr. - Aye

ORDINANCE NO. 02-882

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, PROHIBITING THE SALE OF VEHICLES AND OTHER GOODS ON PUBLIC RIGHT-OF-WAYS; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$500.00; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT.

* * * * *

WHEREAS, pursuant to state law, the City of Fulshear, Texas (the "City"), as a general-law city, has exclusive authority over its highways, streets, and alleys; and

WHEREAS, the display and sale of vehicles and other items has become more commonplace along City streets and adjacent right-of-ways; and

WHEREAS, such activities create hazardous traffic conditions within the City, by diverting the attention of motorists; and

WHEREAS, such conditions jeopardize the safety of other motorists, children, pedestrians; now, therefore,

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

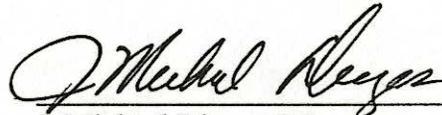
Section 1. Recitations. The facts and matters contained in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. Selling Merchandise Prohibited in the Right-of-way. No person shall sell or offerer for sale by auction or otherwise, any vehicle, goods, wares, merchandise, produce, other farm products or any other article on any portion of a public improved right-of-way adjacent to a paved sidewalk or roadway within the City.

Section 3. Penalty. Any person who shall violate any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$500.00. Each day of violation shall constitute a separate offense.

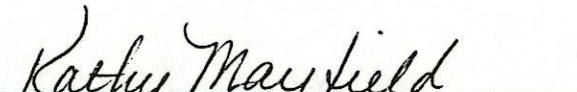
Section 4. Severability. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 17 day of April, 2002.



J. Michael Dinges, Mayor

ATTEST:


Kathy Mayfield, City Secretary

John Smart - Aye
Charles Herron - Aye
J.B. Collins, Jr. - Aye
Bill Archer - Aye
Robert Fox - Aye

ORDINANCE NO. 02-883

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, FINDING AND DETERMINING THAT PUBLIC CONVENIENCE AND NECESSITY NO LONGER REQUIRE THE CONTINUED EXISTENCE OF A 0.0459-ACRE TRACT OF LAND BEING AN ALLEYWAY BISECTING FIRST STREET BETWEEN MAIN STREET AND HARRIS STREET WITHIN THE CITY OF FULSHEAR, FORT BEND COUNTY, TEXAS; VACATING, ABANDONING, AND CLOSING SAID ALLEYWAY BISECTING FIRST STREET BETWEEN MAIN STREET AND HARRIS STREET; AUTHORIZING THE MAYOR TO EXECUTE AND THE CITY CLERK TO ATTEST, RESPECTIVELY, A QUITCLAIM DEED CONVEYING SAID ABANDONED ALLEYWAY EASEMENT TO ZIONS FIRST NATIONAL BANK; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, Zions First National Bank, the abutting property owner of the subject property, has petitioned the City of Fulshear, Texas, to vacate, abandon, and close the hereinafter described alleyway; and

WHEREAS, the City Council has determined that such alleyway should be vacated, abandoned, and closed for the reason that the same is no longer needed by the City; now, therefore;

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

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The City Council of the City of Fulshear, Texas, hereby finds and determines that public convenience and necessity no longer require the continued existence of that portion of the alleyway described in Section 3 hereof.

Section 3. The alleyway, approximately twenty feet (20') in width and one-hundred feet (100') in length bisecting First Street between Main Street and Harris Street within the City

of Fulshear, Fort Bend County, Texas, as designated by the diagonal lines shown on Exhibit "A" attached hereto and made a part hereof, is hereby vacated, abandoned, and closed.

Section 4. The Mayor and City Secretary are hereby authorized to execute and attest, respectively, a quitclaim deed, a copy of which is attached hereto and made a part hereof, conveying the hereinabove described abandoned roadway to Zions First National Bank for a consideration of \$2,915.00.

PASSED, APPROVED, AND ADOPTED on this 17 day of April, 2002



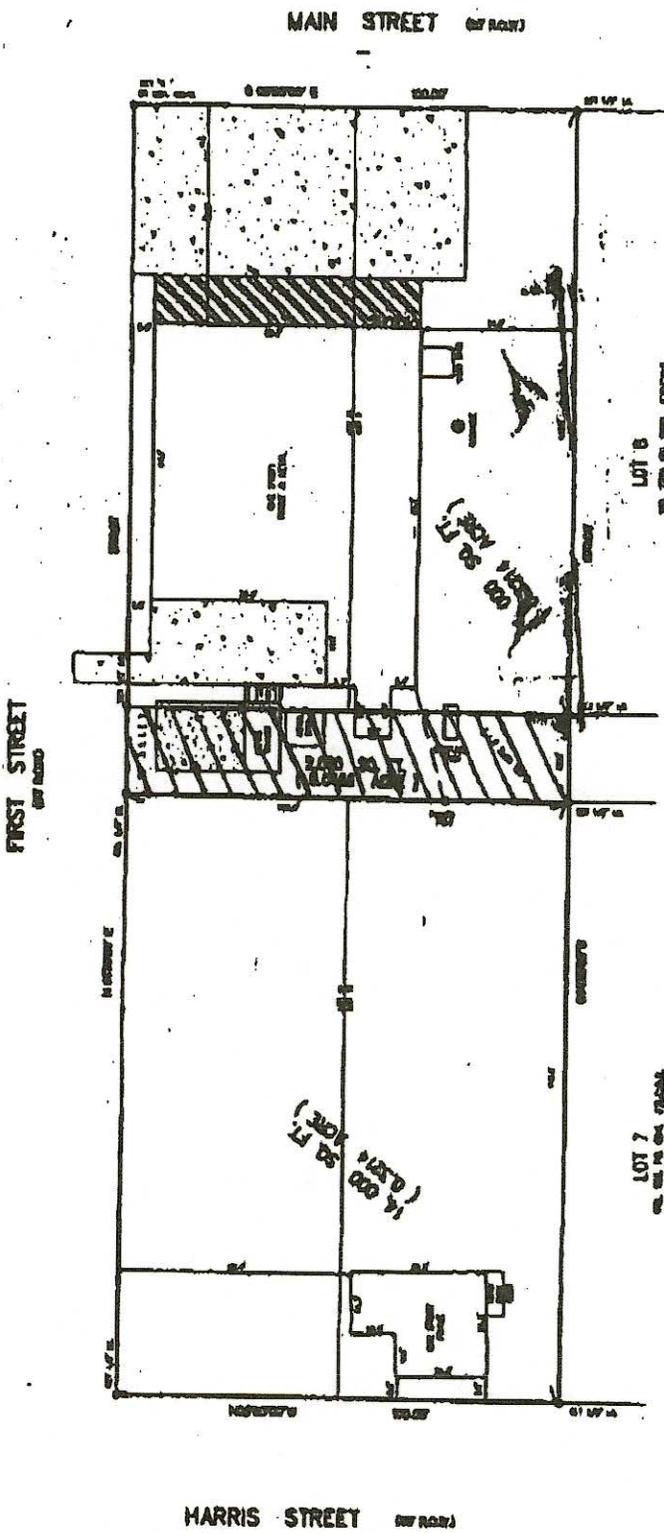
Michael Dinges
Mayor

ATTEST:



Kathy Mayfield
City Secretary

John Smart	-	Abstain
Robert Fox	-	Aye
J.B. Collins, Jr.	-	Aye
Charles Herron	-	Aye
Bill ARcher	-	Aye



ALL RIGHTS RESERVED BY THE STATE OF TEXAS
 THIS PLAN IS THE PROPERTY OF OLSON & OLSON, INC.
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SECTION	TRACT	BLK.	LOT	ACRES	OWNER	DATE	REMARKS
1	1	1	1	1.00	OLSON & OLSON, INC.	04/08/02	AS SHOWN ON THIS PLAN
1	1	1	2	1.00	OLSON & OLSON, INC.	04/08/02	AS SHOWN ON THIS PLAN
1	1	1	3	1.00	OLSON & OLSON, INC.	04/08/02	AS SHOWN ON THIS PLAN
1	1	1	4	1.00	OLSON & OLSON, INC.	04/08/02	AS SHOWN ON THIS PLAN
1	1	1	5	1.00	OLSON & OLSON, INC.	04/08/02	AS SHOWN ON THIS PLAN
1	1	1	6	1.00	OLSON & OLSON, INC.	04/08/02	AS SHOWN ON THIS PLAN
1	1	1	7	1.00	OLSON & OLSON, INC.	04/08/02	AS SHOWN ON THIS PLAN
1	1	1	8	1.00	OLSON & OLSON, INC.	04/08/02	AS SHOWN ON THIS PLAN
1	1	1	9	1.00	OLSON & OLSON, INC.	04/08/02	AS SHOWN ON THIS PLAN
1	1	1	10	1.00	OLSON & OLSON, INC.	04/08/02	AS SHOWN ON THIS PLAN



EXHIBIT **A**

ORDINANCE NO. 02-884

AN ORDINANCE 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; 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 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 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:

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 hereinafter ascribed thereto.

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

Certificate of Occupancy: Certificate issued by the City Council 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 extraterritorial 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 Council, 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 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 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 Manufactured Home Parks or Manufactured Home Subdivisions. For purposes of this ordinance, a Mobile Home shall include a Towable Recreation Vehicle as defined below.

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 lot, or in common parking and storage areas, having unobstructed access to an internal street.

Permit: Written certification issued by the City Council 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, Limited Liability Company, limited liability partnership or other entity created by or recognized by Texas law or the laws of any other state.

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 acres, and at least 1" to 200' for sites greater than thirty acres.

Towable Recreational Vehicle: a nonmotorized vehicle that:

A. was originally designed and manufactured primarily to provide temporary human habitation in conjunction with recreational, camping, or seasonal use;

B. qualifies to be titled and registered with the Texas Department of Motor Vehicles as a travel trailer through a county tax assessor-collector; and

C. is permanently built on a single chassis.

Section 3. Location of Manufactured Homes

A. It shall be unlawful for any person to locate, maintain, or occupy a Manufactured Home in any place within the City other than 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 City.

C. Mobile Homes and Manufactured Homes lawfully existing and occupied within the City limits prior to the date of this Ordinance, shall be allowed to continue and be maintained, but shall be brought into compliance with Section 6, subsections B, E3, F1, F2, J1, J3, J5, L1, L2, M1, M2, N, and P by no later than the 20th day of October, 2002. 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 there under, 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.

A. Permit Required. It shall be unlawful for any person to install, construct, alter, extend or expand any 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 placement, construction, alteration or extension proposed. No application shall be considered complete nor shall be accepted by the City for processing until the applicant is in full compliance with all requirements of this Ordinance.

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. Location and legal description of the Manufactured Home, Manufactured Home Park, or Manufactured Home Subdivision.
3. Five copies of a site plan accurately depicting the layout of the Manufactured Home Park or Manufactured Home Subdivision. The site plan shall include all data required under Section 6 of this Ordinance, and be in the scale specified herein.
4. A certified copy of the filed subdivision plat, or a copy of the final plat being submitted for simultaneous review by the City.

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 and 4 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. The appropriate fee shall accompany all applications to the Building Official as follows:

1. Individual Manufactured Homes \$ 50.00
2. Manufactured Home Park or Subdivisions \$ 200.00

D. Issuance of Permit. 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 adjacent and nearby land. City Council expressly reserves the right to deny development and to impose additional reasonable conditions, as it deems necessary. After the application is reviewed and is determined to be in compliance with this Ordinance and other applicable requirements, laws, codes and regulations, the permit shall be issued. In cases where the Building Official is authorized to approve such permits, he shall issue the permit following his review and determination that the individual Manufactured Home lot and Park 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 cancelled. 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 within ten (10) days a rehearing, which shall be granted by the City Council. Such rehearing shall be held by the City Council within thirty (30) days of the date the request for rehearing is received by the City.

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. The appropriate fee as shown thereof shall accompany all original license applications or renewals 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 per lot

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 permittee or licensee of the permittee'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 shall be suspended. 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. 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 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, 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, and 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.

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.

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 shall 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 large developments of greater than 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, such as indoor recreation areas, swimming pools, hobby and repair shops, and service buildings. Playground areas designed for children shall be so designated and must be protected from traffic, thoroughfares and parking areas. No recreation area shall contain less than 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 90° 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, said utilities shall be underground;

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 stability of the Manufactured Home, and shall be placed at least at each corner of the Manufactured Home.

c. cover an area of at least two hundred forty (240) square feet or at least one-third the area of the largest Manufactured Home, which is to 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 a 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. Design and Location of Storage Facilities. 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 water provider 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.

3. Each Manufactured Home lot shall have a sewer riser pipe of at least four inches (4"), which shall be capped when not in use.

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 be stored in a fly-proof, waterproof 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 create no health hazard. The owner of a Manufactured Home Park or Subdivision shall grant a refuse pickup easement to the City, if necessary, for garbage collection.

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

R. Parking of Mobile Home, Manufactured Home or Travel Trailers. It shall be unlawful for any person to park any Manufactured Home, Mobile Home or travel trailer on any street in the City in a manner in which such parking blocks the natural flow of traffic, blocks an entrance way to either public or private property, or creates a hazard, and under no circumstances shall any person park any Manufactured Home, Mobile Home, or travel trailer on a street within corporate limits of the City for a period in excess of three (3) hours.

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 and fifty feet (150') in depth. 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 gross floor area.

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 and fifty feet (150') in depth. 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 - 15 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 gross floor 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 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. 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 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, year, and dimensions of all

Manufactured Homes; and

3. The date of arrival and departure of each Manufactured Home.
4. 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 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 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 Council in accordance with Section 12 hereof and, upon failure to comply, said license shall be revoked.

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 in accordance with the instruments of the park management.
3. The use of space immediately beneath a Manufactured Home for storage shall not be permitted.

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.

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

Section 9. Use of Manufactured Homes for Nonresidential Purposes. Manufactured Homes may be used only for the following nonresidential purposes. When a permit is issued under Section 4 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 not be utilized for commercial establishments on a temporary or permanent basis, except as provided in subsection A above.

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

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° to the frame, shall not exceed four feet (4') from the top of the pad.

Section 10. Nonconforming Mobile Homes, 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. Nonconforming Parks shall comply with the requirements of Section 5, Licenses, hereof.

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

C. Any Manufactured Home Subdivision or Manufactured Home Park which is not 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. 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. 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 inspector 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.

Section 12. Notice, Hearing, 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 permittee, 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 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.

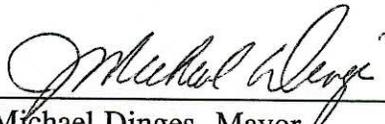
Section 13. Penalty. Any person who shall violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day of violation shall constitute a separate offense.

Section 14. Severability. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

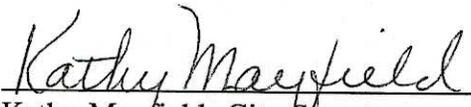
Section 15. Repeal. Ordinance No. 99-854 originally passed and approved the ____ day of _____, 1999, and as amended by Ordinance No. 99-857, passed and approved the 20th day of October, 1999 are all hereby repealed. All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

Section 16. Effective Date. This Ordinance shall be effective immediately upon its passage, approval, and publication.

PASSED AND APPROVED this 19 day of June, 2002.


Michael Dinges, Mayor

ATTEST:


Kathy Mayfield, City Secretary

ALDERMEN VOTING

JOHN SMART	<u>AYE</u>
J. B. COLLINS, JR.	<u>AYE</u>
ROBERT FOX	<u>AYE</u>
BILL ARCHER	<u>AYE</u>
OWEN BEMENT	<u>AYE</u>

ORDINANCE NO. 02-885

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, ESTABLISHING RULES AND REGULATIONS GOVERNING THE CONSTRUCTION, ERECTION, MAINTENANCE AND USE OF SIGNS WITHIN THE CORPORATE LIMITS OF THE CITY; APPLICATION OF RULES AND REGULATIONS TO CITY'S EXTRATERRITORIAL JURISDICTION; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, the City Council of the City of Fulshear, Texas (the "City") finds that the unregulated construction and erection of outdoor signs, billboards and other structures designed to make an announcement to the general public can create structural hazards and can present impediments and dangers to traffic along City roadways and easements, and

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

WHEREAS, the City Council of the City of Fulshear recognizes that protection of the City's visual environment will benefit both residential and commercial property owners and will promote a positive image of the City; and

WHEREAS, the City Council desires to promote the reasonable, orderly, and effective display of signs and to ensure that signs do not create or become hazards; now therefore,

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

Section 1. The facts and recitations set forth in the preamble of this Ordinance are found to be true and correct.

Section 2. The City of Fulshear, Texas (the "City"), adopts this Ordinance that establishes rules and regulations relating to the construction, erection, maintenance and use of signs within the City.

Section 3. **Definitions.** The following terms, when used in this Ordinance, shall have the meanings ascribed to them herein, except where the context clearly indicates a different meaning:

Ground sign shall mean any sign mounted on the ground or supported by one or more columns, poles, uprights, or braces anchored in or on the ground and not attached to any building, including reader panels.

Monument sign shall mean a ground sign mounted on the ground and not elevated above the ground by any columns, poles, uprights, braces or any other device that holds the sign off the ground.

Non-commercial sign shall mean a sign that contains a non-commercial message only.

Non-commercial message shall mean a civic, political, religious, seasonal, or personal message that is not displayed for a fee, for compensation, or for the promotion of a product, service or other business, and is located on property owned or lawfully occupied by the person displaying the message.

Off-premise sign shall mean any sign, which directs attention to a business, person, activity, good, product, service, or entertainment sold or offered elsewhere than on the premises where such sign appears.

Portable sign shall mean any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, wheeled carrier, or other nonmotorized mobile structure. A portable sign which has its wheels removed shall still be considered a portable sign hereunder.

Sign shall mean any structure, part thereof, or inscription which is located upon, attached to, or painted or represented on any land, or on the outside of any building or structure, or on an awning, canopy, marquee, or similar appendage, or permanently affixed to the glass on the outside of the building or structure, and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, monogram, heraldry, trademark, light, or other representation used as or in the nature of an announcement, advertisement, attention arrestor, direction, warning, or designation of any person, firm, group, organization, corporation, association, place, commodity, product, service, business, establishment, profession, enterprise, industry, activity, or any combination thereof; where the word sign is used herein without further modification, the same shall be understood to embrace all regulated signs and replicas.

Snipe/Bandit sign shall mean a sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to a tree, stake, fence, utility pole, or other like object, the advertising matter of which is not applicable to the present use of the premises on which the sign is located.

Temporary sign shall mean any sign constructed of materials with short life expectancies. A portable sign shall not necessarily be considered a temporary sign.

Section 4. Sign construction and maintenance. All signs within the City shall be erected and maintained in compliance with all applicable federal and state statutes and regulations and with the building code, electrical code, and other applicable ordinances of the City. In the event of conflict between this ordinance and other statutes, regulations or ordinances, the most restrictive standard shall apply. All signs and sign structures shall be kept in good repair and neat appearance. Maintenance shall be performed on all signs at reasonable intervals, and shall include replacement of defective parts, painting, repainting, and cleaning. The owner of a sign and the owner of the property upon which the sign is located shall be jointly and severally responsible for the sign's maintenance and repair. The Mayor of the City, or his designee, shall inspect all signs and sign structures on a regular basis and shall require maintenance or repair of any sign deemed in violation of this Section.

Section 5. Prohibited signs. It is unlawful for any person to construct, erect, install, construct, display, maintain, reconstruct, place, locate, relocate or make use of any of the following signs within the City:

- A. Revolving or moving signs.
- B. Signs that contain or have attached thereto banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, flash tags, or other similar devices.
- C. Portable signs.
- D. Snipe signs.

- E. Signs located on a roof or otherwise attached to a building if it projects above the highest point on the building.
- E. Signs, or any portion thereof, that are located on or project or extend over any public sidewalk, street, alley, or other public property.
- F. Signs that are deteriorated, dilapidated, or unsafe.
- G. Signs that contain statements, words, or pictures of an obscene, indecent, or immoral character as will offend public morals or decency.
- H. Signs located on or attached to a streetlight, utility pole, fire hydrant, bridge, traffic-control device, street sign, or other building, facility, structure or equipment owned by the City without the prior written consent of the City.
- I. Any freestanding or ground sign which exceeds five feet (5') in height from natural ground level or thirty six (36) square feet in total area and which does not conform to all regulations stated in this Ordinance governing "ground-mounted monument signs;"
- J. More than one ground-mounted monument for any lot or development site, or for any individual shopping center or strip center; provided, however, if a lot or development site, shopping center or strip center has frontage on two public streets, one ground-mounted monument sign shall be permitted for each such street frontage.
- K. Signs that do not comply with this Ordinance or other ordinances of the City.
- L. Signs located or illuminated so that they obscure or interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or interfere with the view of approaching, emerging or intersecting traffic, or prevent any traveler on any street from obtaining a clear view of approaching vehicles.
- M. Illuminated signs which:
 - 1. Are illuminated to such intensity or without proper shielding so as to constitute a hazard to the operation of motor vehicles upon a public street or substantially interfere with the reasonable enjoyment of residential property; or
 - 2. Have any type of intermittent illumination, including flashing, fading, revolving or blinking lights, or any type of moving, traveling or changing message by means of lights or illumination.
- N. Any sign that violates any sight visibility regulations of the City.

- O. Signs located in public rights-of-way.
- P. Signs placed on private property without the consent of the owner of person in possession of the property.
- Q. Off-premise signs.

Section 6. **Exceptions.** This Ordinance shall not apply to the following types of signs

- A. **Governmental signs.** Any sign:
 - 1. Erected or maintained pursuant to and in discharge of any governmental function;
 - 2. Required by law, ordinance or governmental regulation; or
 - 3. Located on property owned, leased, or under the control of any federal, state or local governmental entity or subdivision thereof.
- B. **Private traffic control signs.** Signs on private property containing no advertising that direct the movement of traffic, warn of obstacles or overhead clearances, or control parking, including entrance and exit signs.
- C. **Railway signs.** Any sign on property owned by a railroad placed or maintained in reference to the operation of the railway.
- D. **Utility and hazard signs.** Any sign marking utility or underground communication or transmission lines or pipes and hazards.
- E. **Plaques.** Historical and commemorative plaques of recognized historical societies and organizations, provided that such signs are less than fifteen (15) square feet in total area.
- F. **Mailbox, address, and property identification signs.** Signs displaying addresses, names and other markers identifying the property located on mailboxes, residences, and businesses, or at the entrance to the property, provided that the sign simply identifies the occupants, business, or property and does not advertise a product or service.
- G. **Vehicle signs.** Signs displayed or used upon motor vehicles and trailers, unless the vehicle or trailer is permanently stationed or regularly used at a fixed location to serve the same or similar purpose of a permanent or portable sign.

- H. **Real estate signs.** Signs not exceeding six (6) square feet in total area per sign face pertaining to the sale or rental of the property on which they are displayed, provided, however, that no more than one such sign for each street frontage shall be permitted.
- I. **Athletic field signs.** Signs located on the field side of scoreboards and fences of athletic fields.
- J. **Holiday signs and lights.** Temporary signs, including Christmas lights, containing only holiday messages and no commercial advertising.
- K. **Non-commercial signs.** Signs advertising or promoting a candidate or proposition in conjunction with an election, or otherwise containing a non-commercial message, provided that:

1. No non-commercial sign shall be erected before forty-five (45) days before the election date on which the office or proposition is to be determined;

2. All such non-commercial signs shall be removed within seven (7) days following the election on which the office or proposition is finally determined in accordance with the Texas Election Code;

3. No such non-commercial sign shall exceed sixteen (16) square feet in total area nor exceed six feet (6') in height above natural ground level; and

4. Such temporary non-commercial sign shall otherwise comply with all provisions of this Ordinance.

Section 7. **Obsolete signs.** Signs which have been abandoned or have become obsolete due to the closing of a business, change in the nature or name of the business establishment, or for any other reason rendering the sign nonapplicable to the property upon which it is displayed, shall be removed by the owner of the building or premises upon which it is situated within sixty (60) days from the date of the action that caused the sign to be abandoned or become obsolete.

Section 8.

- A. Signs lawfully in existence as of the effective date of this ordinance pursuant to City Ordinance No. 602 passed and approved on the 19th day of November, 1991,

shall be considered and deemed as lawfully existing nonconforming signs and may be continued as such. Notwithstanding the foregoing, the person or entity who is in ownership or control of the property on which such sign is located shall be required to obtain a permit for such sign and otherwise comply with all requirements of this Ordinance relating to nonconforming signs and sign structures.

- B. Lawfully existing nonconforming signs shall be kept in good repair and visual appearance and no structural alterations shall be made thereto. In the event that more than fifty-percent (50%) of the area of a lawfully existing nonconforming sign is damaged, the sign shall be removed, made to conform or replaced with a conforming sign.
- C. When a nonconforming sign is replaced, the replacement sign must comply in all respects with this Ordinance.
- D. The installation of any new sign is prohibited on a site while a non-conforming sign remains in use.

Section 9. **Application to extraterritorial jurisdiction.** The regulations established this Ordinance are hereby applicable to all signs located in the extraterritorial jurisdiction of the City, as established by Chapter 42 of the Texas Local Government Code.

Section 10. **Permits.** It is unlawful for any person to place, locate, relocate, erect, construct, replace or alter the size or shape of any sign, including the face or other integral part thereto, or to thereafter make use of a sign without having first obtained a sign permit from the City, except as otherwise provided in this Ordinance.

Section 11. **Permit exemptions.** A sign permit is not required:

- A. To repaint a sign or to restore a conforming sign to its original condition if the sign otherwise complies with this Ordinance;
- B. To periodically change only the letters, numbers or message portion of a lawful sign specifically designed for that purpose; or
- C. For the placement or use of a non-commercial sign.

Section 12. **Application and permits.** The application for a sign permit, together with an application fee in the amount of fifty and no/100 dollars (\$50.00), shall be submitted on

such forms provided by the City and must be accompanied by the information, drawings and descriptive data required by the City Secretary to ensure proper regulation of the sign and the ensure compliance with this Ordinance.

Section 13. **Issuance of permits.** If the plans and specifications for a sign set forth in any application for a permit conform to all of the requirements of this Ordinance, and any other applicable City regulations, the City Secretary shall issue the appropriate permit.

Section 14. **Duration.** Unless earlier revoked, a sign permit to construct, erect, locate, or place is valid for 180 days from the date of issuance.

Section 15. **Revocation.** A sign permit may be revoked for violation of this Ordinance. The City Secretary shall give prior written notice of a proposed revocation to the permittee and an opportunity to respond to the reasons for revocation within ten (10) days of said written notice. The permit shall not be revoked prior to the expiration of ten (10) days from the date of such written notice.

Section 16. **Appeal.** Any person aggrieved by a decision of the City Secretary in the application of this Ordinance may appeal the decision to the City Council of the City by delivering, in writing, a notice of appeal stating therein the decision complained of and the reasons for appeal. The City Council shall hear the appeal at its next regularly scheduled meeting; provided, however, that the appeal shall be heard within thirty (30) days of the filing of the appeal.

Section 17. **Penalty.** Any person, corporation, or entity who or which violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

Section 18. Repealer. Ordinance No. 602 originally passed and approved the 19th day of November, 1991 is hereby repealed. All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

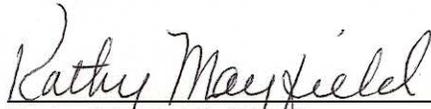
Section 19. Severability. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 14 day of June, 2002.



J. Michael Dinges, Mayor

ATTEST:



Kathy Mayfield, City Secretary

ALDERMAEN VOTING:

JOHN SMART - AYE
J B COLLINS, JR. - AYE
ROBERT FOX - AYE
BILL ARCHER - AYE
OWEN BEMENT - AYE

ORDINANCE NO. 02-886

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, GRANTING THE PETITION OF FOSTER CREEK ESTATES ASSOCIATION TO INCLUDE CERTAIN DESCRIBED LAND IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY; EXPANDING AND EXTENDING THE EXTRATERRITORIAL JURISDICTION OF THE CITY TO INCLUDE ALL OF SUCH LAND, IN RESPONSE TO SUCH PETITION AND IN ACCORDANCE WITH SECTION 42.022 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT.

* * * * *

WHEREAS, Etta Palmer, acting as agent for the owners of homes in the Foster Creek Estates Association, consisting of six tracts of land totaling 231.2014 acres of land, more or less, which land is contiguous to the existing extraterritorial jurisdiction of the City of Fulshear, Texas (the "City"), has filed a petition with the City Council of the City requesting that the City extend its extraterritorial jurisdiction to include all of such land; and

WHEREAS, such land does not lie within the corporate limits of any other city, town, or village, or within the extraterritorial jurisdiction of any city, town, or village; now, therefore,

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

Section 1. The facts and matters contained in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The petition submitted to the City Council of the City on February 19, 2002, by Etta Palmer, acting as agent for the owners of the below described land, petitioning and requesting the City to expand and extend its extraterritorial jurisdiction to include all of such described land, is hereby granted.

Section 3. The land to which such petition refers is more particularly described in Exhibit "A" attached hereto and made a part hereof for all purposes.

Section 4. The extraterritorial jurisdiction of the City of Fulshear shall be, and the same is hereby, extended in accordance with the terms of Section 42.022 of the Texas Local Government Code, to include all of such land or territory described in Exhibit "A" attached hereto.

Section 5. It is the City's belief that all of the land subject to the aforesaid petition, and described in Exhibit "A" attached hereto, lies outside the extraterritorial jurisdiction of any other city, town, or village, and lies outside the corporate limits of any city, town, or village, and, therefore, all of said land and territory may be included within the extraterritorial jurisdiction of the City as provided for herein. It is, however, provided that if any portion of said land subject to the aforesaid petition and described in Exhibit "A" attached hereto, does lie within the extraterritorial jurisdiction of any other city, town, or village, or which does lie within the corporate limits of any city, town, or village, is hereby specifically excluded from the terms of this Ordinance and the intention of City Council is hereby expressed not to expand its extraterritorial jurisdiction to encompass any land or territory presently included within the extraterritorial jurisdiction of any other city, town, or village or presently included within the corporate limits of any city, town, or village.

Section 6. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other any part or provision hereof other than the part declared to

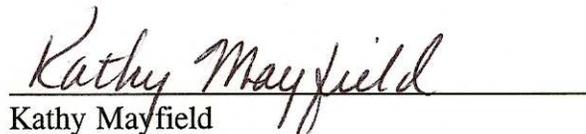
be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED AND APPROVED on this the 21 day of July, 2002.



Michael Dinges
Mayor

ATTEST:



Kathy Mayfield
City Secretary

ALDERMEN VOTING

JOHN SMART	<u>AYE</u>
J. B. COLLINS, JR.	<u>AYE</u>
ROBERT FOX	<u>AYE</u>
BILL ARCHER	<u>AYE</u>
OWEN BEMENT	<u>AYE</u>

TRACT I:

Beginning at the Northwest corner of a certain 3.0 Acre Tract as described in Volume 59, Page 396 and Volume 475, Pages 654-655, said point being the northeast corner and Place of Beginning of the herein described 128.109 Acre Tract, said point also being in the South line of the Don F. McMillian tract as described in Volume 493, Page 396, Fort Bend County Deed Records;

THENCE South 21°02' East along the West line of the aforementioned call 3.0 Acre Tract, 30.8 feet to an Iron Rod set for the most Easterly Southeast corner of the herein described 128.109 Acre Tract, said point also being the Southwest corner of a 0.278 Acre Tract being a part of an easement as described in deed from Jannie V. Caldwell to Rhea Swanson, recorded in Volume 475, Page 654, Fort Bend County Deed Records;

THENCE South 67°33' West 30 feet from and parallel to the North line of that certain call 224.6 Acre Tract (as described in Deed recorded in Volume 59, Page 396 of the Deed Records of Fort Bend County, Texas), 915.29 feet to a 1-1/4 inch Iron Pipe set for a reentry corner to the herein described 128.109 Acre Tract;

THENCE South along a line establishing the East line of the herein described 128.109 Acre Tract, at 4362.34 feet pass a 1-1/4 inch Iron Pipe set on the top bank of Jones Creek, and continuing for a total distance of 4562.34 feet to a point in the centerline of Jones Creek for the Southeast corner of the herein described 128.109 Acre Tract;

THENCE upstream with the centerline meanders of Jones Creek, to-wit:

South 49°58'31" West, 70.18 feet,
 South 65°23'05" West, 120.94 feet,
 South 70°41'32" West, 176.10 feet,
 South 76°43'31" West, 204.37 feet,
 South 84°30'25" West, 331.68 feet, and
 North 78°31'00" West, 391.74 feet to a point in the centerline of Jones Creek for the Southwest corner of the herein described 128.109 Acre Tract, same being the Southwest corner of the aforementioned call 224.6 Acre Tract;

THENCE North 00°26'15" East along a fence line as located on the West line of the aforementioned call 224.6 Acre Tract, at 211.32 feet pass a 1-1/4 inch Iron Pipe set on the top bank of Jones Creek, and continuing for a total distance of 1594.42 feet to a 1-1/4 inch Iron Pipe set at an angle point on said line;

THENCE North 00°09'14" East along a fence line as located on the West line of the aforementioned call 224.6 Acre Tract, at 158 feet pass the centerline of Jones Creek, at 2582 feet pass the centerline of Jones Creek, and continuing for a total distance of 2690.09 feet to a 3/4 inch Iron Pipe found for the Northwest corner of the herein described 128.109 Acre Tract, same being the Northwest corner of the aforementioned call 224.6 Acre Tract, said point also being a corner of the Don F. McMillian tract as described in Volume 493, Page 396, Fort Bend County Deed Records;

THENCE North 67°33' East along a fence line as located on the North line of the herein described 128.109 Acre Tract, same being a South line of the aforementioned Don F. McMillian Tract, 2227.41 feet to the PLACE OF BEGINNING and containing 128.109 acres of land.

TRACT II:

A 1.8037 Acre Tract of land, 0.5422 acre being out of a certain 3.00 Acre Tract described in Volume 44, Page 499 of the Dead Records, and 1.2615 acres being a part of that certain called 224.6 Acre Tract described in Deed from John E. Rosenbush to Rhea Swanson, recorded in Volume 352, Page 195 of the Fort Bend County Dead Records.

BEGINNING at a 3 inch Iron Pipe found at the Northeast corner of said 224.6 Acre Tract, same being the Northwest corner of that certain 3.00 Acre Tract and the Northeast corner of the 128.109 Acre Tract described as Tract I above being a part of the 224.6 Acre Tract;

THENCE South $67^{\circ}33'$ West along the North line of said 224.6 Acre Tract, same being the North line of the 128.109 Acre Tract, 903.32 feet to a 1-1/4 inch Iron Pipe found on said line for the Northwest corner of the herein described 1.8037 Acre Tract;

THENCE South along an East line of the 128.109 Acre Tract, 64.95 feet to a point on said line for the Southwest corner of the herein described 1.8037 Acre Tract;

THENCE North $67^{\circ}33'$ East, 927.48 feet to an angle point in the South line of the herein described tract, said point being in the East line of the 224.6 Acre Tract, same being the West line of said 3.00 Acre Tract;

THENCE North $67^{\circ}20'$ East, 393.51 feet to a point in the Westerly right-of-way line of F.M. Highway 359 for the Southeast corner of the herein described 1.8037 Acre Tract;

THENCE North $21^{\circ}51'20''$ West along the Westerly right-of-way line of said F.M. Highway 359, 60 feet to a point on said line for the Northeast corner of the herein described 1.8037 Acre Tract;

THENCE South $67^{\circ}20'$ West, 393.49 feet to the PLACE OF BEGINNING and containing 1.8037 acres of land.

A 4.7982 Acre Tract of land (Lot 1, Foster Creek Estates) being a part of a 128.109 Acre Tract of land (described as Tract I above) in the John Foster 2-1/2 Leagues Grant, Abstract 26, Fort Bend County, Texas, said 128.109 Acre Tract being a part of that certain called 224.6 Acre Tract as described in Deed recorded in Volume 59, Page 396, Fort Bend County Deed Records, Fort Bend County, Texas.

COMMENCING at an Iron Pipe found at the Northwest corner of said 128.109 Acre Tract, same being the Southwest corner of the Don F. McMillian tract (as described in Volume 493, Page 396 of the Deed Records of Fort Bend County, Texas) adjoining said 128.109 Acre Tract on its North side;

THENCE North 68°00' East along the common line of the aforementioned 128.109 Acre Tract and the Don F. McMillian Tract, 496.63 feet to an Iron Pipe set on said line for the Northwest corner and PLACE OF BEGINNING of the herein described 4.7982 Acre Tract;

THENCE continuing North 68°00' East along the common line of said 128.109 Acre Tract and the Don F. McMillian Tract, 827.45 feet to an Iron Pipe found on said line for the Northeast corner of the herein described 4.7982 Acre Tract, same being the Northeast corner of the aforementioned 128.109 Acre Tract;

THENCE South along an East line of said 128.109 Acre Tract, 33.32 feet to an Iron Pipe set on said line for corner, said point being in the centerline of a 60 foot wide road (described in Volume 952, Page 703 of the Deed Records of Fort Bend County, Texas) and on the beginning of a curve to the left;

THENCE around said curve to the left with a central angle of 37°09'05", a radius of 59.51 feet, a tangent of 20 feet, an arc length of 38.59 feet and a chord bearing South 48°14'32" West, 37.92 feet to the point of tangency of said curve;

THENCE continuing along the centerline of said 60 foot wide road, South 29°40' West, 736.19 feet to an Iron Pipe set at the point of intersection of this centerline of said 60 foot wide road and the centerline of a 60 foot wide road bearing South 43°58' East for the Southwest corner of the herein described 4.7982 Acre Tract;

THENCE North 43°58' West along the centerline of the second mentioned 60 foot wide road, at 200 feet pass an Iron Pipe set at the radius of a 50 foot radius cul-de-sac at the end of said 60 foot wide road and continuing for a total distance of 539.49 feet to the PLACE OF BEGINNING and containing 4.7982 Acres of land.

94.4679 acres of land in the John Foster 2-1/2 League Grant, Abstract No. 26, Fort Bend County, Texas, being more particularly described as Tract I and Tract II, as follows:

Tract I:

94.1955 acre tract of land in the John Foster 2 1/2 Leagues Grant, Abstract 26, Fort Bend County, Texas, being the residue of a 93.00 acre tract of land being a part of a called 224.6 acre tract described in Deed from J. C. Hunken to Walter Rosenbush, recorded in Volume 59, Page 396, and in Deed from John E. Rosenbush to Rhea Swanson, recorded in Volume 352, Page 195, Fort Bend County Deed Records, and a 2.0226 acre tract of land being the residue of the Julie Brown called 3.00 acre tract being of record in Volume 59, Page 396, and Volume 475, Page 554, Deed Records, Fort Bend County, Texas.

BEGINNING at an iron pipe set in the Westerly line of F.M. Highway 359 for the Northeast corner of PLACE OF BEGINNING of the herein described tract, same being the Southeast corner of a certain 0.5432 acre tract of land being an easement conveyed to Ollie R. McWilliams and recorded in Volume 631, Page 258, Fort Bend County Deed Records;

THENCE South 67° 20' West along the Northerly line of the herein described 94.1955 acre tract, same being the Southerly line of the aforementioned 0.5432 acre tract, 393.94 feet to an iron pipe set for a re-entry corner to the herein described 94.1955 acre tract, same being the Southwest corner of the aforementioned 0.5432 acre tract;

THENCE North 21° 02' West along the Westerly line of said 0.5432 acre tract, 30.15 feet to an iron pipe set in said line for corner, said point being the Southeast corner of a certain 0.6343 acre tract of land being an easement conveyed to Ollie R. McWilliams and recorded in Volume 631, Page 258, Fort Bend County Deed Records;

THENCE South 66° 48' 41" West along the Northerly line of the herein described 94.1955 acre tract, same being the Southerly line of the aforementioned 0.6343 acre tract, 928.83 feet to an iron pipe found for the Northwest corner of the herein described tract, same being the Southwest corner of the aforementioned 0.6343 acre tract and being located in the East line of a certain 128.109 acre tract (Foster Creek Estates Section I);

THENCE South along the West line of the herein described tract, same being the East line of the aforementioned adjoining 128.109 acre tract, at 4345.41 feet pass a 1 1/4 inch iron pipe found on said line, and continuing for a total distance of 4530.71 feet to a point in the centerline of Jones Creek for the Southwest corner of the herein described 94.1955 acre tract, same being the Southeast corner of the aforementioned adjoining 128.109 acre tract;

THENCE along the centerline of Jones Creek with its meanders, to-wit:

North 49° 50' 45" East, 194.91 feet;
 North 31° 38' 53" East, 352.55 feet;
 North 41° 02' 52" East, 167.18 feet;
 North 50° 45' 58" East, 98.34 feet;

EXHIBIT "A"

Page 4 of 5

North $58^{\circ} 41' 13''$ East, 180.40 feet; and
 North $62^{\circ} 20' 56''$ East, 426.53 feet to a point for the
 Southeast corner of the herein described tract;

THENCE North $00^{\circ} 05' 05''$ East along the East line of the herein described tract, at 162.78 feet past a 1½-inch iron pipe found on said line, and continuing for a total distance of 1075.72 feet to a point for an angle point in said line;

THENCE North $00^{\circ} 20' 09''$ East continuing along the East line of the herein described tract, 1128.81 feet to a 1½-inch iron pipe found for corner;

THENCE North $88^{\circ} 29' 04''$ West, 208.03 feet to a 1½-inch iron pipe found for corner;

THENCE North $43^{\circ} 10' 18''$ West, 99.5 feet to a 1½-inch iron pipe found at a re-entry corner to the herein described tract;

THENCE North $00^{\circ} 14' 55''$ East, 1382.97 feet to a 1½-inch iron pipe found at a re-entry corner to the herein described tract;

THENCE North $68^{\circ} 24' 11''$ East, 573.56 feet to a 1½-inch iron pipe found in the Westerly line of F.M. Highway 359 for corner;

THENCE North $21^{\circ} 51' 20''$ West along the Westerly right-of-way line of F.M. Highway 359, 256.47 feet to the PLACE OF BEGINNING and containing 94.1955 acres of land, more or less.

Tract II:

Field notes for a 0.2724-acre tract of land out of a called 0.5432-acre tract of land in the John Foster 2½ Leagues Grant, Abstract No. 26, Fort Bend County, Texas, said called 0.5432-acre tract being that same tract of land described as Tract "B" in Deed recorded in Volume 631, page 252, Fort Bend County Deed Records, and also being a part of that certain 3.00-acre tract of land described in Volume 59, page 396, and Volume 475, pages 654-655, Fort Bend County Deed Records.

BEGINNING at an iron pipe set in the Westerly line of F.M. Highway 359 for the Southeast corner and Place of Beginning of the herein described tract, said point being the Southeast corner of the aforementioned called 0.5432-acre tract;

THENCE South $67^{\circ} 20'$ West along the southerly line of said called 0.5432-acre tract, 393.94 feet to a point in the Westerly line of the aforementioned called 3.00-acre tract for the Southwest corner of the herein described 0.2724-acre tract;

THENCE North $21^{\circ} 02'$ West along the Westerly line of said 3.00-acre tract, 30.15 feet to a point for the Northwest corner of the herein described 0.2724-acre tract;

THENCE North $67^{\circ} 20'$ East, 393.51 feet to a point in the Westerly line of F.M. 359 for the Northeast corner of the herein described tract;

THENCE South $21^{\circ} 51' 20''$ East along the Westerly line of F.M. Highway 359, 30.14 feet to the PLACE OF BEGINNING and containing 0.2724 acres of land, more or less.

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, PROVIDING FOR THE ADOPTION OF THE INTERNATIONAL BUILDING CODE, 2000 EDITION (NON-RESIDENTIAL), AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC.; PROVIDING REGULATIONS RELATING TO THE CONSTRUCTION, ALTERATION, ENLARGEMENT, REPLACEMENT, AND REPAIR OF BUILDINGS AND STRUCTURES WITHIN THE CITY; PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL BUILDING CODE; ESTABLISHING FEES FOR THE ISSUANCE OF PERMITS; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION OF ANY PROVISION HEREOF; REPEALING ORDINANCE NO. 545, PASSED AND APPROVED ON JANUARY 19, 1981, AS AMENDED, AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

* * * * *

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

Section 1. The International Building Code. The International Building Code, 2000 Edition (non-residential), hereinafter sometimes referred to as the "Code," as published by the International Code Council, Inc., is hereby adopted. A copy of said Code is attached hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the City Secretary.

Section 2. Amendments to the International Building Code.

(1) Section 103 of said Code is hereby deleted and a new Section 103 is substituted therefor as follows:

"103 Department of Building Safety. The enforcement of this code shall be under the administrative and operational control of the building official. The building official shall have such duties, and shall be selected and serve in the position at the pleasure of the City Council and may be removed without cause by City Council. The building official may appoint deputies to assist him/her, subject to City Council approval. Said deputies shall serve at the pleasure of the city council and may be removed without cause by City Council."

(2) Section 104 of said Code is hereby deleted and a new Section 104 is substituted therefor as follows:

“104 Powers and Duties of the Building Official.

104.1 General. The building official is hereby authorized and directed to enforce all of the provisions of this code. The building official shall have the power to render interpretations of this code and to adopt and enforce written rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code.

104.2 Right of Entry. When it is necessary to make an inspection to enforce the provisions of this code, or when the building official has reasonable cause to believe that there exists in a building or upon its premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous, or hazardous, the building official may request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

104.3 Stop Orders. Whenever any work is being done contrary to the provisions of this code the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall stop work until authorized in writing by the building official to proceed with the work.

104.4 Modifications. When there are practical differences involved in carrying out the provisions of this code, the building official may grant modifications for individual cases. The building official must find that a special reason makes the strict letter of this code impractical and that modification is in conformance with the intent and purpose of this code, and that such modification does not lessen accessibility, health, life and fire safety, or structural integrity. The details of any action granting modifications shall be written and recorded and entered in the files of the City.

104.5 Alternate Materials, Alternative Design and Methods of Construction. The provisions of this code are not intended to prevent the use of a material, alternate design, or method of construction not specifically prescribed by this code, provided any alternate has been approved by the building official.

The building official may approve any such alternate, provided the building official finds that the proposed material, design, or method is satisfactory and complies with the provisions of this code and that the material and method of work offered is, for the purpose intended, at least equivalent of that prescribed in this code in suitability, effectiveness, fire resistance, durability, and safety.

The building official shall require that sufficient written evidence or proof be submitted to substantiate any claims that may be made regarding an alternate.

The details of any action granting approval of an alternate shall be written and recorded and entered in the files of the City.

104.6 Tests. Whenever there is insufficient evidence of compliance with any of the provisions of this code or evidence that any material or work does not conform to the requirements of this code, the building official may require tests as proof of compliance to be made at no expense to the City.

Test methods shall be as specified by this code or other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the building official shall determine test procedures.

All tests shall be made by an approved agency. Reports of such tests shall be retained by the building official for the period required for the retention of public records.”

(3) Sections 105.1, 105.1.1, and 105.1.2 of said Code are hereby deleted in their entirety.

(4) Section 105.2 of said Code is hereby amended by deleting the exemptions listed 1 through 13 under “Building” and replacing said list as follows:

“105.2 Work exempt from permit.

...

Building:

1. Sidewalks and decks.
2. Painting, papering, tiling, carpeting, cabinets, countertops, or similar finish work.
3. Prefabricated swimming pools accessory to a group R-3 occupancy, which are less than twenty-four inches (24”) deep, do not exceed five thousand (5000) gallons, and are installed above ground.
4. Swings and other playground equipment accessory to one and two family dwellings.”

(5) Section 105.5 of said Code is hereby deleted and new Section 105.5 is substituted therefor as follows:

“105.5. Expiration: No construction schedule. Every permit issued shall become invalid unless the work at the site authorized by such permit is

commenced within 180 days after its issuance. The building official is authorized to grant, in writing, an extension or extensions of such permit, provided the maximum term of said permit shall not exceed one and one-half (1-1/2) years. If any permitted work is not completed within this limitation, then the permit shall become invalid and must be reissued in order to resume work, together with payment of fees for such reissued permit.

Work pursuant to a construction schedule. A permit may be issued for a reasonable period of time, which coincides with a written construction schedule prepared by a licensed architect or engineer, and filed with the City. The building official is authorized to grant, in writing, an extension or extensions of such permit, provided the maximum term of said permit shall not exceed two (2) years. If any permitted work is not completed within this limitation, the permit shall become invalid and must be reissued in order to perform or resume work, together with payment of fees for such reissued permit.”

(6) Section 105 of said Code is hereby amended by adding a new Section 105.9, which provides as follows:

“105.9 Liability Insurance. The person or entity that will actually perform the work or services covered by a permit shall provide to the City evidence of comprehensive general liability insurance, issued by a company licensed to do business in Texas, in the following amounts, for the duration of the permit, and shall furnish certificates of insurance to the City as evidence thereof. The certificates shall provide that the insurance shall not be canceled, reduced, or changed without 30 days advance notice to the City.

Comprehensive general liability insurance covering all risks associated with the work, with a minimum bodily injury limit of \$100,000, \$300,000 per occurrence, and a property damage limit of \$400,000, or a property damage limit equal to or exceeding the amount of the contract amount, whichever is greater.”

(7) Section 108.2 of said Code is hereby deleted and a new Section 108.2 is substituted therefor as follows:

“Section 108.2 Schedule of permit fees. For buildings, structures, or electrical, gas, mechanical, and plumbing systems or alterations thereof requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Fulshear’s Fee Schedule, as it may be amended from time to time by City Council.”

(8) Section 108.4 of said Code is hereby deleted and a new Section 108.4 is substituted therefor as follows:

“108.4 Work commencing before permit issuance. The fee for work commenced without a permit shall be double the fee set forth in the fee schedule adopted by the City.”

(9) Section 110.1 of said Code is hereby deleted and a new Section 110.1 is substituted therefor as follows:

“110.1 Use and Occupancy. No Building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the building official has issued a certificate of occupancy therefor as provided herein.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the City. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the City shall not be valid.”

(10) Section 112.1 of the Code is hereby deleted and new Section 112.1 is substituted therefor as follows:

“112.1. Appeals. Appeals of orders, decisions, or determinations made by the City’s building official in interpreting or applying this Code shall be to the City Council. The City Council may obtain the assistance of persons who are qualified by experience and training on a particular subject under consideration.”

(11) Section 112.3 of the Code is hereby deleted in its entirety.

(12) Section 113 of the Code is deleted in its entirety and the penalty provision of this Ordinance is substituted in its place.

(13) Section 903, entitled “Sprinkler Systems” is hereby deleted.

(14) Sections 1507.8 and 1507.9 of said Code are hereby amended by deleting both sections in their entirety and a new Section 1507.8 is hereby substituting therefor to provide as follows:

“1507.8 Wood Shingles and Shakes.

(a) Allowed roof coverings of any structure regulated by this International Building Code shall be as provided in this Section.

(b) Wood shingles and shakes are not allowed, shall not be allowed as an alternative material, and shall not be installed or used on any new construction or re-roofing of any structure.

c) Existing structures which have wood shingles or shakes may be repaired with fire-retardant shingles or shakes of a comparable grade; however, owners shall have the option of installing any allowed Class A, Class B, or Class C roofing material, over the existing wood shingles and shakes, providing the existing roof structural system is adequate for modification. "Repair" means the replacement of damaged or destroyed shingles or shakes, provided the area repaired does not exceed twenty-five percent (25 %) of the square foot surface area of the roof. A wood shingle or shake roof may not be replaced with wood shingles or shakes in increments which are undertaken as repairs."

Section 3. Appendices.

The following Appendices contained in the International Building Code are deleted their entirety:

Appendix A, Employee Qualifications;
Appendix B, Board of Appeals;
Appendix D, Fire Districts;
Appendix H, Signs;
Appendix I, Patio Covers; and
Appendix G, Manufactured Homes.

Appendices C, E, F, and J contained in such Code are hereby adopted.

Section 4. Future Amendments. Future amendments of said International Building Code, 2000 Edition, not including clarifications or technical notices of any type, are not adopted by this Ordinance and must be subsequently approved and adopted by the City Council.

Section 5. Effect of Code. This Code shall not be construed to relieve or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the City Council, the City, its agents or representatives assume any such liability by reason of these regulations or the inspections authorized by this Code or any permits or certificates issued under this code.

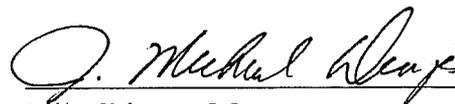
Section 6. Penalty. Any person, corporation, or entity who or which violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall

be fined in an amount not to exceed \$2,000. Each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

Section 7. Repealer. Ordinance No. 545, passed and approved the 19th day of January, 1981, as amended, and all ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

Section 8. Severability. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, AND APPROVED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, HELD ON THE 21 DAY OF AUGUST, 2002.


Mike Dinges, Mayor
City of Fulshear

ATTEST:


Kathy Mayfield, City Secretary
City of Fulshear

ALDERMEN VOTING

JOHN SMART AYE
J. B. COLLINS, JR. AYE
ROBERT FOX AYE
BILL ARCHER AYE
OWEN BEMENT AYE

ORDINANCE NO. 02-888

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS PROVIDING FOR THE ADOPTION OF *THE INTERNATIONAL RESIDENTIAL CODE*, 2000 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC.; PROVIDING FOR REGULATIONS RELATING TO THE CONSTRUCTION, ALTERATION, ENLARGEMENT, AND REPAIR OF RESIDENTIAL BUILDINGS AND STRUCTURES WITHIN THE CITY; PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID *INTERNATIONAL RESIDENTIAL CODE*; ESTABLISHING FEES FOR THE ISSUANCE OF PERMITS; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

* * * * *

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

Section 1. **The International Residential Code.** The *International Residential Code*, 2000 Edition, hereinafter sometimes referred to as the "Code," as published by the International Code Council, Inc., is hereby adopted. A copy of said Code is attached hereto and made a part hereof for all purposes, an authentic copy of which has been filed with the City Secretary.

Section 2. **Amendments to the International Residential Code.**

(1) Section R103 of said Code is hereby deleted in its entirety and a new Section R103 is substituted therefor as follows:

"**R103 Department of Building Safety.** The enforcement of this code shall be under the administrative and operational control of the building official. The building official shall have such duties, and shall be selected and serve in the position at the pleasure of the City Council and may be removed without cause by City Council. The building official may appoint deputies to assist him/her, subject to City Council approval. Said deputies shall serve at the pleasure of the City Council and may be removed without cause by City Council."

(2) Section R104 of said Code is hereby deleted in its entirety and a new Section R104 is substituted therefor as follows:

“R104 Duties and Powers of the Building Official.

R104.1 General. The building official is hereby authorized and directed to enforce all of the provisions of this code. The building official shall have the power to render interpretations of this code and to adopt and enforce written rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this Code.

R104.2 Right of Entry. When it is necessary to make an inspection to enforce the provisions of this Code, or when the building official has reasonable cause to believe that there exists in a building or upon its premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous, or hazardous, the building official may request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

R104.3 Stop Orders. Whenever any work is being done contrary to the provisions of this code the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall stop work until authorized in writing by the building official to proceed with the work.

R104.4 Modifications. When there are practical differences involved in carrying out the provisions of this Code, the building official may grant modifications for individual cases. The building official must find that a special reason makes the strict letter of this Code impractical and that modification is in conformance with the intent and purpose of this code, and that such modification does not lessen accessibility, health, life and fire safety, or structural integrity. The details of any action granting modifications shall be written and recorded and entered in the files of the City.

R104.5 Alternate Materials, Alternative Design and Methods of Construction. The provisions of this code are not intended to prevent the use of a material, alternate design, or method of construction not specifically prescribed by this Code, provided any alternate has been approved by the building official.

The building official may approve any such alternate, provided the building official finds that the proposed material, design, or method is satisfactory and complies with the provisions of this Code and that the material and method of work offered is, for the purpose intended, at least equivalent of that prescribed in this code in suitability, effectiveness, fire resistance, durability, and safety.

The building official shall require that sufficient written evidence or proof be submitted to substantiate any claims that may be made regarding an alternate. The details of any action granting approval of an alternate shall be written and recorded and entered in the files of the City.

R104.6 Tests. Whenever there is insufficient evidence of compliance with any of the provisions of this code or evidence that any material or work does not conform to the requirements of this Code, the building official may require tests as proof of compliance to be made at no expense to the City.

Test methods shall be as specified by this Code or other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the building official shall determine test procedures.

All tests shall be made by an approved agency. Reports of such tests shall be retained by the building official for the period required for the retention of public records.

(3) Section R105.2 of said Code is hereby amended by deleting exemptions listed as numbers 1 through 5 under the heading "Building."

(4) Section R105.5 of said Code is hereby deleted in its entirety and a new Section R105.5 is substituted therefor as follows:

"R105.5 Expiration: No construction schedule. Every permit issued shall become invalid unless the work at the site authorized by such permit is commenced within 180 days after its issuance. The building official is authorized to grant, in writing, an extension or extensions of such permit, provided the maximum term of said permit shall not exceed one and one-half (1-1/2) years. If any permitted work is not completed within this limitation, then the permit shall become invalid and must be reissued in order to resume work, together with payment of fees for such reissued permit."

(5) Section R105 of said Code is hereby amended by adding a new Section R105.10, which provides as follows:

"R105.10 Liability Insurance. The person or entity that will actually perform the work or services covered by a permit shall provide to the City evidence of comprehensive general liability insurance, issued by a company licensed to do business in Texas, in the following amounts, for the duration of the permit, and shall furnish certificates of insurance to the City as evidence thereof.

The certificates shall provide that the insurance shall not be canceled, reduced, or changed without 30 days advance notice to the City.

Comprehensive general liability insurance covering all risks associated with the work, with a minimum bodily injury limit of \$100,000, \$300,000 per occurrence, and a property damage limit of \$400,000, or a property damage limit equal to or exceeding the amount of the contract amount, whichever is greater.”

(6) Section R108 of the Code is amended by adding to section R108.2 the following provision:

“**R108.2 Schedule of permit fees.** Fees shall be charged in accordance with the City’s Fee Schedule, as it may be amended from time to time.”

(7) Section R108 of said Code is hereby amended by adding a new Section R108.6, which provides as follows:

“**R108.6 Work commencing before permit issuance.** The fee for work commenced without a permit shall be double the fee set forth in the fee schedule adopted by the City.”

(8) Section R110.1 of said Code is deleted in its entirety and a new Section R110.1 is substituted therefor, which provides as follows:

“**R110.1 Use and Occupancy.** No Building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the City. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the City shall not be valid.”

(9) Section R112.1 of the Code is hereby deleted and new Section 112.1 is substituted therefor as follows:

“**112.1. Appeals.** Appeals of orders, decisions, or determinations made by the City’s building official in interpreting or applying this Code shall be to the City

Council. The City Council may obtain the assistance of persons who are qualified by experience and training on a particular subject under consideration.”

(10) Section R112.3 of the Code is hereby deleted in its entirety.

(11) Section R113 of the Code is deleted in its entirety and the penalty provision of this Ordinance is substituted in its place.

(12) Sections R905.7 and R905.8 of the Code are deleted in their entirety and a new Section R905.7 is substituted therefor as follows:

“R905.7 Wood Shingles and Shakes

(a) Allowed roof coverings of any structure regulated by this Code shall be as provided in this Section.

(b) Wood shingles and shakes are not allowed, shall not be allowed as an alternative material, and shall not be installed or used on any new construction or re-roofing of any structure.

Existing structures which have wood shingles or shakes may be repaired with fire-retardant shingles or shakes of a comparable grade; however, owners shall have the option of installing any allowed Class A, Class B, or Class C roofing material, over the existing wood shingles and shakes, providing the existing roof structural system is adequate for modification. “Repair” means the replacement of damaged or destroyed shingles or shakes, provided the area repaired does not exceed twenty-five percent (25%) of the square foot surface area of the roof. A wood shingle or shake roof may not be replaced with wood shingles or shakes in increments which are undertaken as repairs.”

Section 3. Appendices.

The following Appendix contained in the Code is deleted its entirety:

“Appendix E, Manufactured Housing Used As Dwellings”

Appendices A through D, and F through K contained in the Code are hereby adopted.

Section 4. Future Amendments. Future amendments (not including clarifications or technical notices of any type) of said *International Residential Code*, 2000 Edition, are not adopted by this Ordinance, and must be subsequently approved and adopted by the City Council.

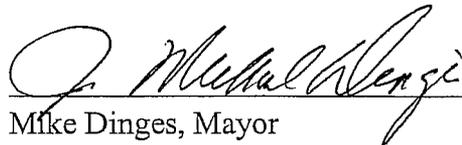
Section 5. Effect of Code. This Code shall not be construed to relieve or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the City Council, the City, its agents or representatives assume any such liability by reason of these regulations or the inspections authorized by this code or any permits or certificates issued under this code.

Section 5. Penalty. Any person, corporation, or entity who or which violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

Section 6. Repealer. All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

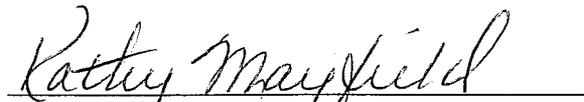
Section 7. Severability. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, AND APPROVED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF FULSHEAR, HELD ON THE 21 DAY OF AUGUST 2002.



Mike Dinges, Mayor
City of Fulshear

ATTEST:



Kathy Mayfield, City Secretary
City of Fulshear

ALDERMEN VOTING

JOHN SMART	<u>AYE</u>
J. B. COLLINS, JR.	<u>AYE</u>
ROBERT FOX	<u>AYE</u>
BILL ARCHER	<u>AYE</u>
OWEN BEMENT	<u>AYE</u>

THE STATE OF TEXAS §
COUNTY OF FORT BEND §

Before me, the undersigned authority, on this day personally appeared Clyde C. King, Jr. who being by me duly sworn, deposes and says that he is the Publisher of *The Herald-Coaster* and that said newspaper meets the requirements of Section 2051.044 of the Texas Government Code, to wit:

(CLIPPING) (S)

1. it devotes not less than twenty-five percent (25%) of its total column lineage to general interest items;
2. it is published at least once each week;
3. it is entered as second-class postal matter in the county where it is published; and
4. it has been published regularly and continuously since 1892.
5. it is generally circulated within Fort Bend County.

ORDINANCE NO.02-888
 AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS PROVIDING FOR THE ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE, 2000 EDITION, AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC.; PROVIDING FOR REGULATIONS RELATING TO THE CONSTRUCTION, ALTERATION, ENLARGEMENT, AND REPAIR OF RESIDENTIAL BUILDING AND STRUCTURES WITHIN THE CITY; PROVIDING CERTAIN AMENDMENTS AND DELETIONS TO SAID INTERNATIONAL RESIDENTIAL CODE; ESTABLISHING FEES FOR THE ISSUANCE OF PERMITS; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2000 FOR EACH VIOLATION OF ANY PROVISION HEREOF; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HERewith; AND PROVIDING FOR SEVERABILITY.

Publisher further deposes and says that the attached notice was published in said newspaper on the following date(s) to wit:

9/12/02

_____, A.D. 2002

Clyde C. King, Jr.

Clyde C. King, Jr.
Editor and Publisher

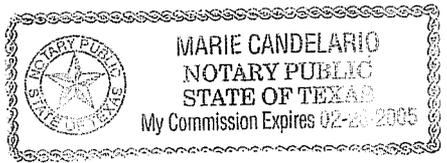
SUBSCRIBED AND SWORN BEFORE ME by _____

Clyde C. King, Jr., who

- a) is personally known to me, or
 b) provided the following evidence to establish his/her identity, _____

on this the 14th day of September, A.D. 2002, to certify which witness my hand and seal of office.

Marie Candalaria
Notary Public, State of Texas



ORDINANCE NO. 02-889

AN ORDINANCE OF THE CITY OF FULSHEAR, TEXAS, ESTABLISHING RULES AND REGULATIONS GOVERNING THE CONSTRUCTION, ERECTION, MAINTENANCE AND USE OF SIGNS WITHIN THE CORPORATE LIMITS OF THE CITY; APPLICATION OF RULES AND REGULATIONS TO CITY'S EXTRATERRITORIAL JURISDICTION; PROVIDING A PENALTY OF AN AMOUNT NOT TO EXCEED \$2,000 FOR EACH DAY OF VIOLATION OF ANY PROVISION HEREOF; REPEALING ORDINANCE NO. 02-885, ADOPTED THE 14TH DAY OF JUNE, 2002 AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, the City Council of the City of Fulshear, Texas (the "City") finds that the unregulated construction and erection outdoor signs, billboards and other structures designed to make an announcement to the general public can create structural hazards and can present impediments and dangers to traffic along City roadways and easements, and

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

WHEREAS, the City Council of the City of Fulshear recognizes that protection of the City's visual environment will benefit both residential and commercial property owners and will promote a positive image of the City; and

WHEREAS, the City Council desires to promote the reasonable, orderly, and effective display of signs and to ensure that signs to not create or become hazards; now therefore,

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

Section 1. The facts and recitations set forth in the preamble of this Ordinance are found to be true and correct.

Section 2. The City of Fulshear, Texas (the "City"), adopts this Ordinance that establishes rules and regulations relating to the construction, erection, maintenance and use of signs within the City.

Section 3. **Definitions.** The following terms, when used in this Ordinance, shall have the meanings ascribed to them herein, except where the context clearly indicates a different meaning:

Monument sign shall mean any sign mounted on the ground or supported by one or more columns, poles, uprights, or braces anchored in the ground, but not elevated above the ground by any device that holds the sign off the ground and not attached to any building, including reader panels.

Non-commercial sign shall mean a sign that contains a non-commercial message only.

Non-commercial message shall mean a civic, political, religious, seasonal, or personal message that is not displayed for a fee, for compensation, or for the promotion of a product, service or other business, and is located on property owned or lawfully occupied by the person displaying the message.

Off-premise sign shall mean any sign, which directs attention to a business, person, activity, good, product, service, or entertainment sold or offered elsewhere than on the premises where such sign appears.

Portable sign shall mean any sign designed or constructed to be easily moved from one location to another, including signs mounted upon or designed to be mounted upon a trailer, wheeled carrier, or other nonmotorized mobile structure. A portable sign which has its wheels removed shall still be considered a portable sign hereunder.

Sign shall mean any structure, part thereof, or inscription which is located upon, attached to, or painted or represented on any land, or on the outside of any building or structure, or on an awning, canopy, marquee, or similar appendage, or permanently affixed to the glass on the outside of the building or structure, and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, monogram, heraldry, trademark, light, or other representation used as or in the nature of an announcement, advertisement, attention arrestor, direction, warning, or designation of any person, firm, group, organization, corporation, association, place, commodity, product, service, business, establishment, profession, enterprise,

industry, activity, or any combination thereof; where the word sign is used herein without further modification, the same shall be understood to embrace all regulated signs and replicas.

Snipe sign shall mean a sign which is tacked, nailed, posted, pasted, glued, or otherwise attached to a tree, stake, fence, utility pole, or other like object, the advertising matter of which is not applicable to the present use of the premises on which the sign is located.

Temporary sign shall mean any sign constructed of materials with short life expectancies. A portable sign shall not necessarily be considered a temporary sign.

Section 4. Form, structure, construction and maintenance of signs.

A. Purpose. It is the stated purpose of this ordinance to allow reasonable signage for commercial and free speech activities, while managing the structural and aesthetic elements of such communication.

B. Design. All signs permitted by this ordinance shall be designed and constructed in one of two formats. All signage is required be approved by Planning and Development Commission prior to construction.

1. **Monument Signs.** Monument signs shall be constructed to substantially appear as a solid mass, such as cylinder, block, rectangle, or square from ground level to the highest portion of the sign, otherwise commonly known as Monument Signs. The bottom portion of the sign structure shall rest flush against the ground, allowing no space between the ground and the bottom of the sign structure. The portion of the sign containing the message shall not exceed 72 total square feet of area. The total height of the sign, including the sign structure and the portion containing the message of the sign, shall not exceed ten feet (10').

2. **Façade or wall signs.** Façade or wall signs shall be allowed provided there is no more than one such sign per street frontage for each business located within a discreet portion of a building. Façade or wall signs may be mounted or painted upon the

wall, and must be maintained in good condition at all times. The sign shall contain information identifying the business located on site. The sign area shall not exceed ten percent (10%) of the area of the façade or wall on which it is mounted or painted.

B. Maintenance. All signs within the City shall be erected and maintained in compliance with all applicable federal and state statutes and regulations and with the building code, electrical code, and other applicable ordinances of the City. In the event of conflict between this ordinance and other statutes, regulations or ordinances, the most restrictive standard shall apply. All signs and sign structures shall be kept in good repair and neat appearance. Maintenance shall be performed on all signs at reasonable intervals, and shall include replacement of defective parts, painting, repainting, and cleaning. The owner of a sign and the owner of the property upon which the sign is located shall be jointly and severally responsible for the sign's maintenance and repair. The Mayor of the City, or his designee, shall inspect all signs and sign structures on a regular basis and shall require maintenance or repair of any sign deemed in violation of this Section.

Section 5. Prohibited signs. It is unlawful for any person to construct, erect, install, construct, display, maintain, reconstruct, place, locate, relocate or make use of any of the following signs within the City:

- A. Revolving or moving signs.
- B. Signs that contain or have attached thereto banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, flash tags, or other similar devices.
- C. Portable signs.
- D. Snipe signs.
- E. Signs located on a roof or otherwise attached to or painted on a building if it projects above the highest point on the building.

- F. Signs, or any portion thereof, that are located on or project or extend over any public sidewalk, street, alley, or other public property.
- G. Signs that are deteriorated, dilapidated, or unsafe.
- H. Signs that contain statements, words, or pictures of an obscene, indecent, or immoral character as will offend public morals or decency.
- I. Signs located on or attached to a streetlight, utility pole, fire hydrant, bridge, traffic-control device, street sign, or other building, facility, structure or equipment owned by the City without the prior written consent of the City.
- J. More than one monument sign for any lot or development site, or for any individual shopping center or strip center; provided, however, if a lot or development site, shopping center or strip center has frontage on two public streets, one monument sign shall be permitted for each such street frontage.
- K. Signs that do not comply with this Ordinance or other ordinances of the City.
- L. Signs located or illuminated so that they obscure or interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or interfere with the view of approaching, emerging or intersecting traffic, or prevent any traveler on any street from obtaining a clear view of approaching vehicles.
- M. Illuminated signs which:
 - 1. Are illuminated to such intensity or without proper shielding so as to constitute a hazard to the operation of motor vehicles upon a public street or substantially interfere with the reasonable enjoyment of residential property; or
 - 2. Have any type of intermittent illumination, including flashing, fading, revolving or blinking lights, or any type of moving, traveling or changing message by means of lights or illumination.
- N. Any sign that violates any sight visibility regulations of the City.
- O. Signs located in public rights-of-way.
- P. Signs placed on private property without the consent of the owner of person in possession of the property.
- Q. Off-premise signs.

Section 6.
signs

Exceptions. This Ordinance shall not apply to the following types of

- A. **Governmental signs.** Any sign:
 - 1. Erected or maintained pursuant to and in discharge of any governmental function;
 - 2. Required by law, ordinance or governmental regulation; or
 - 3. Located on property owned, leased, or under the control of any federal, state or local governmental entity or subdivision thereof.
- B. **Private traffic control signs.** Signs on private property containing no advertising that direct the movement of traffic, warn of obstacles or overhead clearances, or control parking, including entrance and exit signs.
- C. **Railway signs.** Any sign on property owned by a railroad placed or maintained in reference to the operation of the railway.
- D. **Utility and hazard signs.** Any sign marking utility or underground communication or transmission lines or pipes and hazards.
- E. **Plaques.** Historical and commemorative plaques of recognized historical societies and organizations, provided that such signs are less than fifteen (15) square feet in total area.
- F. **Mailboxes, and addresses.** Addresses and names printed on a standard size mailbox.
- G. **Vehicle signs.** Signs displayed or used upon motor vehicles and trailers, unless the vehicle or trailer is permanently stationed or regularly used at a fixed location to serve the same or similar purpose of a permanent or portable sign.
- H. **Real estate signs.** Signs not exceeding six (6) square feet in total area per sign face pertaining to the sale or rental of the property on which they are displayed, provided, however, that no more than one such sign for each street frontage shall be permitted.
- I. **Athletic field signs.** Signs located on the field side of scoreboards and fences of athletic fields.
- J. **National or state flags.** A national or state flag, or both, provided that they do not exceed thirty-six (36) square feet in total area.

- K. **Holiday signs and lights.** Temporary signs, including Christmas lights, containing only holiday messages and no commercial advertising.
- L. **Non-commercial signs.** Signs advertising or promoting a candidate or proposition in conjunction with an election, or otherwise containing a non-commercial message, provided that:
 1. No non-commercial sign shall be erected before forty-five (45) days before the election date on which the office or proposition is to be determined;
 2. All such non-commercial signs shall be removed within seven (7) days following the election on which the office or proposition is finally determined in accordance with the Texas Election Code;
 3. No such non-commercial sign shall exceed sixteen (16) square feet in total area nor exceed six feet (6') in height above natural ground level; and
 4. Such temporary non-commercial sign shall otherwise comply with all provisions of this Ordinance.
- M. **Property identification signs.** Any sign erected at the entrance of acreage or residential property that identifies the property by name of the property or by name of the owner, as in the case of farm or ranch identification signs.
- N. **Temporary banners.** One temporary sign, in the form of a banner, not to exceed five feet (5') in height or thirty-two (32) total square feet in sign area may be displayed on nonresidential property by a new business for a period not to exceed ninety (90) days. One temporary sign, in the form of a banner, not to exceed five feet (5') in height or thirty two (32) total square feet in sign area may be displayed on nonresidential property by a business one time during any given calendar year for a period not to exceed twenty-one (21) days.
- O. **Non-profit announcement signs.** Signs announcing events or programs by not-for-profit organizations not to exceed five feet (5') in height or thirty-two (32) total square feet in sign area, so long as the sign is erected no more than fourteen (14) days prior to the event being announced and is removed no more than seven (7) days following the event.

Section 7. Obsolete signs. Signs which have been abandoned or have become obsolete due to the closing of a business, change in the nature or name of the business

establishment, or for any other reason rendering the sign nonapplicable to the property upon which it is displayed, shall be removed by the owner of the building or premises upon which it is situated within sixty (60) days from the date of the action that caused the sign to be abandoned or become obsolete.

Section 8.

- A. Signs lawfully in existence as of the effective date of this ordinance pursuant to City Ordinance No. 602 passed and approved on the 19th day of November, 1991, shall be considered and deemed as lawfully existing nonconforming signs and may be continued as such. Notwithstanding the foregoing, the person or entity who is in ownership or control of the property on which such sign is located shall be required to register such signs with the City, at no fee, and otherwise comply with all requirements of this Ordinance relating to nonconforming signs and sign structures.
- B. Lawfully existing nonconforming signs shall be kept in good repair and visual appearance and no structural alterations shall be made thereto. In the event that more than fifty-percent (50%) of the area of a lawfully existing nonconforming sign is damaged, the sign shall be removed, made to conform or replaced with a conforming sign.
- C. When a nonconforming sign is replaced, the replacement sign must comply in all respects with this Ordinance.
- D. The installation of any new sign is prohibited on a site while a non-conforming sign remains in use.

Section 9. **Application to extraterritorial jurisdiction.** The regulations established this Ordinance are hereby applicable to all signs located in the extraterritorial jurisdiction of the City, as established by Chapter 42 of the Texas Local Government Code.

Section 10. **Permits.** It is unlawful for any person to place, locate, relocate, erect, construct, replace or alter the size or shape of any sign, including the face or other integral part thereto, or to thereafter make use of a sign without having first obtained a sign permit from the City, except as otherwise provided in this Ordinance.

Section 11. **Permit exemptions.** A sign permit is not required:

- A. To repaint a sign or to restore a conforming sign to its original condition if the sign otherwise complies with this Ordinance;
- B. To periodically change only the letters, numbers or message portion of a lawful sign specifically designed for that purpose; or
- C. For the placement or use of a non-commercial sign.

Section 12. Application and permits. The application for a sign permit, together with an application fee in the amount of fifty and no/100 dollars (\$50.00), shall be submitted on such forms provided by the City and must be accompanied by the information, drawings and descriptive data required by the City Secretary to ensure proper regulation of the sign and the ensure compliance with this Ordinance.

Section 13. Issuance of permits. If the plans and specifications for a sign set forth in any application for a permit conform to all of the requirements of this Ordinance, and any other applicable City regulations, the City Secretary shall issue the appropriate permit.

Section 14. Duration. Unless earlier revoked, a sign permit to construct, erect, locate, or place is valid for 180 days from the date of issuance.

Section 15. Revocation. A sign permit may be revoked for violation of this Ordinance. The City Secretary shall give prior written notice of a proposed revocation to the permittee and an opportunity to respond to the reasons for revocation within ten (10) days of said written notice. The permit shall not be revoked prior to the expiration of ten (10) days from the date of such written notice.

Section 16. Appeal. Any person aggrieved by a decision of the City Secretary in the application of this Ordinance may appeal the decision to the City Council of the City by delivering, in writing, a notice of appeal stating therein the decision complained of and the reasons for appeal. The City Council shall hear the appeal at its next regularly scheduled

meeting; provided, however, that the appeal shall be heard within thirty (30) days of the filing of the appeal.

Section 17. Penalty. Any person, corporation, or entity who or which violates any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000. Each day in which any violation shall occur, or each occurrence of any violation, shall constitute a separate offense.

Section 18. Repealer. Ordinance No. 02-885 originally passed and approved the 19th 14th day of June, 2002 is hereby repealed. All other ordinances or parts of ordinances inconsistent or in conflict herewith are, to the extent of such inconsistency or conflict, hereby repealed.

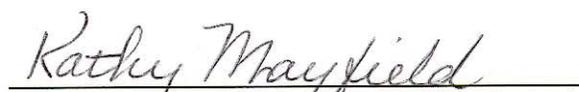
Section 19. Severability. In the event any clause phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Fulshear, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

PASSED, APPROVED, AND ADOPTED this 9 day of SEPTEMBER, 2002.



J. Michael Dinges, Mayor

ATTEST:



Kathy Mayfield, City Secretary

John Smart - AYE
J.B. Collins - AYE
Bill Archer - AYE
Robert Fox - AYE
Owen Bement - AYE

ORDINANCE NO. 02-890

AN ORDINANCE APPROVING AND ADOPTING THE CITY OF FULSHEAR, TEXAS, GENERAL BUDGET FOR THE FISCAL YEAR 2003; MAKING APPROPRIATIONS FOR THE CITY FOR SUCH YEAR AS REFLECTED IN SAID BUDGET; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

* * * * *

WHEREAS, within the time and in the manner required by law, the Mayor presented to the City Council a proposed general budget of expenditures of the City of Fulshear for the 2002-2003 fiscal year; and

WHEREAS, pursuant to a motion of the City Council and after notice required by law, a public hearing on such general budget was held at the regular meeting place of the City Council at the Town Hall of the City of Fulshear, 30603 F.M. 1093, on the 18th day of September 2002, at which hearing all citizens and taxpayers of the City had the right to be present and to be heard and those who requested to be heard were heard; and

WHEREAS, the City Council has considered the proposed general budget and has made such changes therein as in its judgment were warranted by law and were in the best interest of the citizens and taxpayers of the City; and

WHEREAS, a copy of such general budget has been filed with the City Secretary and the City Council now desires to approve and adopt the same; now, therefore,

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

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. The City Council hereby approves and adopts the general budget described in the preamble of this Ordinance, a copy of which is attached hereto and made a part of this Ordinance for all purposes and a copy of which is on file with the City Secretary. The City Secretary is hereby directed to place on said budget an endorsement, which shall be signed by the City Secretary, which shall read as follows:

"The Original General Budget of the City of Fulshear, Texas, for the Fiscal Year 2002-2003."
Such budget, as thus endorsed, shall be kept on file in the office of the City Secretary as a public record.

Section 3. In support of said budget and by virtue of the adoption thereof, including any and all changes adopted thereto, the several amounts specified for the various purposes named in said budget are hereby appropriated to and for such purposes.

PASSED, APPROVED, AND ADOPTED this 18th day of September 2002.



J. Michael Dinges
Mayor

ATTEST:



Kathy Mayfield
City Secretary

ALDERMEN VOTING

JOHN SMART	<u>AYE</u>
BILL ARCHER	<u>AYE</u>
J B COLLINS, JR.	<u>AYE</u>
OWEN BEMENT	<u>AYE</u>
ROBERT FOX	<u>ABSENT</u>

The Original General Budget for the City of Fulshear, Texas, for the Fiscal Year 2002-2003

FUND: GENERAL FUND	2001	2001	2002	2002	2003
	BUDGET	ACTUAL	BUDGET	6 MOS TO DATE	BUDGET
Revenue					
Administration	\$ 263,450.00	\$ 309,545.11	\$ 259,975.00	\$ 204,318.69	\$ 293,563.00
Municipal Court	\$ 83,000.00	\$ 8,278.29	\$ 9,900.00	\$ 6,151.99	\$ 12,900.00
Total Revenue	\$ 346,450.00	\$ 317,823.40	\$ 269,875.00	\$ 210,470.68	\$ 306,463.00
Expenses					
Administration	\$ 121,513.00	\$ 116,867.64	\$ 150,724.80	\$ 69,682.97	\$ 204,958.00
Municipal Court	\$ 42,308.00	\$ 11,487.40	\$ 11,219.40	\$ 4,653.45	\$ 10,650.00
Sheriff's Department	\$ 6,174.00	\$ 4,366.61	\$ 3,340.00	\$ 1,380.32	\$ 7,440.00
Streets	\$ 122,255.00	\$ 23,210.48	\$ 74,975.00	\$ 29,668.01	\$ 270,200.00
Total Expenses	\$ 292,250.00	\$ 155,932.13	\$ 240,259.20	\$ 105,384.75	\$ 493,248.00
General Fund Revenue over (under)	\$ 54,200.00	\$ 161,891.27	\$ 29,615.80	\$ 105,085.93	\$ (186,785.00)
FUND: ENTERPRISE FUND	\$ (54,200.00)	\$ (7,871.82)	\$ (29,627.20)	\$ 8,538.41	\$ (141,625.00)
Combined Funds Revenue over (under)	-	\$ 154,019.45	(11.40)	\$ 113,624.34	\$ (328,410.00)



 Kathy Mayfield, City Secretary

9-18-02

 Date

The Original General Budget of the City of Fulshear, Texas, for the Fiscal Year 2002-2003

DEPT: ADMINISTRATION

	2001	2001	2002	2002	2002	2003
	BUDGET	ACTUAL	BUDGET	BUDGET	6 MOS TO DATE	BUDGET
Revenue						
Revenue from Asset Sales	\$ -	\$ 1,483.75	\$ -	\$ -	\$ 3,415.00	\$ -
HL&P Franchise Fee	\$ 33,500.00	\$ 38,610.32	\$ 36,000.00	\$ 36,000.00	\$ 21,148.23	\$ 40,000.00
Telephone Franchise Fee	\$ 5,600.00	\$ 6,862.09	\$ 7,000.00	\$ 7,000.00	\$ 3,394.88	\$ 7,000.00
Building Permit Fees	\$ 3,500.00	\$ 8,527.96	\$ 6,500.00	\$ 6,500.00	\$ 4,331.40	\$ 8,000.00
License & Permits (Liquor)	\$ 275.00	\$ 87.50	\$ 100.00	\$ 100.00	\$ 87.50	\$ 150.00
Sales and Use Tax	\$ 49,000.00	\$ 61,420.10	\$ 57,000.00	\$ 57,000.00	\$ 31,266.74	\$ 60,000.00
Mixed Drink Tax	\$ -	\$ -	\$ -	\$ -	\$ 375.67	\$ 1,000.00
Interest Earned	\$ 22,000.00	\$ 34,970.31	\$ 18,800.00	\$ 18,800.00	\$ 12,875.62	\$ 18,000.00
Office Rental Fees	\$ 6,500.00	\$ 4,400.00	\$ 6,000.00	\$ 6,000.00	\$ 2,850.00	\$ 8,000.00
Community Center Rental	\$ 2,500.00	\$ 4,443.66	\$ 3,000.00	\$ 3,000.00	\$ 2,130.15	\$ 3,548.00
Charges for Services	\$ -	\$ -	\$ -	\$ -	\$ 1,500.00	\$ -
Candidate Filing Fees	\$ 75.00	\$ 75.00	\$ 75.00	\$ 75.00	\$ 45.00	\$ 75.00
Property Taxes - Current	\$ 95,000.00	\$ 134,338.36	\$ 117,000.00	\$ 117,000.00	\$ 113,349.59	\$ 150,750.00
Property Taxes - Delinquent	\$ 40,000.00	\$ 9,460.33	\$ 4,000.00	\$ 4,000.00	\$ 4,369.30	\$ 4,000.00
Non-Collected taxes	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (12,060.00)
Property Taxes - Penalty & Int.	\$ 5,000.00	\$ 4,414.63	\$ 4,000.00	\$ 4,000.00	\$ 2,668.81	\$ 4,000.00
Other Revenue	\$ 500.00	\$ 251.10	\$ 500.00	\$ 500.00	\$ 60.80	\$ 500.00
Sign Fees	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 600.00
Total Revenue	\$ 263,450.00	\$ 309,545.11	\$ 259,975.00	\$ 259,975.00	\$ 204,318.69	\$ 293,563.00
Expenses						
Salaries	\$ 58,400.00	\$ 51,085.76	\$ 62,488.00	\$ 62,488.00	\$ 29,176.50	\$ 65,000.00
Allocation - Muni Court Salaries (5%)	\$ (5,840.00)	\$ (2,554.29)	\$ (3,124.40)	\$ (3,124.40)	\$ (1,458.83)	\$ (3,250.00)
Allocation - Enterprise Salaries (15%)	\$ -	\$ (7,662.86)	\$ (9,373.20)	\$ (9,373.20)	\$ (4,376.49)	\$ (9,750.00)
Allocation - Sheriff Dept Salaries (0%)	\$ (2,920.00)	\$ -	\$ -	\$ -	\$ -	\$ -
Payroll Taxes	\$ 4,475.00	\$ 3,877.54	\$ 5,000.00	\$ 5,000.00	\$ 2,217.48	\$ 5,200.00
Allocation - Payroll Tax-Muni Court (5%)	\$ (448.00)	\$ (143.88)	\$ (250.00)	\$ (250.00)	\$ (110.85)	\$ (260.00)
Allocation - Payroll Tax-Enterprise (15%)	\$ -	\$ (581.63)	\$ (750.00)	\$ (750.00)	\$ (332.61)	\$ (780.00)
Allocation - Payroll Tax-Sheriff Dept (0%)	\$ (224.00)	\$ -	\$ -	\$ -	\$ -	\$ -
Employee Health & Life Insurance	\$ 3,670.00	\$ 6,900.90	\$ 7,200.00	\$ 7,200.00	\$ 4,423.29	\$ 7,900.00
Employee Retirement	\$ -	\$ -	\$ 3,124.40	\$ 3,124.40	\$ -	\$ -
Legal Fees	\$ 12,000.00	\$ 8,006.00	\$ 12,000.00	\$ 12,000.00	\$ 5,961.75	\$ 18,000.00
Insurance	\$ 8,330.00	\$ 5,906.50	\$ 6,700.00	\$ 6,700.00	\$ 2,823.00	\$ 6,700.00

Allocation - Insurance - Muni Court (5%)	\$	(1,200.00)	\$	(295.33)	\$	(335.00)	\$	(141.16)	\$	(335.00)
Allocation - Insurance - Enterprise (15%)	\$	-	\$	(885.98)	\$	(1,005.00)	\$	(423.46)	\$	(1,005.00)
Allocation - Insurance - Sheriff Dept (0%)	\$	(600.00)	\$	-	\$	-	\$	-	\$	-
Insurance - Deductible	\$	1,000.00	\$	-	\$	1,000.00	\$	1,000.00	\$	1,000.00
Publication of Notices	\$	800.00	\$	1,768.50	\$	800.00	\$	148.30	\$	500.00
Professional Services	\$	12,000.00	\$	13,000.00	\$	12,000.00	\$	7,000.00	\$	7,000.00
Allocation - Prof. Services - Muni Court (5%)	\$	(1,200.00)	\$	(650.00)	\$	(600.00)	\$	(350.00)	\$	(350.00)
Contract Labor	\$	2,000.00	\$	5,743.88	\$	3,500.00	\$	643.65	\$	2,500.00
Dues & Subscriptions	\$	900.00	\$	1,715.40	\$	900.00	\$	717.00	\$	900.00
School & Certification	\$	100.00	\$	90.00	\$	1,000.00	\$	219.00	\$	1,000.00
Engineering Services	\$	100.00	\$	1,870.00	\$	1,000.00	\$	-	\$	1,000.00
Travel & Meal Expenses	\$	500.00	\$	362.59	\$	1,000.00	\$	290.39	\$	1,000.00
Expense Allowance - Mayor	\$	2,400.00	\$	2,400.00	\$	2,400.00	\$	1,200.00	\$	2,400.00
Building Repair & Maintenance	\$	4,000.00	\$	5,146.73	\$	6,000.00	\$	3,490.28	\$	50,000.00
City Hall / Community Center Cleaning										5,400.00
Allocation - Bldg R/M Sheriff's Dept (10%)	\$	(400.00)	\$	(514.67)	\$	(600.00)	\$	(349.03)	\$	(5,000.00)
Utilities	\$	7,500.00	\$	14,908.38	\$	15,000.00	\$	4,513.17	\$	12,000.00
Allocation - Utilities - Muni Court (10%)	\$	(750.00)	\$	(1,490.84)	\$	(1,500.00)	\$	(451.32)	\$	(1,200.00)
Allocation - Utilities - Sheriff's Dept (10%)	\$	(750.00)	\$	(1,490.84)	\$	(1,500.00)	\$	(451.32)	\$	(1,200.00)
Telephone	\$	6,000.00	\$	5,540.73	\$	6,200.00	\$	2,899.89	\$	6,200.00
Allocation - Telephone - Muni Court (5%)	\$	(1,200.00)	\$	(277.04)	\$	(310.00)	\$	(144.99)	\$	(310.00)
Allocation - Telephone - Sheriff's Dept (20%)	\$	(1,200.00)	\$	(1,108.15)	\$	(1,240.00)	\$	(579.97)	\$	(1,240.00)
Awards & Condolences	\$	250.00	\$	323.18	\$	1,200.00	\$	43.30	\$	200.00
Office Supplies	\$	800.00	\$	2,228.20	\$	1,800.00	\$	1,118.12	\$	2,200.00
Allocation - Off Supplies - Sheriff's Dept	\$	(80.00)	\$	-	\$	-	\$	-	\$	-
Postage	\$	250.00	\$	200.00	\$	250.00	\$	123.73	\$	250.00
Printing	\$	350.00	\$	398.86	\$	750.00	\$	210.74	\$	1,500.00
Equipment Repair & Supplies	\$	2,000.00	\$	50.00	\$	2,000.00	\$	2,934.48	\$	2,000.00
Capital Outlay	\$	2,500.00	\$	-	\$	-	\$	-	\$	-
Capital Outlay - Smart Park	\$	3,000.00	\$	3,000.00	\$	5,000.00	\$	1,500.00	\$	3,000.00
Capital Outlay - Comm C Park	\$	5,000.00	\$	-	\$	-	\$	-	\$	-
City Planning	\$	-	\$	-	\$	13,000.00	\$	6,058.93	\$	20,000.00
Ordinance Enforcement Administrator	\$	-	\$	-	\$	-	\$	140.00	\$	2,000.00
Contingency	\$	-	\$	-	\$	-	\$	-	\$	4,788.00
Total Expenditure	\$	121,513.00	\$	116,867.64	\$	150,724.80	\$	69,682.97	\$	204,958.00
Excess Revenue over (under)	\$	141,937.00	\$	192,677.47	\$	109,250.20	\$	134,635.72	\$	88,605.00

The Original General Budget of the City of Fulshear, for the Fiscal Year 2002-2003

DEPT: MUNICIPAL COURT

	2001	2001	2002	2002	2003
	BUDGET	ACTUAL	BUDGET	6 MOS TO DATE	BUDGET
Revenue					
Fines & Def. Disp. Fees	\$ 100,000.00	\$ 9,616.46	\$ 11,000.00	\$ 5,288.62	\$ 11,000.00
Other Revenue	\$ -	\$ -	\$ -	1,293.31	\$ 2,750.00
Less: Percentage to State	\$ (17,000.00)	\$ (1,338.17)	\$ (1,100.00)	(429.94)	\$ (850.00)
Total Revenue	\$ 83,000.00	\$ 8,278.29	\$ 9,900.00	\$ 6,151.99	\$ 12,900.00
Revenue					
Salaries	\$ -	\$ -	\$ -	\$ -	\$ -
Allocation - Admin - Salaries	\$ 5,840.00	\$ 2,554.29	\$ 3,124.40	1,458.83	\$ 3,250.00
Payroll Taxes	\$ -	\$ -	\$ -	\$ -	\$ -
Allocation - Admin - Payroll Taxes	\$ 448.00	\$ 143.88	\$ 250.00	110.85	\$ 260.00
Employee Benefits	\$ -	\$ -	\$ -	\$ -	\$ -
Judge's Fee	\$ 6,000.00	\$ 2,850.00	\$ 1,800.00	900.00	\$ 1,800.00
Alternate Judge's Fee	\$ -	\$ -	\$ -	\$ -	\$ -
Allocation - Admin - Utilities	\$ 750.00	\$ 1,490.38	\$ 1,500.00	451.32	\$ 1,200.00
Allocation - Admin - Insurance	\$ 1,200.00	\$ 295.33	\$ 335.00	141.16	\$ 335.00
Juror's Fee	\$ -	\$ -	\$ -	\$ -	\$ -
Contract Services	\$ 24,000.00	\$ 2,532.00	\$ 2,750.00	973.54	\$ 2,750.00
Allocation - Admin - Prof. Services	\$ 1,200.00	\$ 650.00	\$ 600.00	350.00	\$ 350.00
Dues & Subscription	\$ 70.00	\$ 30.00	\$ 70.00	\$ -	\$ -
School & Certification	\$ 100.00	\$ 40.93	\$ 100.00	\$ -	\$ -
Travel & Meal Expenses	\$ -	\$ 124.65	\$ 150.00	50.76	\$ 150.00
Board of Prisoners	\$ 500.00	\$ -	\$ -	\$ -	\$ -
Refunds & Overpayments	\$ -	\$ -	\$ -	\$ -	\$ -
Office Supplies	\$ 500.00	\$ 45.00	\$ -	\$ -	\$ -
Postage	\$ 100.00	\$ -	\$ 100.00	\$ -	\$ 100.00
Printing	\$ -	\$ 316.40	\$ -	\$ -	\$ -
Equipment Repair & Supplies	\$ 300.00	\$ -	\$ -	\$ -	\$ -
Paging Service	\$ 100.00	\$ 137.50	\$ 130.00	72.00	\$ 145.00
Allocation - Admin - Telephone	\$ 1,200.00	\$ 277.04	\$ 310.00	144.99	\$ 310.00

Capitol Outlay	\$	-	\$	-	\$	-	\$	-	\$	-
<u>Total Expenditure</u>	\$	42,308.00	\$	11,487.40	\$	11,219.40	\$	4,653.45	\$	10,650.00
<u>Excess Revenue Over (Under)</u>	\$	40,692.00	\$	(3,209.11)	\$	(1,319.40)	\$	1,498.54	\$	2,250.00

The Original General Budget of the City of Fulshear, Texas, for the Fiscal Year 2002-2003

DEPT: SHERIFF'S DEPART.

	2001		2002		2002		2003	
	BUDGET	ACTUAL	BUDGET	BUDGET	6 MOS TO DATE	BUDGET	BUDGET	
Expenses								
Allocation - Admin Salaries	\$ 2,920.00	\$ 1,369.15	\$ -	\$ -	\$ -	\$ -	\$ -	
Allocation - Admin Payroll Tax	\$ 224.00	\$ 104.75	\$ -	\$ -	\$ -	\$ -	\$ -	
Allocation - Admin Insurance	\$ 600.00	\$ 169.10	\$ -	\$ -	\$ -	\$ -	\$ -	
Allocation - Admin - Utilities	\$ 750.00	\$ 1,490.84	\$ 1,500.00	\$ 451.32	\$ 1,200.00	\$ 1,200.00	\$ 1,200.00	
Allocation - Admin - Telephone	\$ 1,200.00	\$ 620.48	\$ 1,240.00	\$ 579.97	\$ 1,240.00	\$ 1,240.00	\$ 1,240.00	
Allocation - Admin - Repair/Maint	\$ 400.00	\$ 514.67	\$ 600.00	\$ 349.03	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00	
Allocation - Admin - Off. Supplies	\$ 80.00	\$ 97.62	\$ -	\$ -	\$ -	\$ -	\$ -	
Total Expenses	\$ 6,174.00	\$ 4,366.61	\$ 3,340.00	\$ 1,380.32	\$ 7,440.00	\$ 7,440.00	\$ 7,440.00	

The Original General Budget of the City of Fulshear, Texas, for the Fiscal year 2002-2003

DEPT: STREET DEPARTMENT

	2001	2001	2002	2002	2003
	BUDGET	ACTUAL	BUDGET	6 MOS TO DATE	BUDGET
Expenses					
Hourly Wages	\$ 8,400.00	\$ 9,209.20	\$ 9,200.00	\$ 4,998.00	\$ 12,000.00
Payroll Taxes	\$ 645.00	\$ 747.57	\$ 725.00	\$ 421.17	\$ 1,000.00
Contract Labor	\$ 4,200.00	\$ 1,222.18	\$ 4,200.00	\$ 2,547.37	\$ 10,000.00
Contract Service	\$ 14,000.00	\$ 6,000.00	\$ 14,000.00	\$ 6,100.00	\$ 14,000.00
Street Lamps	\$ 3,800.00	\$ 3,660.51	\$ 3,800.00	\$ 1,812.14	\$ 3,800.00
Tractor / Equipment / Supplies	\$ 400.00	\$ 1,045.00	\$ 1,000.00	\$ 3,408.35	\$ 8,800.00
Truck	\$ 1,500.00	\$ -	\$ 1,000.00	\$ 406.10	\$ 15,000.00
Paging Service	\$ 210.00	\$ -	\$ -	\$ -	\$ -
Street Repair	\$ 40,000.00	\$ 703.18	\$ 36,050.00	\$ 9,674.88	\$ 200,000.00
Capital Outlay	\$ 17,595.00	\$ -	\$ -	\$ -	\$ -
Refuse Hauling	\$ 500.00	\$ 622.84	\$ -	\$ -	\$ -
Budget Contingency	\$ 31,005.00	\$ -	\$ -	\$ -	\$ -
Engineering Fees	\$ -	\$ -	\$ 5,000.00	\$ -	\$ 2,000.00
Sign Ordinance Fees	\$ -	\$ -	\$ -	\$ 300.00	\$ 3,600.00
Total Expenses	\$ 122,255.00	\$ 23,210.48	\$ 74,975.00	\$ 29,668.01	\$ 270,200.00

The Original General Budget of the City of Fulshear, Texas, for the Fiscal year 2002-2003

DEPT: ENTERPRISE FUND

	2001		2002		2002		2003	
	BUDGET	ACTUAL	BUDGET	BUDGET	6 MOS TO DATE	BUDGET	BUDGET	BUDGET
Revenue								
Water/Sewer Charges	\$ 65,000.00	\$ 65,068.74	\$ 65,000.00	\$ 65,000.00	\$ 30,851.63	\$ 65,000.00	\$ 65,000.00	\$ 65,000.00
Solid Waste Collection	\$ -	\$ -	\$ 33,000.00	\$ 33,000.00	\$ 13,341.10	\$ 28,700.00	\$ 28,700.00	\$ 28,700.00
Interest From NOW Accounts	\$ 500.00	\$ -	\$ -	\$ -	\$ 297.44	\$ 600.00	\$ 600.00	\$ 600.00
Sewer Tap Fees	\$ 100.00	\$ 1,025.00	\$ 2,000.00	\$ 2,000.00	\$ 1,025.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
Water Meter & Tap Fees	\$ 300.00	\$ 465.00	\$ 1,000.00	\$ 1,000.00	\$ 505.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Sewer Inspection Fees	\$ 60.00	\$ 30.00	\$ 60.00	\$ 60.00	\$ 15.00	\$ 60.00	\$ 60.00	\$ 60.00
Water Inspection Fees	\$ 200.00	\$ 15.00	\$ 200.00	\$ 200.00	\$ 15.00	\$ 200.00	\$ 200.00	\$ 200.00
Revenue from Asset Sales	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other Revenue	\$ 250.00	\$ -	\$ 250.00	\$ 250.00	\$ 100.00	\$ 250.00	\$ 250.00	\$ 250.00
Transfer from General Fund	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total Expenses	\$ 66,410.00	\$ 66,603.74	\$ 101,510.00	\$ 101,510.00	\$ 46,150.17	\$ 97,810.00	\$ 97,810.00	\$ 97,810.00
Expenses								
Salaries - Allocation - Adm.	\$ 4,800.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Allocation - Adm. Salaries	\$ -	\$ 7,662.86	\$ 9,373.20	\$ 9,373.20	\$ 4,376.49	\$ 9,750.00	\$ 9,750.00	\$ 9,750.00
Payroll Taxes	\$ 368.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Allocation - Adm. Payroll Taxes	\$ -	\$ 581.63	\$ 750.00	\$ 750.00	\$ 332.61	\$ 780.00	\$ 780.00	\$ 780.00
Legal Charges	\$ 1,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Allocation - Adm Insurance	\$ -	\$ 885.98	\$ 1,005.00	\$ 1,005.00	\$ 423.46	\$ 1,005.00	\$ 1,005.00	\$ 1,005.00
Publication of Notices	\$ 100.00	\$ -	\$ 100.00	\$ 100.00	\$ 97.35	\$ 100.00	\$ 100.00	\$ 100.00
Contractual Services	\$ 11,400.00	\$ 14,532.50	\$ 15,000.00	\$ 15,000.00	\$ 7,359.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
Solid Waste Service	\$ -	\$ -	\$ 26,700.00	\$ 26,700.00	\$ 11,125.00	\$ 26,700.00	\$ 26,700.00	\$ 26,700.00
Engineering Service	\$ 300.00	\$ -	\$ 300.00	\$ 300.00	\$ -	\$ 300.00	\$ 300.00	\$ 300.00
Sludge Haul Service	\$ 5,500.00	\$ 5,883.98	\$ 8,609.00	\$ 8,609.00	\$ 4,025.71	\$ 8,500.00	\$ 8,500.00	\$ 8,500.00
Permit Fees	\$ 2,400.00	\$ 2,625.25	\$ 2,400.00	\$ 2,400.00	\$ 269.49	\$ 2,400.00	\$ 2,400.00	\$ 2,400.00
Capital Contingency	\$ 15,000.00	\$ 8,419.70	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Heat, Light & Power	\$ 15,000.00	\$ 14,169.65	\$ 15,000.00	\$ 15,000.00	\$ 5,438.23	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
Plant Repairs & Maintenance	\$ -	\$ -	\$ 5,000.00	\$ 5,000.00	\$ 1,165.00	\$ 5,000.00	\$ 5,000.00	\$ 5,000.00
General Supplies	\$ 3,000.00	\$ 4,039.33	\$ 3,000.00	\$ 3,000.00	\$ 1,821.38	\$ 4,000.00	\$ 4,000.00	\$ 4,000.00

Office Supplies	\$ 300.00	\$ -	\$ 300.00	\$ -	\$ -	\$ 300.00
Postage	\$ 500.00	\$ 874.68	\$ 500.00	\$ 696.52	\$ -	\$ 1,500.00
Depreciation	\$ 43,942.00	\$ -	\$ -	\$ -	\$ -	\$ -
Capital Outlay	\$ 17,000.00	\$ 14,800.00	\$ -	\$ -	\$ -	\$ -
Capital to Capital Project	\$ -	\$ -	\$ 43,100.00	\$ -	\$ -	\$ 43,100.00
Sewer & Water Extensions						\$ 64,000.00
Emergency Generator						\$ 40,000.00
Sales Tax	\$ -	\$ -	\$ -	\$ 481.52	\$ -	\$ 2,000.00
Total Expenses	\$ 120,610.00	\$ 74,475.56	\$ 131,137.20	\$ 37,611.76	\$ -	\$ 239,435.00
Excess Revenue over (under)	\$ (54,200.00)	\$ (7,871.82)	\$ (29,627.20)	\$ 8,538.41	\$ -	\$ (141,625.00)

The Original General Budget for the City of Fulshear, Texas, for the Fiscal year 2002-2003

FUND: CAPITAL PROJECTS FUND

	2001	2001	2002	2002	2003
	BUDGET	ACTUAL	BUDGET	6 MOS TO DATE	BUDGET
Revenue					
Private Donations - Cash	\$ -	\$ -	\$ -	-	\$ -
Back-Up Water Well Grant	\$ 146,000.00	\$ 146,000.00	\$ -	-	\$ -
Transfer from Enterprise Find - Water Well	\$ 17,000.00	\$ 14,000.00	\$ -	-	\$ -
Sewer Grant	\$ -	\$ -	\$ 366,900.00	-	\$ 366,900.00
Transfer from Enterprise Find - Sewer Grant	\$ -	\$ -	\$ 43,100.00	-	\$ 43,100.00
Transfer from General Fund - Smart Park	\$ 3,000.00	\$ 3,000.00	\$ 5,000.00	1,500.00	\$ -
Transfer from General Fund - Community Ctr	\$ 5,000.00	\$ -	\$ -	-	\$ -
Total Revenue	\$ 171,000.00	\$ 163,000.00	\$ 415,000.00	\$ 1,500.00	\$ 410,000.00
Expenses					
Construction - Back-Up Water Well	\$ 132,000.00	\$ 132,000.00	\$ -	-	\$ -
Contingency - Back-Up Water Well	\$ 13,200.00	\$ 806.50	\$ -	-	\$ -
Engineering/Inspections - Back-Up Wtr Well	\$ 17,000.00	\$ 14,800.00	\$ -	-	\$ -
Construction - Sewer Plant	\$ -	\$ -	\$ 336,000.00	-	\$ 336,000.00
Engineering/Inspections - Sewer Plant	\$ -	\$ -	\$ 40,400.00	-	\$ 40,400.00
Contingencies - Sewer Plant	\$ -	\$ -	\$ 33,600.00	-	\$ 33,600.00
Construction - Smart Park	\$ 3,000.00	\$ 4,720.00	\$ 5,000.00	1,500.00	\$ -
Construction - Community Center	\$ 5,000.00	\$ -	\$ -	-	\$ -
Total Expenses	\$ 170,200.00	\$ 152,326.50	\$ 415,000.00	\$ 1,500.00	\$ 410,000.00

ORDINANCE NO. 02-891

AN ORDINANCE PROVIDING FOR THE ASSESSMENT, LEVY, AND COLLECTION OF AD VALOREM TAXES OF THE CITY OF FULSHEAR, TEXAS, FOR THE YEAR 2002 AND FOR EACH YEAR THEREAFTER UNTIL OTHERWISE PROVIDED; PROVIDING THE DATE ON WHICH SUCH TAXES SHALL BE DUE AND PAYABLE; PROVIDING FOR PENALTY AND INTEREST ON ALL TAXES NOT TIMELY PAID; AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

* * * * *

WHEREAS, pursuant to Section 26.05 of the Texas Property Tax Code, the governing body of each taxing unit shall adopt a tax rate for the current tax year; and

WHEREAS, all notices and hearings required by law as a prerequisite to the passage, approval, and adoption of said tax rate ordinance have been timely and properly given and held; now, therefore,

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

Section 1. The facts and recitations set forth in the preamble of this Ordinance are found to be true and correct and are hereby adopted, ratified, and confirmed.

Section 2. All property subject to ad valorem taxation by the City of Fulshear, Texas, shall be equally and uniformly assessed for such purposes at One Hundred Percent (100%) of the fair market value of such property.

Section 3. There is hereby levied for general purposes and use by the City of Fulshear, Texas, for the year 2002, and for each year thereafter until otherwise provided, an ad valorem tax at the rate of Thirty-nine and 251/1000 Cents (\$.39251) on each One Hundred Dollars (\$100) of assessed valuation on all property, real, personal, and mixed, within the corporate limits upon which an ad valorem tax is authorized by law to be levied by the City of

Fulshear, Texas. The proceeds from such tax shall be applied to the payment of the general and current expenses of the government of the City. All such taxes shall be assessed and collected in current money of the United States of America.

Section 4. All ad valorem taxes levied hereby, as reflected by Section 3 hereof, shall be due and payable on or before January 31, 2003. All ad valorem taxes due the City of Fulshear, Texas, and not paid on or before January 31 following the year for which they were levied shall bear penalty and interest as prescribed in the Property Tax Code of the State of Texas.

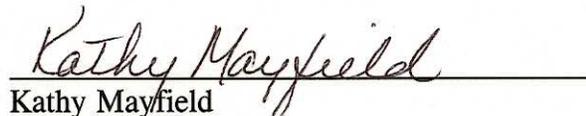
Section 5. All ordinances and parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

PASSED, APPROVED, AND ADOPTED this 18th day of September 2002.



J. Michael Dinges
Mayor

ATTEST:



Kathy Mayfield
City Secretary

ALDERMEN VOTING

JOHN SMART	<u>AYE</u>
OWEN BEMENT	<u>AYE</u>
J B COLLINS, JR.	<u>AYE</u>
BILL ARCHER	<u>AYE</u>
ROBERT FOX	<u>ABSENT</u>